



QUEENSFERRY and DISTRICT COMMUNITY COUNCIL

Forth Replacement Crossing Sub-Committee

The Forth Crossing Bill Formal Objection from Queensferry & District Community Council

24 January 2010

**An objection to parts of the Forth Crossing Bill (SP Bill 33)
As authorised by an Extraordinary Meeting of the Council, 11 January 2010**

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Main Report and Objections

References to the Bill, supporting documents and other published sources are shown as superscript within the text.

1 Design

1.1 Lack of direct link to M9

1.1.1 **QDCC objects to the selection of southern approach road option 1 instead of option 2 as shown in figure 3.4b of the Environmental Statement (ES).** The chosen option will have an adverse impact on South Queensferry in terms of noise and light pollution, and will result in loss of visual amenity to the south of the A904. The ES acknowledges that option 2 is better for South Queensferry in terms of overall noise effects ^{ES 3.3.20}, but the choice of option 1 is justified on the grounds that it does not cut through open, rural land ^{ES 3.3.21}. It seems therefore that preserving open uninhabited land was considered of more importance in the Stage 2 assessment than protecting the health and quality of life of nearby residents.

1.1.2 The chosen option fails to meet one of the objectives of the Forth Replacement Crossing Study, by not connecting to the strategic road network ^{ES 3.2.3}.

1.1.3 The chosen option provides the worst possible route for traffic travelling to and from the west, by expecting drivers to use the A90 and M9 spur to Junction 1a. The most direct route to and from the west will be that via the A904, connecting the South Queensferry junction through Newton village with junction 2 at Philipstoun. Transport Scotland's own figures acknowledge that the M9 spur will only see a small increase in traffic while the A904 will see a significant increase ^{ES fig 4.3}. This will have an adverse impact on South Queensferry by sending a large volume of traffic around the South Queensferry junction, resulting in increased traffic noise, poorer air quality, and a more dangerous environment for pedestrians at this location. There will be an adverse impact on the residents of Newton village caused by the significant traffic increase.

1.1.4 The high volume of traffic along the A904, which includes much commercial and freight traffic, will deter people from walking or cycling between South Queensferry and Newton, creating severance between these two communities, and with only a very limited bus service the safest and most attractive method of transport will be the private car.

Amendment: Southern approach road to form direct link to M9 as per option 2 from Environmental Statement.

1.2 M9 junction 1a new slip roads

1.2.1 **QDCC objects to the proposed new slip roads at M9 junction 1a,** which Transport Scotland's own figures acknowledge will be lightly used ^{ES fig 4.3}, as the most direct route will remain via junction 2 and the A904. These slip roads

will be a complete waste of money and the cost of constructing them cannot possibly be justified for only 2,000 vehicles per day. By providing these slip roads instead of a direct link to the M9, South Queensferry will suffer an adverse impact through the increased traffic on the A904 and the high traffic volumes using the South Queensferry junction.

Amendment: Provide direct link between M9 and the Main Crossing.

1.3 M9 junction 1a design

- 1.3.1 **QDCC objects to the proposed design of the revised M9 junction 1a, specifically the proposal to reintroduce dual lane running on the M9 to M9 spur loop.** Earlier drawings ^{ES fig 3.4c} showed a completely re-designed junction with a new overbridge carrying northbound traffic on a gentle sweep across the motorway in a north-easterly direction to join the M9 spur on the other side, replacing the 270° rotation for traffic coming from Newbridge. This would have provided a safe, new road to current highway design standards. The proposed scheme retains the existing substandard road and reinstates it to two lanes. This road was reduced to one lane in the late 1990's and an advisory 30mph speed limit introduced following several accidents where drivers lost control due to there being no superelevation provided (the tilting of a road's horizontal profile on a bend to offset lateral forces). There is no mention in the Environmental Statement of introducing superelevation as part of the works, therefore the risk of accidents with two lanes will be greatly increased.
- 1.3.2 The proposed design does not comply with the Design Manual for Roads & Bridges, Volume 6, Section 1, Part 1 (Horizontal Alignment). Although the standards will likely not apply retrospectively where a road has already been built, it could be argued that for a route of such national strategic importance, the Forth Crossing and its approach roads should have the highest levels of safety possible.
- 1.3.3 As the M9 spur forms one of only two routes between Edinburgh and South Queensferry, and is used regularly by South Queensferry residents, QDCC considers this substandard design will have an adverse impact on Queensferry in terms of greatly increased traffic accidents with associated injuries, distress and damage.

Amendment: Complete redesign of junction to remove 270° curve, and replace with gradual north-easterly curve as suggested in previous design.

1.4 The proposed Intelligent Transport System

- 1.4.1 **QDCC objects to the proposed Intelligent Transport System promoted as part of the scheme to manage congestion at a cost of £11million** ^{Financial Memorandum table 1a}. QDCC believes it is entirely wrong to simply accept that congestion will be a regular feature of the scheme and propose to build in measures to manage it, while the root cause of the congestion – lack of capacity – is being ignored.

- 1.4.2 The system will require dozens of visually intrusive overhead gantries to display variable speed limits and instructions to drivers, but Transport Scotland is still unable to give details of where the gantries will be. These gantries will result in a loss of visual amenity of views to the south of Echline and Dundas and create a permanent scar on the landscape along the length of the road. The Environmental Impact Assessment assumed indicative locations when determining the visual impact of the scheme ^{ES 13.2.15}, therefore the results of the assessment cannot be relied upon.
- 1.4.3 In addition to the cost of the initial construction, the system will also likely represent a substantial ongoing maintenance cost over its lifetime. The gantries, like other highway structures, will require regular inspection and maintenance.

