I am grateful to the members of your Committee for the constructive tone of the report and its recommendation that the principles of the Bill be agreed and that the Bill should proceed as a Hybrid Bill.

You rightly highlighted for the Parliament the number of areas where your committee considers greater exploration is necessary and I am sure that these matters will be raised at the Stage 1 debate and during Stage 2 discussions.

I thought, however, that it might be of benefit if I set out my thinking in respect of the recommendations and observations that the Committee makes within the report. To that end I have provided a response, where required, to your recommendations as well as those recommendations made in the report’s annexes by the Bill’s secondary Committees. Before addressing the detail of those recommendations I wanted to reflect on some of the Committee’s observations.

I welcome your recognition at paragraph 171 of your report of the economic imperatives for the proposals for the replacement crossing. Compelling arguments were put forward by witnesses which reinforced the views of the Parliament as given in January 2009 when we debated the need for the crossing. I am also heartened by your positive assessment at paragraph 249 of our proposals to provide a continuing use for the Forth Road Bridge as a public transport corridor.
I acknowledge your comments at paragraph 113 regarding our approach to the siting and design of the crossing. The comprehensive crossing option assessments undertaken determined that there was only one practical option when considering cost, time, construction capabilities and environmental considerations: that option was a cable-stayed bridge to the west of south Queensferry. Nevertheless, I am sure that in time the new bridge will be accorded the iconic status that is currently enjoyed by the current road bridge and, particularly, the rail bridge.

I note your acceptance at paragraph 144 that there will be, in all likelihood, an increase in traffic volumes. The reasons for that increase were explored in the evidence sessions and do not bear repeating. However, I would stress that we are actively seeking to address the issues that are subsequently raised. We are working with the local authorities, SEStran and other key stakeholders, including the bus industry, in the development and implementation of measures to increase travel choice, improve integration and encourage modal shift. In specific terms we are working with Fife council in respect of the development of a park and ride site at Halbeath and with West Lothian council (and Newton Community Council) on measures to improve traffic mitigation within Newton. I also welcome the recognition at paragraph 186 by your Committee that additional public transport measures need not be placed on the face of the Bill. As you know there are existing legislative means by which such proposals can be given life and indeed delivery will be through a range of partners. We have published a range of complementary proposals within a shared Public Transport Strategy. It hardly needs me to advise that in the prevailing financial climate – and who knows what future settlements may be – it simply won’t be possible for me to guarantee to deliver the entirety of that strategy immediately, no matter how much we all agree about its benefits. However, that reality should not deflect from our purpose and intention.

I now turn to the specific issues.

134. Recommendation / Comment

134. The Committee hopes that discussions will continue and develop between Transport Scotland and the local authorities and other parties seeking mitigation of the impact of the road network. The Committee acknowledges that Transport Scotland accepts that there is a particular problem in relation to Newton Village and would encourage it to develop some measures beyond the planned signage that would reduce the attractiveness of that route option. The Committee requests that Transport Scotland provide a progress report in this respect by the start of Stage 2 proceedings (should the general principles of the Bill be agreed to).

Response:

I am pleased to report as discussed above that additional works to reduce community severance within Newton village are currently being discussed with both West Lothian Council and Newton Community Council. These include traffic signal control at the junction in the centre of Newton with pedestrian crossing facilities, relocation of bus stops, and dedicated parking facilities. Whilst the aim of the measures is to reduce the intimidating effect of what are already high volumes of
through traffic, it is anticipated that the traffic signals will help to reduce the attractiveness of the route for strategic traffic, and thereby future traffic volumes.

198. Recommendation / Comment

198. The Forth Crossing Bill Committee notes the benefits that ITS purports to bring to the scheme. It also notes that the Bill only seeks to acquire the land and undertake the works necessary for the physical apparatus for the system as ITS can operate under existing legislation through the application of road traffic orders. The Committee considers that, should ITS be put in place following construction of the new bridge, further thought should be given by Transport Scotland to the use and effectiveness of the system in directing traffic away from the A904 and Newton Village on the south side of the bridge.

Response:

Incorporated within the M9 Junction 1A contract will be changes to the existing signing at M9 Junction 2 (Philipston). Traffic heading to the Bridge will not be directed, as now, off the M9 motorway at that point. In future traffic will be guided to use the M9 and M9 spur to access the Forth Replacement Crossing rather than the A904. In the same way, southbound traffic approaching the new Queensferry junction with the A904 will not see that route (the A904) advised as leading to the M9. The revised signing, which will be permanent, means that there will not be a requirement to use the ITS. This measure, in conjunction with those as advised above, will be helpful in mitigating the impact of predicted increased traffic through Newton resulting from the growth of commercial activity between Fife and West Lothian.

225. Recommendation / Comment

225. The Committee is content that the consultation undertaken meets requirements under Standing Orders. The Promoter is, however, urged to reflect more on others' understanding of what is meant by 'consultation' and 'engagement', and how intentions and expectations can be misinterpreted. When expectations are not realised criticisms inevitably emerge.

Response:

I thank the Committee for its comments in respect of the consultation undertaken so far and would reiterate my own comments on the 14 April that engagement has been far and away greater than I have seen in other major projects in which we have been engaged, and its value has been evidenced by the significant and ongoing changes that have been made to the proposals that Transport Scotland publicised in January 2009. Furthermore, it is setting benchmarks for how we communicate major infrastructure projects in the future. But that does not mean that we do not continually seek to improve and enhance the engagement with local communities and stakeholders. Indeed we take feedback from engagement and consultation activities and review and incorporate that for future activities and have been doing so on this project since the Forth Replacement Crossing Study. Examples of how feedback and consultations have informed the development of the project are
outlined in the Consultation and Engagement report. Nevertheless, I do accept that sectoral interests within the wider communities cannot be assumed to be common or aligned with the aims and resources of the promoter in securing good engineering and environmental design and delivering value for money, and the compromises that inevitably brings. I accept there have been unrealistic expectations that consultation should always lead to the adoption of each change proposed to suit each individual set of interests. Consideration will be given to how the aims of consultation and the constraints of the process can be more effectively articulated. I believe our published approach which we issued in 2008, “Engaging with Communities”, does provide a good starting point for this.