Amendment: Permit continued use of the Forth Road Bridge by cars and light vans in addition to buses and taxis to provide the required capacity and drop plans for Intelligent Transport System.

1.5 The proposed hard shoulder running

- 1.5.1 **QDCC objects to the proposed use of the hard shoulders during times of congestion** ^{ES 4.5.3} which would be facilitated by the Intelligent Transport System, as this would cancel out the benefits of having them in the first place if a breakdown or accident occurs, essentially 'widening on the cheap'.
- 1.5.2 The proposed scheme is inferior to other hard shoulder running schemes as no additional emergency lay-bys are planned. By comparison the M42 hard shoulder running scheme, introduced in November 2005, has lay-bys every 500 metres with emergency telephones to provide refuge when the hard shoulder is in use www.highways.gov.uk. This will have adverse impact on South Queensferry when breakdowns or accidents occur, as drivers will seek to avoid the queuing caused by the incident by short-cutting through South Queensferry. QDCC had hoped that the scheme would help reduce the impact on South Queensferry when traffic accidents occur, but as there will effectively still be no dedicated hard shoulders the impact on South Queensferry will be even worse than at present, factoring in the projected increases in traffic.
- 1.5.3 An additional requirement of hard shoulder running is the provision of carriageway lighting to enable CCTV operators to see the hard shoulder is clear of broken down vehicles prior to opening it as a running lane www.highways.gov.uk. As a result carriageway lighting is proposed along the entire length of the new southern approach road from Scotstoun interchange to the main crossing ^{ES 4.6.25}. This will have an adverse impact on South Queensferry, particularly on the Echline area, by creating light pollution at night and resulting in loss of visual amenity by day. Motorways do not need carriageway lighting and given the new road is to be built to motorway standard ^{ES 4.5.21} there is no other reason why it would need to be lit. Energy consumed by carriageway lighting also contributes to climate change and the proposal to install carriageway lighting goes against current thinking. For

example, Fife Council is currently proposing to reduce the power to its lighting systems in some areas www.fifedirect.org.uk/lightfifegreen.

Amendment: Permit continued use of the Forth Road Bridge by cars and light vans in addition to buses and taxis to provide the required capacity and drop plans for hard shoulder running.

1.6 The closure of the A90 on-slip at Echline roundabout

- 1.6.1 **QDCC objects to the proposed closure to general traffic of the southbound on-slip to the A90 at Echline roundabout** ^{ES 4.5.10}. This will result in a much longer journey for residents on the east side of the town to access the A90 via the new South Queensferry junction, as traffic will need to travel westbound along the A904 to reach the new junction, to then join via the new on-slip and travel eastbound on the A90 to Edinburgh. Drivers will be more inclined therefore to join the A90 at Dolphington by travelling east along either Station Road or the High Street and then the B924. The High Street is narrow with traffic calming pinch-points, while Station Road is located within a 20mph zone with traffic calming and passes three schools. Transport Scotland and its consultants do not seem to have considered the adverse impact of the slip road closure on these areas by the increased traffic volumes on local roads: the traffic modelling does not give any figures for the likely traffic volumes ^{ES fig 4.3b}.

Amendment: A90 on-slip from Echline roundabout to remain open to general traffic for access onto A90.

1.7 The proposed bus lanes on the B800

- 1.7.1 **QDCC objects to the proposal to install bus lanes on the B800 and Ferrymuir Road** ^{Policy Memorandum para 28}, which will result in permanent land-take from the Ferrymuir development and from Scotstoun Park. Since the construction of the M9 spur and the reclassification of the road to be B-road, the traffic volume using this road has been dramatically reduced. Where congestion formerly was regularly experienced, the road is now free flowing, even at peak times. QDCC considers it totally unnecessary therefore to install a bus lane in this location. The widening of the road will move it much closer to the properties in Scotstoun Park, resulting in increased traffic noise and an adverse impact on residents in this location. Mature trees on the edge of the Ferrymuir development will also be lost. This will result in loss of visual amenity as these trees help to form an attractive transition from the B800 to the commencement of the residential area of South Queensferry.

Amendment: Do not install bus lanes on B800 and Ferrymuir Road

1.8 The proposed removal of Ferrymuir roundabout

- 1.8.1 **QDCC objects to the proposed removal of the Ferrymuir roundabout to be replaced with a signal controlled crossroads** ^{ES fig 17.2c}. This roundabout was constructed in 1996 as part of the works to remove tolls from the Forth Road Bridge southbound, replacing a T junction. Ferrymuir Road was also widened to three lanes at this time to provide two lanes on approach to the roundabout from the west. With the development of Ferrymuir the roundabout now has four exits and provides access between South Queensferry and the retail park in addition to the B800 and Ferrymuir Road. The roundabout functions well and does not suffer any delays at peak times, as it is used mainly by local South Queensferry traffic. The present road layout has proven to be satisfactory and best serves South Queensferry. QDCC can see absolutely no reason therefore, why the road layout needs to be remodelled and the rationale behind this proposal has not been explained by Transport Scotland.
- 1.8.2 The removal of the roundabout will mean buses and delivery vehicles will be unable to access Ferrymuir Retail Park from the west. At present buses and delivery vehicles from the west travel east along Ferrymuir Road before circling the roundabout to then be able to turn left into the access road off the westbound side of the road. With the removal of the roundabout this manoeuvre will no longer be possible. The provision of a public transport corridor through the site was a condition of the planning consent so the development could be accessible via public transport. The nearest alternative bus stops are located on Scotstoun Avenue, a significant walking distance away from the Ferrymuir site. With buses no longer able to access Ferrymuir from the west this will result in social exclusion, as those unable to walk the long distance from the alternative stops will be unable to make use of the amenities provided, such as the supermarket. Delivery vehicles would be forced to loop around South Queensferry to be facing the right direction for the access road, with the consequential increase in HGVs on the town's roads.

Amendment: Do not remove Ferrymuir roundabout.

2. Environmental

2.1 Loss of pedestrian and cyclist access to Builyeon Road

- 2.1.1 **QDCC objects to the loss of access and associated loss of amenity to unclassified road U221 from Echline Corner**, referred to as Builyeon Road in the Bill supporting documents. The proposed alternative route requires pedestrians and cyclists to navigate the South Queensferry junction and involves crossing two motorway slip roads carrying 8,700 and 10,300 vehicles per day ^{ES table 17.11}. The journey distance will also be increased by over 200 metres ^{ES 17.4.15}.
- 2.1.2 QDCC considers it unacceptable to require pedestrians to cross the South Queensferry junction motorway slip roads. There are already safety issues at the existing Echline junction with sightlines and visibility of the pedestrian crossings for traffic from the A904 going onto the Forth Road Bridge and drivers do not expect to have to stop again having just been shown a green

light to proceed onto the roundabout. The proposed scheme will replicate this problem at a new location with higher traffic volumes. Instead a pedestrian and cyclist overbridge is required to maintain the links between Builyeon Road and Echline Corner from the existing access to enable safe access without having to cross the motorway junction slip roads.

Amendment: Provide a footbridge or underpass between Echline Corner and U221 to mitigate against the loss of access.

2.2 Loss of pedestrian and cyclist access through Echline field

2.2.1 **QDCC objects to the loss of the informal paths at Echline fields, severing the links from Linn Mill to Springfield and Bo'ness Road** ^{ES 17.5.16}. The only routes for pedestrian and cyclist access between Linn Mill and South Queensferry would be via Society Road, or by crossing the South Queensferry junction slip roads. Distances for some journeys would be dramatically increased by around 1.4km as a result of the requirement to use Society Road ^{ES 17.4.14}.

2.2.2 The Environmental Statement repeatedly cites the outline planning consent for housing at Echline field as a reason for not mitigating the loss of the paths as this development could result in them being lost anyway ^{ES 17.4.14, 17.6.11, 17.6.18, 17.6.21}. However the fact that there might be a housing development there should not be used as an excuse for avoiding mitigation. The outline planning consent was granted in 1994 and there is still no sign of the development going ahead. The new Modernising Planning legislation introduced in April 2009 would categorise the development as a major development requiring pre-application consultation with the local community prior to detailed planning consent being given. Therefore the commencement of the development is not inevitable. There is a need for a pedestrian subway or footbridge between Linn Mill and the Echline field to maintain the pedestrian links. Any future housing development would then have to take account of this.

Amendment: Provide a footbridge or underpass between Linn Mill and Echline Field to mitigate against the loss of access.

2.3 Affects of air pollution on South Queensferry

2.3.1 **QDCC objects to the totally inadequate Health Impact Assessment carried out on the affects of air pollution arising from the operation of the scheme** ^{HIA 4.2.1, ES 15.4.29}. That such a weak argument can be put forward in a professional assessment is staggering. This thinking is flawed, as basically the assessment is saying it is acceptable to make air quality worse in one place if it is improved in another. This will have an adverse impact in terms of a deterioration of local air quality and increased air pollution to the residents housed along the line of the southern approach roads in, Dundas Home Farm, Echline Corner, Linn Mill, Springfield and Clufflat. A much more detailed and thorough assessment of the localised changes in air quality across South Queensferry is required.

Amendment: The Health Impact Assessment to be carried out again at a more detailed level.

3. Construction

3.1 Exemption of works from Control of Pollution Act 1974

3.1.1 QDCC objects to the exemption from Sections 60, 61 and 63-67 of the Control of Pollution Act 1974 by removing the power of the local authority to impose restrictions on the noise generated by the works ^{Forth}

Crossing Bill (as introduced) Para 70

This means that if residents' complaints to the contractor are not resolved to their satisfaction there is no secondary avenue for complainants to pursue, as the local authority is powerless to intervene. Section 60 of the 1974 Act deals specifically with construction sites and empowers local authorities to serve a notice imposing requirements as to the way in which the works are to be carried out. There are specific constraints and controls that the local authority officers can insist on:

- Specify the plant or machinery which is, or is not, to be used;
- Specify the hours during which the works may be carried out;
- Specify the level of noise which may be emitted from the premises in question or at any specified point on those premises or which may be so emitted during specified hours; and
- Provide for any change of circumstances.

3.1.2 QDCC is extremely concerned that with this protection removed, the contractor will be given a licence to do whatever they like, with residents suffering blight and an adverse impact from construction disturbance.

Amendment: That no exceptions are given and the work is governed under all sections of the Control of Pollution Act 1974

3.2 Observation of the Code of Construction Practice

3.2.1 QDCC objects to the use of the term 'reasonably practicable' in the Bill when referring to the observation of the Code of Construction Practice in carrying out the Forth Crossing works ^{Forth Crossing Bill (as introduced) Para 67}

The Health & Safety Executive defines 'reasonably practicable' as 'weighing the risk against the sacrifice needed to further reduce it' www.hse.gov.uk/risk. Thus, the inclusion of this term leaves the adherence to the CoCP by the contractor to his judgment. Given that this is the largest construction project to be undertaken in Scotland and that 862 Queensferry homes will be within 200m of construction works ^{Health Impact Assessment :ES Chapter 19 (Jacobs Arup, 2009a)} then QDCC considers there will be a substantial adverse impact on neighbouring residents arising from noise, dust, fumes, all of which will be dependant upon the degree to which the contractor observes the code.