I also give my commitment to continuing to build upon what has worked well and on seeking to improve on areas where the feedback has indicated that people wish us to do better. The construction period is some 5 years and I will ensure that we seek input from local community councils for the ongoing engagement with the Community Liaison Team and that we review regularly, and if necessary adapt, these arrangements during the construction period.

227 - 230. Recommendation / Comment

227. Subsequent paragraphs set out the role of contractors in this and how the strategy will be delivered. In response to a written question from the Committee, Transport Scotland explained that—

“The strategy will be in accordance with the National Standards listed above and will include regular community liaison through established community groups so that information is shared between the Scottish Ministers and the community groups.”

228. The role of what is termed a community liaison officer is crucial here as that person and a liaison team will be responsible for community engagement for the contracting organisation. It was further explained that the community liaison officer will also ensure that the contractor contributes to and supports the implementation of effective communications and fulfilment of the community engagement objectives set out in the Code of Construction Practice and undertake the liaison required by paragraph 2.2.4 of the Code of Construction Practice.

229. Further details surrounding the method and means of communication and liaison were provided by the Promoter including regular newsletters, web information, prominent display of contact information, community forums and notifications of the commencement of specific works.

230. The Committee is content with the proposals for ongoing consultation and urges the Promoter to reflect on the different perceptions that exist in relation to prior consultation. It is important that the standards in the Code of Construction Practice are met if not exceeded.
Response:

As advised in my response to paragraph 225, I recognise that our Engaging with Communities guide set a benchmark for consultation on the Forth Replacement Crossing which we strived to meet and that we will seek to improve and enhance as the project moves forward.

I am pleased that the Committee has considered the proposals set out in the Code of Construction Practice and the further information provided by Transport Scotland during Stage 1 regarding how effective community engagement will work during the construction stages, and found merit in our approach. In addition to those aspects mentioned in paragraphs 227 – 230 of the Stage 1 Report, I would draw attention to particular commitments given during Stage 1 consideration, including:

- Our commitment to create a forum which will be set up with each community council for consultation during the construction stages, at which we will discuss and agree the format and agenda with the community councils prior to construction works commencing. The consultation will be attended by the Employer’s Representative the Community Liaison Officer, together with key members of the contractor’s site team as may be necessary to cover the matters to be discussed;
- Our commitment to consider any views expressed to us on the content of the project website to ensure it provides information which communities and residents find informative and valuable;
- Our commitment to publish monitoring information (such as noise monitoring records) on the project website; and
- Our commitment to publish the contractor’s Environmental Management Plan and its subsidiary plans on the project website.

247. Recommendation / Comment

Transport Scotland, while noting that a health impact analysis is extremely subjective, confirmed that all the air quality and noise issues and all the technical issues that support the health impact have been independently audited. It did, however, agree to report back to the Committee on any actions that could be taken to further mitigate the effects on those worst affected. The Committee looks forward to receipt of that report.

Response:

The Health Impact Assessment (HIA) undertaken for the proposed scheme was a relatively high level assessment, although the air quality and noise data used were produced by detailed modelling as reported in the Environmental Statement.

The assessment identified the potential for positive and negative health effects to occur during construction and operation of the proposed scheme. Generally, these effects would be of minor magnitude or less and would be restricted to the areas around the bridgeheads.
Mitigation measures for environmental issues that could give rise to health effects are included in the Environmental Statement. Further mitigation measures were identified in the HIA.

We have reviewed this mitigation and, with the objective of further reducing the risk of health impacts, we have identified the following additional measures:

- Air quality monitoring during construction should focus on sensitive sites such as residential areas and schools.
- Information regarding adjacent construction activities and the likely timetable of works should be provided on public footpaths (rights of way, proposed/adopted core path network and national cycle routes as shown on Figure 17.2 of the Environmental Statement) within 200m of the works (subject to agreement with the relevant local authority).
- During construction, it is recommended that information regarding construction activities and the likely timetable of works is provided at local community centres.

A report detailing the above is available should the committee wish to have further information in this regard.

275. Recommendation / Comment

275. In considering the mechanism available for monitoring and enforcement, the Committee agreed, given the concerns of objectors and some statutory consultees, that the local authorities should have an enhanced role to play. The Committee requests that the Promoter considers this aspect further in discussion with the local authorities and comes back with amendments to the Code of Construction Practice in this regard.

Response:

We recognise that key concerns expressed by local communities included the effects of construction works on the operation of the road network and noise and vibration impacts. In reviewing the role of the local authorities and other statutory bodies during construction, we have considered the following:

- We have set out in the Code of Construction Practice that a Traffic Management Working Group will be consulted by the contractor regarding the proposals to limit disruption to the road network. This group includes representatives from trunk and local road authorities and the emergency services.
- The Committee will be aware of ongoing discussions between Transport Scotland, The City of Edinburgh Council, Fife Council and West Lothian Council regarding control of noise and vibration. Each party supports the formation of a Noise Liaison Group to provide oversight of all aspects of noise planning,
control during construction and monitoring. The group will include representatives from each of the local authorities and initial discussions with Scottish Natural Heritage have indicated their agreement to participate in such a group relating to control of noise within the internationally protected environmental sites in the Forth area.

- The Committee will also be aware from the Environmental Statement and the Consultation & Engagement Report published at the time the Bill was introduced that an environmental stakeholder group met regularly during the development of the scheme. We are exploring ways which this group, which included representatives from the local authorities, Scottish Natural Heritage, the Scottish Environment Protection Agency, Marine Scotland and Historic Scotland, may continue to be involved and provide benefits during the construction stages.

276. Recommendation / Comment

276. The Committee notes that there remain issues around the removal of local authority powers; these are matters for consideration, initially, at the first part of Stage 2.

Response:

I have made reference previously to our ongoing discussions with the Councils regarding the control of noise and vibration during the construction stages, and in particular to the formation of a Noise Liaison Group, which the Councils support. Transport Scotland have had extremely productive discussions with the Councils, who recognise the value in the effective planning processes being put in place. Discussions are continuing to agree an acceptable approach which will cover the effective planning, control during construction and monitoring of noise and vibration. A Memorandum of Understanding on these matters is being proposed, which will include our agreed position on maximum noise levels which I recognise has been commented upon by the committee in paragraph 284 of the Stage 1 Report. I will keep the Committee apprised as to our ongoing and hopefully successful discussions.

284. Recommendation / Comment

284. The Committee is not persuaded that the approach adopted by the Parliament in considering Private Bills should be departed from. In relation to works arising under the road building portion of the contracts, as opposed to the portion of the contract to construct the bridge, the Committee agrees that the approach and the maximum levels applying in the A2B Act should apply to this project. The Promoter is requested to amend the Code of Construction Practice in this regard before Stage 2 commences.
Response:

Summary

1.1 This response explains that the criteria for limiting noise effects on the Forth Replacement Crossing are more onerous than for the Airdrie to Bathgate scheme and that there would therefore be no benefit to residents in terms of noise control in amending the Forth Replacement Crossing Code of Construction Practice in line with the noise limits in the Airdrie to Bathgate scheme Code of Construction Practice. This response therefore explains that in accepting the noise level criteria set out in the Environmental Statement and Code of Construction Practice the Committee will be departing from the approach previously authorised by the Parliament for private Bills only to impose more stringent requirements.

Forth Replacement Crossing – Control of Environmental Impacts

1.2 As part of minimising noise receptor-by-receptor, one of the key requirements in the Forth Crossing Bill and the Code of Construction Practice is that the Scottish Ministers must employ all reasonably practicable means to ensure that the significant noise and vibration effects arising from construction activities will not be worse than the significant residual effects reported in the Environmental Statement (section 66 of the Bill and paragraph 1.4.2 of the Code of Construction Practice).

1.3 In addition, section 67 of the Bill requires that the Scottish Ministers must do everything which is reasonably practicable in order to ensure that construction works are carried out in accordance with the Code of Construction Practice. This is supported by paragraphs 1.2.3 and 1.2.4 of the Code of Construction Practice which state that the contractor will have a contractual obligation to comply with the requirements set out in the Code of Construction Practice and that compliance will be ensured by the Scottish Ministers.

1.4 Whilst the Committee has suggested in paragraph 284 of the Stage 1 Report that the approach adopted previously by the Parliament should not be departed from, the report considers only the Code of Construction Practice and not the restrictions imposed by the Environmental Statement. The Environmental Statement and Code of Construction Practice operate together in conferring noise level criteria to be adhered to in the construction of the scheme. This is explained further below; however, it is sufficient to state at this stage that the Code of Construction Practice introduced with the Bill provides thresholds which relate to the noise control process whilst the Environmental Statement through its assessment of impacts sets noise limiting criteria.

1.5 This is a significant departure from the approach adopted by the Airdrie to Bathgate scheme and is part of the means by which an improved process has been adopted on the Forth Replacement Crossing. On the Airdrie to Bathgate scheme, no quantitative assessment of potential construction noise impacts was undertaken in the Environmental Statement. Section 13.10 of the Environmental Statement for the Airdrie to Bathgate scheme
stated that "At this stage it is not possible to undertake any predictive work to assess potential impacts as there is no detailed method statement for construction works". Therefore the Code of Construction Practice operated alone in setting noise limiting criteria and these applied as a blanket control over the entire length of the project rather than being location specific. As explained below, location specific noise limiting criteria will apply to the Forth Replacement Crossing by virtue of the assessments undertaken in the Environmental Statement.

Forth Replacement Crossing – Noise Criteria and Noise Control

1.6 Chapter 19 of the Environmental Statement provides the assessment of construction noise and vibration (section 19.6). The Chapter defines the methodology for defining noise impacts and effects. The basis for identifying impacts and effects is whether the predicted noise from the construction activities exceeds the relevant ‘Assessment Category’. Consistent with national standards (BS 5228) the Assessment Category for a receptor is defined for the day, evening and night-time periods based upon the measured baseline noise levels at the receptor.

1.7 This process has been discussed with The City of Edinburgh Council, West Lothian Council and Fife Council who agree that this is the appropriate process to follow when assessing construction noise.

1.8 Progressively more onerous Assessment Category values (i.e. lower noise levels) are defined for day, evening and night-time periods and for locations with quieter existing environments. For example, night-time categories are always 20dB(A) lower than daytime and the categories for quieter areas are 10dB(A) lower than for areas with a louder existing environment. This is in accordance with the approach recommended in BS 5228. As a guide, a 10dB(A) change is perceived by most people as a subjective halving or doubling of loudness.

1.9 As the Scottish Ministers have an obligation under the Bill regarding the environmental impact of the scheme (explained in paragraph 1.2 above), the noise limiting criteria are therefore defined by the assessment set out in the Environmental Statement rather than in the Code of Construction Practice.

1.10 The management processes including mitigation requirements, active involvement of the local authorities and integration with the community engagement process, are set out in the Code of Construction Practice. This includes:

- the working hours required to deliver the project;
- the management process for ensuring that best practicable means are used at all times and for all works to minimise noise and vibration (to be further refined by the contractor's Environmental Management Plan including the Noise and Vibration Management Plan);
- noise and vibration constraints;
1.11 As explained in the Code of Construction Practice, the contractor is required to assess noise and vibration as part of its construction planning and submit the assessments to the Employer's Representative for approval. These must be approved prior to construction activities being undertaken and is the means by which the contractor will demonstrate compliance with the requirement to ensure that noise and vibration effects will be no worse than those in the Environmental Statement and the necessary controls will be in place to achieve this. As is also explained in the Code of Construction Practice, monitoring will be undertaken throughout the construction stages to support the noise control process.