Amendment: That the contractor complies with legislation under the control of the local authorities e.g. Control of Pollution Act 1974. That the cost of the work is not of greater importance than the impact on residents and that independent monitoring and control procedures are put in place. Independent Clerk of Works and Project Managers should be employed to agree methodology and best practice to minimise the impact on the community,

3.3 Omission of community councils from consultative group

- 3.3.1 **QDCC objects to the omission of community councils from the Environmental Management Plan consultative group** ^{CoCP 1.7.7}. The Code of Construction Practice (CoCP) requires the contractor to prepare and implement an Environmental Management Plan (EMP). The EMP will set out how the contractor intends to operate the construction site and will set out the specific control measures to be implemented to comply with the CoCP. The site will require to accommodate 365 employees with subsequent loss of amenity so must have an impact on the community of South Queensferry. Community councils have a statutory right and duty to ascertain, coordinate and express to the authorities the views of the community which it represents, as it is legally empowered to do so under Section 51 of the Local Government (Scotland) Act 1973, on matters relating to the operation of the construction compound. South Queensferry residents are being denied their right to local representation on local matters where they would be adversely impacted by: noise, dust, fumes and the affects from construction traffic and equipment.

Amendment: Include QDCC on the consultative group for the Environmental Management Plan.

3.4 Notification to local residents

- 3.4.1 **QDCC objects to the use of the term ‘reasonable steps’ which is too vague and the guidance needs to be more robust, e.g.: ‘the contractor will deliver leaflets to occupiers of nearby properties two weeks in advance’** ^{CoCP 2.3.1 Para 4}. The CoCP requires the contractor to take reasonable steps to notify occupiers of nearby properties two weeks in advance of the nature and anticipated duration of planned construction works that may affect them. The notification will also provide details of the enquiries and complaints procedure.

Given that this is the largest construction project to be undertaken in Scotland and that 862 Queensferry homes will be within 200m of construction works Health Impact Assessment :ES Chapter 19 (Jacobs Arup, 2009a) then QDCC considers there will be a substantial adverse impact on neighbouring residents.

As the Health Assessment ^{7.7 Assessment of Health Impacts Para 4} notes that construction activities may contribute to anxiety and stress related health issues then the CoCP should take cognisance of these facts and deal with them accordingly. QDCC considers there will be an adverse impact on residents health as they will not have been given adequate notice of the proposed construction works and been given the time to make alternative arrangements to minimise the impact on their lives.

Amendment: That the CoCP model should decree that the contractor is duty bound to consult with the affected residents using the media, internet, and all communication channels available to ensure absolute mitigation of the works before any work can proceed. The contractor should be obliged to enter into a dialogue with affected residents or their representatives at the earliest possible stage. Planning Advice Note

PAN 81 Community Engagement should be used as a best practice document.

3.5 Omission of community councils from Traffic Management Working Group

- 3.5.1 QDCC objects to the omission of community councils from the Traffic Management Working Group** ^{CoCP 4.2}. There will be an adverse impact on the residents of South Queensferry from the alteration to the road gyratory on both sides of the River Forth. This group has been formed for the project, and the contractor will consult with this group regarding traffic management and other traffic related measures. QDCC's interests will be compromised as it will be obstructed in carrying out its statutory duties to ascertain, coordinate and express to the authorities the views of the community which it represents, as it is legally empowered to do so under Section 51 of the Local Government (Scotland) Act 1973, on matters relating to traffic management around the works.

Amendment: Include QDCC on the Traffic Management Working Group which can add value through the local knowledge that QDCC holds.

3.6 General Measures to Reduce Construction Traffic Impacts

- 3.6.1 QDCC objects to the use of vague phrases in this section of the CoCP; 'will use best endeavours' and 'where reasonable'** ^{CoCP 4.6}. These phrases are not robust enough and suggest it is only a guidance or aspiration but is not necessarily binding upon the contractor. QDCC has little confidence that the terms stated in the Code of Construction Practice is adequate and does not protect vulnerable communities such as South Queensferry. QDCC forms an opinion that the lack of a robust CoCP will have a resultant adverse impact on the community where residents' health will suffer through noise pollution, dust pollution, and resultant loss of amenity.

Amendment: That the CoCP should be revised to protect the interests of the communities so that the impact on the residents is minimised. The contractor must comply with all legislation under the control of the local authorities e.g. Control of Pollution Act 1974.

3.7 Monitoring the Traffic Management Schemes

- 3.7.1 QDCC objects to the lack of traffic monitoring controls noted in the Code of Construction Practice** ^{CoCP 4.8 Monitoring}. QDCC believes that it is necessary for the contractor to be proactive in monitoring the traffic levels (and not just at the bequest of Traffic Scotland, Transport Scotland or the Police or relevant authorities) and take appropriate remedial action so that the impact from congestion is minimised. It should also be incumbent on the contractor to keep traffic delays to a minimum. South Queensferry has a history of congestion from maintenance work carried out on the Forth Road Bridge. The alterations to road infrastructure on both sides of the river will cause delay and

congestion. Transport Scotland are on record: that the work on the North Side road gyratory is more challenging than building the bridge so QDCC believes that South Queensferry will be impacted upon from the work on both sides of the river. Should there be delays at peak times on the north side of the FRB, due to the road works, then this will impact on the FRB and cause massive tailbacks. This will have a massive adverse impact on South Queensferry as local roads will be grid locked, bus services rescheduled, and access for emergency vehicles will be seriously compromised in an emergency. Traffic will re-route through South Queensferry to try to avoid the grid lock.. The residents of South Queensferry will be seriously constrained in being able to travel around the town.