1.12 The above aspects are being further developed through consultation involving Transport Scotland, The City of Edinburgh Council, West Lothian Council and Fife Council and our aim is to agree a Memorandum of Understanding covering the control of noise and vibration during construction. A key aspect of this will be the formation of a Noise Liaison Group which, as discussed earlier in this response, will include the local authorities and will provide oversight of all aspects of noise planning, control during construction and monitoring. We will bring forward an amendment to the Code of Construction Practice which sets out the formation of the Noise Liaison Group.

1.13 Whilst the Airdrie to Bathgate Railway and Linked Improvements Act 2007 (section 45(1)) confers an obligation on the authorised undertaker to ensure that the environmental impacts are not worse than those reported in the Airdrie to Bathgate Environmental Statement, as explained above the Environmental Statement does not assess potential noise levels or impacts due to construction works and therefore this section of the 2007 Act does not apply to construction noise. The limits set in the Code of Construction Practice therefore apply across the entire length of the project in comparison to the location and works specific assessment undertaken for the Forth Replacement Crossing. The noise criteria defined in the Airdrie to Bathgate scheme Code of Construction Practice (at section 7.5) are therefore the criteria that can be compared with those proposed for the Forth Replacement Crossing. This comparison is necessary to be able to demonstrate whether the noise criteria on the Airdrie to Bathgate scheme are more onerous than those on the Forth Replacement Crossing or whether the converse applies.

1.14 The criteria in the Airdrie to Bathgate scheme Code of Construction Practice and the Forth Replacement Crossing Code of Construction Practice and Environmental Statement are both defined as \(L_{Aeq,T}\) levels, to be measured 1m in front of a property façade facing the works. The \(L_{Aeq,T}\) indicator, is the equivalent continuous noise level to the time varying levels measured over the period T (i.e. a maximum average noise energy level).
1.15 The 'noise limits' presented in the Airdrie to Bathgate scheme Code of Construction Practice are not in fact absolute limits. Rather they are levels that can be worked within without seeking additional approvals from the local authorities and without the provision of additional noise mitigation (e.g. noise insulation). In explaining this, the Airdrie to Bathgate scheme Code of Construction Practice states:

"Even with the application of Best Practicable Means, in some situations there may be an unavoidable requirement for noisy work that exceeds these noise limits. Such requirements for noisy work will be incorporated in the Contractor's Noise and Vibration Plan and agreed with the relevant Local Authority. This will be done in accordance with the provisions of the Control of Pollution Act 1974, section 61, or an alternative process agreed with the Local Authorities"

It is possible that, in exceptional situations, there may be a requirement for work that is significantly above these limits. If actual or predicted noise levels at a point one metre from a residential dwelling exceeds either:

(i) 5dB above the noise level in the table at the start of this section
or

(ii) where pre-existing ambient noise levels exceeds the criteria in the table and airborne construction noise is more than 10dB (0700 to 2200) or 5dB (2200 to 0700) above the existing airborne noise level for corresponding times of the day

And the exceedance of the above criteria by construction associated airborne noise is for more than a total period of 10 or more days in any 15 consecutive days or more than 40 days in any 6 month period

then consideration will be given to the provision of secondary insulation or re-housing.

1.16 The above approach set out in the Airdrie to Bathgate scheme Code of Construction Practice is consistent with that set out in the Forth Replacement Crossing Code of Construction Practice, as set out in paragraphs 5.4.2 and 5.4.3.

1.17 The tables in the Annex to this response give a number of examples that demonstrate that the Forth Replacement Crossing (FRC) Assessment Categories impose lower noise limiting criteria than the Airdrie to Bathgate scheme 'limits'. For convenience a specific example of potential noise impacts due to the replacement crossing construction works (Tigh-na-Grian which is located at the north foreshore) is provided below:

- FRC Daytime Assessment Category – 65dB LAeq, 12hr
- Comparative Airdrie to Bathgate noise ‘limit’ – 70dB LAeq, 12hr

- FRC Evening Assessment Category – 65dB LAeq, 1hr
- Comparative Airdrie to Bathgate noise ‘limit’ – 70dB LAeq, 1hr
- FRC Night-time Assessment Category – 60dB LAeq, 1hr
- Comparative Airdrie to Bathgate noise ‘limit’ – 62dB LAeq, 1hr

1.18 A review of the noise assessment undertaken for the Forth Replacement Crossing (detailed results are provided in Appendix A19.2 of the Environmental Statement) indicates that the noise limiting criteria on the Forth Replacement Crossing that also trigger the need to seek additional consent from the local authority and provide noise insulation or consider temporary re-housing are either the same as, or lower than, those on the Airdrie to Bathgate scheme. The examples provided in the Annex to this response cover locations adjacent to both the road connections as well as the replacement crossing.

1.19 The comprehensive review undertaken of the Airdrie to Bathgate Code of Construction Practice against the noise criteria and controls proposed by the Forth Replacement Crossing Environmental Statement and Code of Construction Practice indicates that the approach taken on the Forth Replacement Crossing:

- presents an improved assessment methodology which provides enhanced support to the noise criteria and controls set out in the Environmental Statement and Code of Construction Practice.
- the noise criteria are not worse than, and in many areas are less (i.e. more onerous) than those proposed on the Airdrie to Bathgate scheme.

1.20 The conclusions from this are that:

- there would therefore be a significant dis-benefit to local communities and residents in terms of noise control in amending the Forth Replacement Crossing Code of Construction Practice in line with the noise limits in the Airdrie to Bathgate scheme Code of Construction Practice.
- in accepting the noise level criteria set out in the Forth Replacement Crossing Environmental Statement and Code of Construction Practice the Committee will be departing from a previously authorised approach only to impose more stringent requirements.
- However, I do accept the confusion that has been caused by the description of the full noise control regime being split between the Code of Construction Practice and the Environmental Statement, and will consolidate into a revision of the Code of Construction Practice.

291 - 292. Recommendation / Comment

291. The Committee is not persuaded that the approach adopted by the Parliament in considering Private Bills should be departed from. In relation to works arising under the road building portion of the contracts, road building contracts, as opposed to the portion of the contract to construct the bridge, the Committee agrees that the working times applying in the A2B Act should apply to this project.
292. Accordingly normal working hours under the road building portion of the contracts should be from 08:00 to 19:00 hours including any periods designated for start-up and closing down. During the start-up period no noisy activities, including starting plant or heavy goods vehicles will be permitted so that there will be no disturbing road contract construction related noise beyond the site boundaries. The Promoter is requested to amend the Code of Construction Practice in this regard before the stage 2 commences.

Response:

One of the key concerns we expressed during evidence given to the Committee was reducing the potential for adverse effects on the road network due to construction staff arriving at the site at the same time as local people were commuting to work. Bearing this in mind, I accept the Committee’s suggestion that the normal working hours for the road elements of the scheme be restricted to 8am to 7pm Monday to Friday and 8am to 6pm on Saturday, as per the Airdrie to Bathgate Railway, provided that the start-up time, which allows, amongst other things, for construction workers to travel to and from the construction site compounds, is in advance of this to lessen the potential risk of traffic impacts on the road network. This start-up period will be wholly consistent with the Airdrie to Bathgate Railway which provided a start-up time between 7:30am and 8am.

As requested by the Committee we will include this in an updated version of the Code of Construction Practice together with the commitment that heavy plant and machinery will not be started within the start-up period.

In addition, the Committee will be well aware that there are particular issues associated with construction projects in Scotland due to the effects of the local climate and that it can at times be necessary to allow longer construction periods from time to time. As such, I propose to bring forward an additional amendment to the Code of Construction Practice to allow an extension of the normal working hours to commence at 7am subject to the approval of the Employer’s Representative and the local authorities (with their approval being provided through the Noise Liaison Group I have referred to previously). This amendment will also be wholly in line with the provisions of the Airdrie to Bathgate Railway which provided a similar mechanism. In setting out that the consent of the Noise Liaison Group is required, this will ensure that proper consideration is given to noise and vibration issues prior to any extension of the normal working hours being approved.

294. Recommendation / Comment

294. In relation to the written exchanges with Transport Scotland, the Committee notes a number of changes that the Promoter intends to make. Given that the Code of Construction Practice will be a significant issue during Stage 2, the Committee requests that an amended version of the CoCP is produced for the commencement of that Stage taking account of all changes agreed to date.
Response:

I can confirm that a revised version of the Code of Construction Practice, incorporating agreed changes, will be issued to the Forth Crossing Bill Committee by the end of May.

337. Recommendation / Comment

337. The Committee also sought information as to how this would affect other capital budgets and this information remains outstanding. The Committee requests that the Minister provide the promised information in time for the Stage 1 debate.

Response:

The Scottish Government has put it on record that in the four key years of construction on the Forth Crossing the expenditure on the project is likely to represent some 13% of the Scottish Government's total capital budget. Excluding capital expenditure on Health and Local Government, the expenditure on the Crossing could be as high as 25% of the total Scottish Government capital budget. We stated in the Policy Memorandum (p 143) that a consequence of a decision to proceed with the Forth Crossing will be that "other investment priorities will inevitably be delayed". Until we know the approach of the new UK Government to public expenditure, and know what the forthcoming UK spending review will mean for the Scottish (capital) budget, the Scottish Government cannot give any further commitments on the timing of future capital projects. We expect to be able to announce plans for other capital budgets and projects towards the end of 2010, in the context of a Scottish spending review.

367. Recommendation / Comment

367. The Forth Crossing Bill Committee recommends that the Scottish Government bring forward an amendment at Stage 2 to give effect to the recommendation.

Response:

Having reflected on the matter I can confirm that the Scottish Government will bring forward at Stage 2 to give effect to the SLC recommendations in relation to the supplementary, incidental and consequential powers in section 76(1).

Annexe F: Report by the Transport, Infrastructure and Climate Change Committee

67. Recommendation / Comment

67. The Committee therefore recommends that Transport Scotland should engage fully with the regional transport partnership, local authorities and other key stakeholders to prioritise the additional interventions proposed in annex C of the "Public Transport Strategy for the Forth Replacement Crossing" produced in January 2010. This exercise should be conducted with a view to devising a means to deliver, in advance of the opening of the new crossing, those projects which it is considered...
would do most to minimise the potential for a shift away from public transport use and encourage modal shift.

Response:

Working with the regional transport partnership, local authorities and other key stakeholders the Public Transport Strategy, prepared by Transport Scotland, is generally agreed as achieving contributions against the planning objectives for the Forth Replacement Crossing, including increasing travel choices and improved integration across modes encouraging modal shift. The positive engagement with those stakeholders during the development of the Strategy has continued since its publication particularly through working with Fife Council to seek ways of delivering a new park and ride facility at Halbeath and temporary bus hard shoulder running in advance of the opening of the Crossing. The emerging detail associated with this park and ride now allows Transport Scotland to enter into discussions with bus operators on both the operation of the park and ride and the opportunities offered by the wider Strategy. These discussions will begin in the next few weeks as the detail of the site is confirmed. Implementing the park and ride and bus priority measures during construction will minimise the risk of disruption to public transport during construction, and will allow the considerable improvements to the accessibility of Ferrytoll to be made. The accessibility of both Ferrytoll and new facilities will be carefully considered in the design of those facilities.