Amendment: The traffic levels should be constantly monitored to minimise the impact on the communities and appropriate action taken by the contractor to minimise delays and congestion. The contractor should be penalised for recurring delays and congestion.

3.8 Construction Compound

- 3.8.1 QDCC objects to the proposed construction compound location immediately next to Springfield** ^{CoCP 3.5 & 3.5.3}. Locating the compound in this location will have a major adverse effect on the residents living in the Springfield area from noise, visual impact and light pollution. The site west of proposed bridge approach is now the preferred site for the main construction compound, subject to securing approval of Parliament as part of the Bill. MSPs could still opt for the original proposed location in the field adjacent to Springfield as this is already in Scottish Government ownership.

Amendment: Locate the construction compound west of proposed bridge approach.

3.9 The haul route between the access road and Society Road is intended to be temporary only ^{CoCP 4.6}

- 3.9.1 QDCC objects that there is no mitigation for the loss of the paths between Linn Mill and Echline, by providing a new access for NMUs to Bo'ness Road.** Linn Mill will be severed from the community of South Queensferry as the path and links to Echline and the Bo'ness Road will be removed to construct the Main Crossing. The only circular route that would remain will be by Society Road to Farquhar Terrace to Bo'ness Road to Echline. This route is significantly longer through a busy congested area with a significant loss in open space and amenity. It is noted in the Health Impact Assessment ^{9.2 Evidence to Health Effects} that access to services has a direct effect on health and wellbeing. The Health Impact Assessment ^{10.2 Para 3 Southern Approach Viaduct} notes the area for the proposed road alignment south of the viaduct known as Echline Fields. This land is well used by the local community as a walking route between South Queensferry and the houses at Linn Mill but the proposed scheme does nothing to mitigate the loss.

Amendment: Discussions have been held with Transport Scotland, the City of Edinburgh Council, Queensferry & District Community Council

and Queensferry Business Association at the consultation phase of the Bill. This would see the access and temporary access (work numbers 50a and 50b) designed to provide a permanent road solution for access between Linn Mill and Echline. An additional benefit is that the road would serve Hopetoun House and the proposed developments at Port Edgar. This would relieve Farquhar Terrace and surrounding streets of through traffic – a present bottleneck where traffic causes significant loss of amenity and discourages the use of other modes of transport. This would greatly enhance the amenity of the residents of Farquhar Terrace and provide significant mitigation to a community who will be greatly affected by the construction of the new bridge. It would directly assist those who wish to walk, cycle or take motorised public transport to access the House, Port Edgar (including if re-developed) or the countryside to the west. It is suggested that this alteration to the Bill could be achieved with little or no cost to the public purse but would provide substantial improvements as described.

3.10 Noise and Vibration

3.10.1 **QDCC objects to the use of the term ‘best practicable means’ which infers that cost will be put before the impact on South Queensferry residents** ^{CoCP 5 & 5.4}. The CoCP states the contractor will use the principle of best practicable means in the design and construction of the scheme, including the design of mitigation measures, to control and limit noise and vibration effects during construction. Best practicable means are defined in Section 72 of the Control of Pollution Act 1974 and Section 79 of the Environmental Protection Act 1990 as those measures which are ‘reasonably practicable having regard among other things to local conditions and circumstances, to the current state of technical knowledge and to financial implications’.

3.10.2 There will be a significant impact on South Queensferry residents from noise. QDCC forms an opinion that the lack of a robust CoCP will have a resultant adverse impact on the community where residents’ health will suffer through noise pollution. The contractor will be driven to putting cost before impact on the residents which might affect the health and wellbeing of the residents closest to the works.

Amendment: That the CoCP should be revised to protect the interests of the communities so that the impact on the residents is minimised. The health of the residents should be put before any financial implication. The hours of work should be restricted accordingly where noise pollution is a problem. The issues and concerns should be discussed with the affected residents prior to any work commencing and the noise emanating from the work activity should be closely monitored. The contractor should have to get a secondary consent.

3.11 Living accommodation

3.11.1 **QDCC objects to the relaxation in the Code of Construction Practice where living accommodation can be approved** ^{CoCP 3.8}. The CoCP states living accommodation will not be permitted on land made available by the Scottish Ministers except with the approval of the local authority and/or the Employers Representative as appropriate.

3.11.2 There would be an adverse impact on the town of South Queensferry with subsequent loss of amenity by building temporary living accommodation on the west periphery of South Queensferry. The importing of support services and the transient nature of the inhabitants would have the resultant affect of creating a contractors' village which brings with it a number of potential problems.

Amendment: The Code of Construction Practice should specifically ban all living accommodation without exception.

3.12 Working Hours

3.12.1 **QDCC objects to the relaxation which allows contractors to carry out work at any time with little or no consultation with the immediate residents affected** ^{CoCP 3.4, 3.4.7 & 8}. Residents in South Queensferry will be adversely affected with loss of amenity from the relaxation whereby contractors can work what hours they deem suitable. It is unsatisfactory that the contractor can decide to work without taking cognisance of the impact on the surrounding residents who will have no redress to any authority to constrain the contractor's work activity. The CoCP is totally inadequate as the contractor is obligated to notify the local authority and adjacent residents only.

3.12.2 As the Health Assessment ^{7.7 Assessment of Health Impacts Para 4} notes that construction activities may contribute to anxiety and stress related health issues then the CoCP should take cognisance of these facts and deal with them accordingly.