The Public Transport Strategy is about securing the opportunities for public transport in the future as land use patterns change following the opening of the Crossing, and Transport Scotland will continue to work with stakeholders to seek ways of delivering the infrastructure identified within the Strategy. This package of measures will be linked with land use changes identified in Strategic and Local Development plans. I can confirm that Transport Scotland will continue to work with stakeholders, including public transport operators, to develop the detail of the public transport strategy.

75. Recommendation / Comment

75. The Committee considers it essential that a comprehensive plan is developed well in advance of the commencement of any construction work to ensure that any impact on public transport services is kept to a minimum. Key stakeholders and bus operators in particular should be closely involved in the development of this plan which should include proposals for ongoing liaison throughout the construction phase.

Response:

In addition to the planning we have already undertaken to ensure that the project can be constructed without compromising existing traffic, it will be incumbent on the contractor to properly plan and undertake the construction works he has designed safely and in such a manner so as to minimise traffic disruption particularly in relation to Public Transport, as far as practical. The Code of Construction Practice and the construction contract place a number of restrictions on the contractor to help realise this including prohibited routes, encouraging work on live roads outwith peak hours and maximising the number of lanes available. To this end a traffic management
working group (TMWG) comprised of the Local Authorities, Transport Scotland and their road operators together with the police and other interested parties has already been established and will continue through the construction phase with the key addition of the contractor. The TMWG will ensure that all aspects of traffic management are carefully considered and planned and that full information relating to changes in road layout are communicated to the general public in advance of works being undertaken. In particular, the construction of the improved facilities at Ferrytoll Park & Ride will also involve close liaison with Stagecoach and Fife Council to ensure that suitable access and operation is maintained, both within the facility and to and from it. Ferrytoll Park and Ride is being reconfigured to provide improved segregated access and egress for buses. That reconfiguration combined with improvements to local cycleways and footpaths will allow improved integration of these different modes of travel.

94. Recommendation / Comment

94. The Committee welcomes the fact that the need to maintain and improve walking and cycling routes has been considered. However, it notes that there is currently no intention to include improvements to cycling routes identified by Transport Scotland as part of the current scheme proposals. Later in this report it will comment on how the planning and delivery of the both the main project and related components, such as any cycling and public transport infrastructure improvements, might be better co-ordinated.

Response:

The greatest improvement for cyclists will be derived from the significant reduction in traffic on the Forth Road Bridge, which forms part of National Cycle Route 1, and the associated improvement to the amenity of the route. New facilities for cyclists, including new sections of cycleways and safe crossing points, will also be provided at key locations on the route such as the Queensferry and Ferrytoll Junctions. Additional pedestrian and cyclist facilities will also be provided where none currently exist, such as the B800 and Society Road.

95. Recommendation / Comment

95. The Committee is of the view, however, that regardless of infrastructure considerations, it is essential that contingency plans are put in place to provide alternative routes or means of transport over the Forth for cyclists and pedestrians during any periods when the Forth Road Bridge is unavailable for use. It urges Transport Scotland to ensure that appropriate plans are developed.

Response:

As Mr Howison stated in his evidence to the Forth Crossing Bill Committee on 24 February 2010 (Official Report column 51) there will be an improved environment for pedestrians and cyclists on the existing bridge due to reduced traffic volumes once the new bridge is operational. It is also important to note that the national and local cycle networks concentrate at the existing bridge heads in Queensferry. It is worth noting that FETA has managed successfully to keep at least one cycle track and
footway open during all the works that have been undertaken in the past 25 years (Barry Colford, Bridge Master Forth Road Bridge, in his evidence to the Forth Crossing Bill Committee on 24 February 2010 (Official Report column 51)).

As the new bridge will be designated as a motorway there will not be additional pedestrian or cycling provision. Any change to this arrangement would require an increase in the width of the bridge with substantial concomitant design and cost implications. However, should something happen to the existing bridge that is unforeseeable at the moment, such that it does not exist in the future, it would be possible to use the central area between the two carriageways on the new crossing to which pedestrians could be carried by footbridges over the motorway carriageways and similarly taken off at the other end, should that be necessary. Alternatively, it would be possible to incorporate a footway/cycleway by reducing the width of one of the hard shoulders with a separating barrier located between.

Any unforeseen short term disruption to the availability of pedestrian or cycling ways across the existing bridge can most economically be addressed by the provision of busing facilities.

110. Recommendation / Comment

110. This highlights to the Committee the clear need for concerted action to encourage modal shift amongst those travellers using the cross-Forth corridor in the lead up to and following the opening of the new crossing. It is acknowledged that this will require a combination of infrastructure improvements – of the nature discussed earlier in this report – as well as the provision of good quality travel information and an effective marketing programme, as suggested in evidence.

Response:

I can confirm that specific information activities will be undertaken throughout the period of construction to keep the travelling public informed about upcoming activities or traffic management. We will continually review the effectiveness of all of these activities to ensure that they are delivering benefits to the public, adapting them to suit the activities or following feedback. Transport Scotland and its contractors' community liaison team will have open and readily accessible channels for collecting this feedback. We will also ensure a proactive, two-way approach is taken to all community liaison. We will also continue to work closely with the Bridge Master for the Forth Road Bridge, Fife, City of Edinburgh and West Lothian Councils and the public transport operators during construction to plan effectively mitigating actions to manage the throughput of public transport and private vehicles during what will be a busy period.

Additionally, I can confirm that early work has commenced on the topic of the implementation of ITS. This work will look at the supporting educational and information initiatives that will be required to deliver a system in which the users feel fully equipped to use it and have the upmost understanding and confidence in its ability to assist them in undertaking their journey safely and efficiently. We also anticipate that in the future ITS is one method which can be utilised to assist us in encouraging modal shift. Early implementation of ITS to the north of the crossing as currently proposed will enable information for all vehicle travellers approaching the
main crossing works to be conveyed at an early stage in the construction process. ITS on the M9 Spur on the south approaches to the new crossing will be similarly implemented.