Amendment: The contractor should CONSULT with the local authorities and adjacent residents or their representatives to agree plans that minimise the impact on these residents.

4. Mitigation

4.1 Construction of noise barriers

4.1.1 **QDCC objects to the proposal to construct noise barriers in the later stages of construction period** ^{ES 4.7.19}. The barriers, although intended to mitigate against traffic noise arising from the operation of the scheme, could provide a benefit to nearby residents during the construction period if they were provided early. In particular, construction noise from the earthworks for the southern mainline approach will have a substantial adverse impact on nearby residents in the Springfield, Clufflat and Linn Mill areas. Given there are 862 homes within 200 metres of the South Queensferry construction area ^{ES 19.5.29}, the number of people who will be affected is very significant.

Amendment: Noise barriers to be constructed in the initial stages of construction instead of the later stages

4.2 South Queensferry Barrier design

- 4.2.1 **QDCC objects to the proposed design of the South Queensferry Barrier**, which will provide minimal mitigation against traffic noise generated by the operation of the scheme. The proposed design of a 2 metre high barrier ^{ES 16.5.4} is inadequate and will, as the Environmental Statement acknowledges, result in a major adverse impact from traffic noise on nearby residents ^{ES 16.6.5}. The ES states that it is 'not practicable' to increase the height of the barrier any further ^{ES 16.6.6}. However given there are 862 homes within 200 metres of the mainline approach ^{ES 19.5.29}, the number of people who will be affected is very significant and therefore a practicable solution must be found that provides an effective mitigation.

Amendment: South Queensferry Barrier to be 4 metres high throughout.

4.3 Linn Mill Barrier design

- 4.3.1 **QDCC objects to the proposed design of the Linn Mill Barrier**, which will provide minimal mitigation against traffic noise generated by the operation of the scheme. The proposed design of a 2.8 metre high barrier ^{ES 16.5.5} is inadequate and will, as the Environmental Statement acknowledges, result in a major adverse impact from traffic noise on nearby residents ^{ES 16.6.7}. The ES states that it is 'not practicable' to increase the height of the barrier any further ^{ES 16.6.8}. However given the number of people who will be affected, a practicable solution must be found that provides an effective mitigation.

Amendment: Linn Mill Barrier to be 4 metres high throughout

5. Lack of Consultation

QDCC objects to the totally inadequate consultation process carried out as detailed in Chapter 6 of the Environmental Statement. QDCC would cite the following examples where Transport Scotland failed to carry out and in some cases deliberately sought to prevent consultation:

5.1 Original public information event in 2007

- 5.1.1 The original public information event for South Queensferry was only held on one day (Monday 27 August 2007) which was totally inadequate given the significance of the project on Queensferry. By comparison North Queensferry got six separate days ^{The Forth Crossing is Changing, Transport Scotland Aug 07}. Also the use of Orocco Pier as the venue meant disabled people could not attend the event, therefore denying them the opportunity to view the exhibition, as there is no disabled access.
- 5.1.2 Prior to the event, QDCC requested a table space within the exhibition to facilitate a community feedback exercise. Not only was this request denied, Transport Scotland actually barred QDCC members from entering the room to

carry out its survey. The QDCC was therefore reduced to standing in the stairway into the exhibition room. QDCC members could only enter the exhibition as residents, without their feedback forms and clipboards. These conditions were communicated in emails from the Project Director which QDCC has retained copies of.

5.1.3 By thus imposing this condition, Transport Scotland sought to deliberately obstruct Queensferry & District Community Council from carrying out its statutory duties to ascertain, coordinate and express to the authorities the views of the community which it represents, as it is legally empowered to do so under Section 51 of the Local Government (Scotland) Act 1973.

5.1.4 Therefore this action by Transport Scotland in preventing a statutory body from carrying out its legal duties was potentially unlawful.

5.2 Change to South Queensferry junction location

5.2.1 When QDCC met Transport Scotland on 9 March 2009, it was shown an alternative proposal for the South Queensferry junction to be located on the western edge of South Queensferry instead of in the fields immediately south of the A904.

5.2.2 QDCC was given only seven days to respond to Transport Scotland's proposal and was not permitted to disclose the alternative proposal to the public. QDCC responded supporting the proposed alternative location, using its judgement on the best option for the whole of Queensferry.

5.2.3 By thus imposing this condition, Transport Scotland sought to deliberately obstruct Queensferry & District Community Council from carrying out its statutory duties to ascertain, coordinate and express to the authorities the views of the community which it represents, as it is legally empowered to do so under Section 51 of the Local Government (Scotland) Act 1973.

5.2.4 Therefore this action by Transport Scotland in preventing a statutory body from carrying out its legal duties was potentially unlawful.

5.3 No consultation on Code of Construction Practice

5.3.1 There was no public consultation on the draft Code of Construction Practice ^{ES 6.2.15}. QDCC was consulted but given only 14 days to read the 60+ page document and comment.

5.4 No consultation on B800 and Ferrymuir Road proposals

5.4.1 There was no consultation on the proposed removal of the Ferrymuir roundabout and installation of bus lanes on Ferrymuir Road and the B800. QDCC was only told about this in a letter received on 14 October 2009, barely four weeks before the publication of the Bill.

5.4.2 The associated Compulsory Purchase Order for land at Scotstoun was communicated to the 65 affected property owners only three weeks before the Bill was laid before Parliament. They had been given no previous intimation that they would thus be so directly and adversely affected.

5.5 No consultation on Environmental Statement

- 5.5.1 The Environmental Statement was not made available to the public before the introduction of the Bill ^{ES 6.2.19 – 6.2.22}.
- 5.5.2 Whilst local authorities were provided with material 60 days before the introduction of the Bill to Parliament and given 28 days to comment ^{ES 6.2.19 – 6.2.22}, community councils, despite also being statutory bodies, were not given the same opportunity.

5.6 Adverse impact:

Through these actions, Transport Scotland deliberately engineered a situation whereby those most directly and seriously affected by these proposals were denied any opportunity to offer any view or comment whatsoever. Transport Scotland has consistently failed to meet its obligations under Articles 3, 4, 6, and 8 of the Aarhus Convention, to which the United Kingdom Government is a signatory, and which does not specify any exemptions relevant to this case. To this extent, local residents and the community council have been denied vital statutory rights in the framing of this Bill.

6. General

6.1 Lack of measures to support public transport growth

- 6.1.1 **QDCC objects to the guiding policy behind the Bill regarding public transport** ^{Policy Memorandum para 31}. This is pure conjecture. By providing no additional road capacity, future travel growth is required to be accommodated by public transport, but this is being left entirely to private operators, with nothing in the scheme to encourage growth in public transport. Since the construction of the Ferrytoll Park & Ride and associated bus priority measures in 2000, there has little done by public and local authorities to encourage modal shift to public transport. Several improvements recommended for ‘immediate delivery’ such as Rosyth and Halbeath Park & Rides and M90 High Occupancy Vehicles Lanes have never been taken forward ^{SESTRAN Integrated Transport Corridor Study, June 2005}.
- 6.1.2 The Forth Road Bridge already suffers from traffic congestion which has an adverse impact on South Queensferry in terms of unreliable local journey times and air pollution caused by queuing traffic. With no improvements to public transport, private car use will continue to grow, exacerbating the existing problems.

Amendment: Development in public transport will be actively encouraged, with financial assistance to ensure positive growth in capacity.

6.2 Failure to address future traffic growth

- 6.2.1 **QDCC objects to the guiding policy behind the Bill with regards to capacity for general traffic** ^{Policy Memorandum para 37}. The new bridge will have the same capacity as the existing bridge (but with the possibility of hard shoulder running). The congestion present now (3 to 4 hours each working day) will simply be transferred to the new bridge.
- 6.2.2 South Queensferry already suffers an adverse impact from the current congestion in terms of unreliable local journey times and air pollution caused by queuing traffic. With no additional capacity to address the expected traffic increases, this adverse impact will only get worse.

AMENDMENT: The new bridge be connected directly to the M9. The existing bridge be available for public transport, cars and light goods vehicles.

7. Conclusions

- 7.1 The proposed scheme offers no increase in general traffic capacity across the Forth despite it being widely acknowledged that traffic volumes will continue to grow, therefore condemning South Queensferry and the surrounding area to a future of worsening traffic congestion and pollution.
- 7.2 A significant feature of the overall scheme is the provision of an extensive Intelligent Transport System to permit hard shoulder running and manage congestion. The fact that such a system will be required shows that the scheme is not fit for purpose.
- 7.3 There will be significant loss of amenity of the recreational areas to the south and west of South Queensferry, with inadequate alternative accesses provided across a busy motorway interchange.
- 7.4 The proposed temporary haul route, if made permanent and to local authority adoptable standards, could partially offset the loss of the paths between Linn Mill and Echline and provide a much needed relief for Society Road when events are taking place at Hopetoun House.
- 7.5 The Code of Construction Practice is vague in many parts and leaves its implementation to the judgement of the contractor.
- 7.6 The proposed noise mitigation is totally inadequate.

Signed: _____

Martin D. Gallagher
Correspondence Secretary
Convenor, Forth Replacement Crossing Sub-Committee
Queensferry & District Community Council
24 January 2010

A1. About Queensferry and the Community Council

- 1.1 Situated on the edge of the City of Edinburgh and on the banks of the Firth of Forth, Queensferry, more popularly known as South Queensferry, is framed by the historic Forth Bridge and the Forth Road Bridge. The old town is a conservation area, with a narrow cobbled High Street. As an ancient former Royal Burgh, it forms an attractive destination for many thousands of visitors and tourists each year. The situation and its proximity to Edinburgh have resulted in considerable growth with substantial housing schemes, mainly in the Scotstoun, Echline, Springfield and Station Road areas. Today Queensferry forms the largest settlement in rural west Edinburgh, with four primary schools, a high school, and numerous local amenities such as shops, bars, and restaurants.
- 1.2 Queensferry & District Community Council (QDCC) represents the people of Queensferry and Dalmeny. It was formed in the summer of 1986, and is today one of the longest running community councils in the region. It is widely respected across Edinburgh as one of the strongest and most active in the City. It has nine elected representatives; six nominated representatives proposed by local interest groups; five Associate representatives, including three junior members who are pupils at Queensferry High School as well as the Depute Head of the School, and these are joined by the three Almond Ward councillors.
- 1.3 As part of its remit under the Local Government (Scotland) Acts 1973 and 2003, and the Race Relations Act 2000, the QDCC conducts surveys of local opinion on matters of importance to the community.
- 1.4 Further information on Queensferry & District Community Council can be found online at the website www.queensferrycommunitycouncil.org