111. Recommendation / Comment

111. The Committee therefore recommends that a programme of work should be taken forward by Transport Scotland, in partnership with other key stakeholders, to develop and implement a comprehensive package of proposals to actively encourage modal shift and significantly increase the number of public transport journeys in the cross-Forth corridor in the coming years. This should cover both bus and rail transport.

Response:

The response to Annexe F 67 addresses.

124. Recommendation / Comment

124. The Committee acknowledges that there are different options for the management of the two crossings. It has not examined this issue in any detail and has no firm view as to which existing or new body should be given this responsibility. However, it considers that, from a public transport perspective, it may be beneficial for one body to manage both crossings.

Response:

As the Committee has noted there may indeed be operational benefits in having a single organisation responsible for the maintenance, management and operation of both the Forth Road Bridge and the Forth Replacement Crossing, having regard also to the essential role the new facility will have as part of the national trunk road network. Consideration of such benefits will form part of the deliberations, as advised in the Policy Memorandum (paragraph 34), on the future maintenance provider for the new bridge.

126. Recommendation / Comment

126. However, it notes comments made in evidence which suggest that improvements are being made in the provision of accessible public transport facilities for those using the cross-Forth corridor through, for example, the provision of more accessible buses. The Committee would wish to encourage the continued development of good practice by bus service operators. It would also urge Transport Scotland and operators to actively seek to identify opportunities to improve accessibility at Ferrytoll and any other new facilities that are developed.

Response:

The response to Annexe F 67 and 75 addresses.
130. Recommendation / Comment

130. The Committee therefore recommends that Scottish Ministers should give a commitment to further develop the public transport strategy and to consult key stakeholders and public transport users on its contents as appropriate. It is suggested that the plan could include the following additional components—

- details of the measures that will be put in place by Transport Scotland, the regional transport partnership and local authorities to encourage modal shift;
- details of the additional infrastructure improvements that will be made both north and south of the Forth Road Bridge to support modal shift, together with a timetable for their delivery;
- details of proposals for minimising disruption to public transport during the construction of the new crossing and associated infrastructure;
- details of proposals to improve cycling and walking provision in the vicinity of the Forth Road Bridge; and
- information on the development of contingency plans for the re-routing of public transport, cyclists and pedestrians when the Forth Road Bridge is closed.

Response:

The response to Annexe F 67 and subsequent addresses.

132. Recommendation / Comment

132. The position of Transport Scotland officials, that the Bill is solely related to infrastructure provision, is acknowledged. However, the Committee is of the view that it is within the scope of the Bill to include additional provisions which would complement the construction and operation of this hugely significant infrastructure project.

Response:

Whilst I appreciate the Committee’s intentions and indeed agree the need for complementary public transport measures I am not convinced that there is any requirement to confound, potentially, the Bill by introducing additional provisions, nor any tangible benefits which would arise particularly since all such provisions could be given effect under existing legislation.

133. Recommendation / Comment

133. The Committee therefore recommends that the requirement for Scottish Ministers to produce an enhanced public transport strategy and action plan should be placed on the face of the Bill.
Response:

As the Committee is aware we have already produced in concert with local authorities and SEStran a Public Transport Strategy and as discussed earlier in this letter the means and timescale for delivery are inevitably subject to funding pressures.

137. Recommendation / Comment

137. The Committee therefore recommends that Transport Scotland should engage fully with the regional transport partnership, local authorities and other key stakeholders to prioritise the additional interventions proposed in annex C of the “Public Transport Strategy for the Forth Replacement Crossing” produced in January 2010. This exercise should be conducted with a view to devising a means to deliver, in advance of the opening of the new crossing, those projects which it is considered would do most to minimise the potential for a shift away from public transport use and encourage modal shift.

Response:

The response to Annexe F 67 addresses.

138. Recommendation / Comment

138. The Committee considers it essential that a comprehensive plan is developed well in advance of the commencement of any construction work to ensure that any impact on public transport services is kept to a minimum. Key stakeholders and bus operators in particular should be closely involved in the development of this plan which should include proposals for ongoing liaison throughout the construction phase.

Response:

The response to Annexe F 75 addresses.

140. Recommendation / Comment

140. The Committee is of the view that, regardless of infrastructure considerations, it is essential that contingency plans are put in place to provide alternative routes or means of transport over the Forth for cyclists and pedestrians during any periods when the Forth Road Bridge is unavailable for use. It urges Transport Scotland to ensure that appropriate plans are developed.

Response:

The response to Annexe F 95 addresses.
142. **Recommendation / Comment**

142. The Committee therefore recommends that a programme of work should be taken forward by Transport Scotland, in partnership with other key stakeholders, to develop and implement a comprehensive package of proposals to actively encourage modal shift and significantly increase the number of public transport journeys in the cross-Forth corridor in the coming years. This should cover both bus and rail transport.

Response:

The response to Annexe F 67 addresses.

143. **Recommendation / Comment**

143. The Committee acknowledges that there are different options for the management of the two crossings. It has not examined this issue in any detail and has no firm view as to which existing or new body should be given this responsibility. However, it considers that, from a public transport perspective, it may be beneficial for one body to manage both crossings.

Response:

The response to Annexe F 124 addresses.

Annexe G: Report by the Finance Committee

16. **Recommendation / Comment**

16. Given the overall cost of this project to the Scottish Government, the Committee invites the lead committee to give serious consideration to how best the Parliament — once and if the Bill is enacted — should be kept informed about the ongoing costs of the project.

Response:

As I mentioned to the Forth Crossing Bill Committee at its meeting of 14 April (Official Report, Column 251) the Forth Replacement Crossing project will be identified in the budget as a separate level 3 item which will mean that all changes are brought before the Parliament in the course of the established cycle for the approval of budgets and budget amendments. Additionally, officials of the project team will continue to provide a 6 monthly update on project progress to the Transport, Infrastructure and Climate Change Committee which will cover the wider project issues and also, should the Committee so wish, costs issues.