A2. Background to QDCC Involvement and Consultation

- 2.1 On 27 June 2007 the Minister for Transport, Infrastructure and Climate Change, Stewart Stevenson, announced the conclusions of the Forth Replacement Crossing study reports in Parliament. After considerable discussion and deliberation the Cabinet decided to pursue two crossing options before making the final decision. Further investigative works took place over the summer of 2007 into a bridge just west of the existing bridge and a tunnel further upstream to aid the decision making process.
- 2.2 Ministers instructed Transport Scotland to undertake a series of public information events to present the facts behind the study reports. QDCC attended a special stakeholders' presentation in North Queensferry on 20 August 2007, and a public exhibition was held in South Queensferry on 27 August 2007 which was well attended by residents. The final two options were presented at these meetings along with their key benefits and drawbacks. On the bridge option, the benefits stated "can include more lanes than a tunnel and therefore feature bus lanes / high occupancy vehicle lanes etc" and "can be used by cyclists and pedestrians" ^[1]. On the tunnel option, a drawback cited was "only two lanes in each direction therefore unable to accommodate bus lane / cyclists / pedestrians" ^[2].
- 2.3 QDCC conducted an exit survey of those attending the August 2007 South Queensferry event. 216 people were surveyed, 74% of whom were residents of Queensferry. 85% of those surveyed favoured the tunnel option, with the main reasons identified as keeping traffic away from Queensferry and linking directly to the motorway network.
- 2.4 Following the public information event, QDCC submitted a report to Transport Scotland with the findings of the exit survey, following this with a meeting with the Transport Scotland project team at their offices in Glasgow on 18 September 2007 to discuss the community's main concerns.
- 2.5 On 19 December 2007 it was announced by the Cabinet Secretary for Finance and Sustainable Growth, John Swinney, that the new crossing would be a cable-stayed bridge. In his announcement he stated "a cable stay bridge has lower overall risk and can be used by all types of traffic, including freight, pedestrians and cyclists and is considerably cheaper to deliver" ^[3].
- 2.6 On 18 June 2008, the operators of the Forth Road Bridge, the Forth Estuary Transport Authority, published the findings of further inspections on the main cables which found that the rate of deterioration was slower than previously feared, meaning restrictions on the weight of vehicles allowed to use the bridge may not need to be considered until some time between 2017-2021 ^[4].
- 2.7 On 10 December 2008 the Minister for Transport, Infrastructure and Climate Change announced a revised scheme with significantly lower construction costs than originally stated. Transport Scotland cited the "more positive prognosis" for the existing bridge as the main reason for revising the design of the new crossing ^[5].

- 2.8 A further series of stakeholder and public information events took place in January 2009 to present the revised scheme, with QDCC attending a stakeholders' presentation in North Queensferry on 8 January 2009 and public presentations taking place in South Queensferry between 20 and 23 January 2009.
- 2.9 Following the public information events, QDCC sought feedback from the community on the revised scheme. A report with the community's feedback and main concerns was submitted to Transport Scotland on 20 February 2009. The two main concerns identified were the height of the A90 southern approach road embankment between the B800 bridge and the new crossing, and the location of the South Queensferry junction.
- 2.10 On 9 March 2009 a meeting took place between QDCC and Transport Scotland to discuss the concerns with the revised scheme. At this meeting QDCC was shown an alternative proposal by Transport Scotland for the Queensferry junction to be located on the western edge of Queensferry instead of in the fields immediately south of the A904. QDCC was given seven days to respond to Transport Scotland's proposal and was not permitted to disclose the alternative proposal to the public. QDCC responded supporting the alternative location as the favoured option. However this response was qualified in that it was the opinion of QDCC members only.
- 2.11 On 13 July 2009, Transport Scotland wrote to QDCC requesting initial comments on the draft Code of Construction Practice. QDCC sought feedback from residents and stakeholders and responded to Transport Scotland on 30 July 2009 with comments regarding the use of residential streets for construction and the location of the site compound.
- 2.12 Further meetings between QDCC and Transport Scotland took place on 11 June 2009 to discuss proposed mitigation measures and on 2 November 2009 to discuss proposed bus priority measures.
- 2.13 Following the publication of the Forth Crossing Bill, QDCC appointed a Forth Replacement Crossing sub-committee to analyse the supporting documents with a view to determining possible objections against the scheme on behalf of the community. The sub-committee sought feedback from residents on the Bill, with a press release issued and an article appearing on the front page of the Queensferry Gazette on 18 December 2009. The sub-committee also referred to the feedback received during the last public consultation conducted by QDCC on the scheme in January 2009.

References:

1. Forth Replacement Crossing public exhibitions 2007, panel 22.
2. Forth Replacement Crossing public exhibitions 2007, panel 24.
3. "New bridge to be built over Forth", www.bbc.co.uk/news, 19 December 2007.
4. "New Inspection Findings Published", FETA press release, 18 June 2008.
5. "Update December 2008", www.forthreplacementcrossing.info, 10 December 2008.

A3. Approach Methodology

- 3.1 From the outset, the Queensferry & District Community Council Forth Replacement Crossing Sub-Committee has taken a strategic view when considering objections to the scheme, seeking to gain the best possible benefit for the whole of South Queensferry, rather than individual cases. The sub-committee has recognised that a project of this scale with multiple elements is always going to have an effect on some residents no matter which design or option is chosen.
- 3.2 The sub-committee has also considered the impact of the scheme against other QDCC objectives for the area, such as the Port Edgar redevelopment plans and the ongoing development at Ferrymuir.
- 3.3 The QDCC had already made representations to all MSPs before the publication of the Bill arguing that there should be a direct link to the M9, while also pressing for the continued use of the existing bridge by cars and light vans. The sub-committee therefore approached the scheme with this stated position in mind.

Background Papers:

1. "The New Forth Road Bridge: Will it Strangle Growth In Scotland?", Queensferry & District Community Council, 1 October 2009.