21. **Recommendation / Comment**

21. While providing reassurances on estimates and on design change, officials also stressed that the most significant factor that could still affect the cost is the “value that contractors put on the tenders compared to the allowance that we put on
underlying costs". The tenders in question will be submitted this December, which will be after the Bill is enacted (assuming that it is passed by the Parliament). Given the possible significance of the tenders for the overall cost of the project, the Committee invites the Forth Crossing Bill Committee to consider how the Parliament should best be kept informed of the outcome of this process.

Response:

I advised the Forth Crossing Bill Committee at its meeting of 14 April (Official Report, Column 251) that Ministers will make a statement to the Parliament once we know the outcome of the tendering process and propose to issue the formal letters indicating an intention to award the contract. I am happy to reaffirm that commitment.

22. Recommendation / Comment

22. Another relevant factor that the Finance Committee wishes to highlight to the lead committee concerns possible inflationary pressures. While Transport Scotland officials said that "the form of contract that we are using has a good record for cost control" and that they would expect any overrun of the outturn price over and above the tender price "to be limited to about 4 per cent of the tender value", they acknowledged that "... because of the duration of this contract, we will be taking risk for the fluctuation in prices of materials as we go along". This is another issue on which the Finance Committee cannot provide an authoritative view at this point. The Committee again invites the lead committee to consider how the Parliament should be kept informed about any inflationary pressures on the overall project cost.

Response:

Once the price has been contractually committed the main risk remaining with the Scottish Government will be that of inflation. The project team has done a considerable amount of work on preparing best estimates of changes in costs during the construction period and our budget planning will reflect their conclusions. If inflation is significantly different from our assumptions (up or down) then Ministers will (have to) propose budget amendments. Any such changes will be brought to Parliament's attention as part of the established cycle for draft budgets, budget bills, and budget revisions. Since we have proposed to maintain a separate level 3 budget line for the Forth Crossing project any changes will be readily apparent.

28. Recommendation / Comment

28. The Committee recognises that decisions on phasing costs will be taken over the longer term and will be subject to various factors, including discussions with contractors. Given the scale of this project, the Committee recommends that the lead committee seeks the Minister's views on the issue of phasing costs and how this may impact on other capital budgets. The lead committee may also wish to seek clarification from the Minister on the auditing and accounting arrangements that will be put in place.
Response:

I refer to my earlier responses both to the Forth Crossing Bill Committee on 14 April (Official Report, Column 255) and in response to paragraph 337 of the Stage 1 report. Additionally, as far as our own records are concerned, the expenditure on the Forth Replacement Crossing and the recognition of the asset once constructed, will follow normal accounting and auditing procedures. Expenditure will be recorded against the specific budget line for the Forth Replacement Crossing and the asset will, in due course, appear on the balance sheet of Transport Scotland and on the consolidated balance sheet of the Scottish Government.

29. Recommendation / Comment

29. The issue of phasing of costs is bound up with the broader issue of the funding method that was chosen for the project. Given that the final decision on the funding method was for the Minister rather than officials to make, the Committee recommends that the lead committee pursue with the Minister the reasons why this method was chosen. A summary of relevant evidence is presented below, in order to inform the lead committee’s questioning.

Response:

I again refer to evidence given to the Forth Crossing Bill Committee on 14 April (Official Report, Column 256) where this matter was explored. The NPD/PPP option was indeed considered but rejected for two reasons:

(a) It would have taken longer to deliver the bridge through this route, and time was seen to be of the essence. The expectation was that this route would have added 18 to 24 months to the project.

(b) At the time the decision was made there was little prospect of the financial markets being able to provide the large loans required.

Direct procurement therefore is the only option to deliver the bridge in 2016.

Annexe H: Report by the Subordinate Legislation Committee

22. Recommendation / Comment

22. The Committee therefore recommends that as the ancillary powers in section 76(1), which would make any supplementary, incidental or consequential provisions which modify any enactment, or instruments subject to affirmative procedure, are of significance, they should be subject to affirmative procedure.

Response:

We will bring forward amendments at Stage 2 to give effect to the Subordinate Legislation Committee recommendations in relation to the supplementary, incidental and consequential powers in section 76(1).
I trust that my response has proved genuinely helpful. I understand that the Stage 1 debate is scheduled for 26 May 2010. I am aware that Stage 2 inquiry by the assessor is likely to be held in the early autumn with the Stage 2 debate on amendments probably in October. I shall ensure that the Government’s amendments will be lodged well in advance so as to aid the committee’s consideration.

I am copying this letter to the Conveners of the Finance, Subordinate Legislation and Transport, Infrastructure and Climate Change Committees for their respective interests.

STEWART STEVENSON
Annex - Comparison between Forth Replacement Crossing Noise Criteria and Airdrie to Bathgate Scheme Noise Criteria

### Main Crossing

#### Daytime

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<th>Receptor Name</th>
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<th>FRC Criterion/Assessment Category</th>
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* A2B Criteria 70[dBIL_{Aeq, 0000-1000} Mon-Sat

#### Evening

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* A2B Criteria 80[dBIL_{Aeq, 1800-2200} Mon-Fri (if pre-existing noise levels exceed criteria, as far as is reasonably practicable, maximum construction noise levels will not exceed 10dB (0700-2200)...above existing airborne noise level...) |

#### Night-time

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* A2B Criteria 55[dBIL_{Aeq, 2200-0700} (if pre-existing noise levels exceed criteria, as far as is reasonably practicable, maximum construction noise levels will not exceed 5dB (2200-0700)...above existing airborne noise level...) |

### Network Connections

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* A2B Criteria 70[dBIL_{Aeq, 0000-1000} Mon-Sat (if pre-existing noise levels exceed criteria, as far as is reasonably practicable, maximum construction noise levels will not exceed 10dB (0700-2200)...above existing airborne noise level...or 75dB whichever is the lower)