

**Forth Replacement Crossing
Code of Construction Practice
Schedule of Changes in Revision 4 (November 2010)**

List of Changes to Code of Construction Practice Recommended in Stage 2 Report

Para.	Stage 2 Report Recommendation	Paragraph Amended
	<u>Committee Report</u>	
40	Make the revisions to the Code that are recommended by the Assessor and as set out at page 165 of this report	See below
117	In addition to those changes, the recommendations from the Assessor – which we fully endorse – require a number of other changes to the Code of Construction Practice.	See below
	<u>Assessor's Report</u>	
117	I find that Section 3.4 of the Code of Construction Practice should be reviewed to ensure that every one of the arrangements regarding the length of normal working hours, and levels of noise, vibration, dust and air pollution to which the promoter is now committed are incorporated within that document in a manner readily accessible by lay readers as well as professional users	3.4.6, 3.4.7
140	The Code of Construction Practice is a work in progress and further amendments to the text would clarify what it has in mind. Amongst the adjustments and additions worthy of serious attention are the following: <ul style="list-style-type: none"> • Re-order the text of section 1 so that section 1.4 and 1.5 follow section 1.10 and make modifications to the text to show how the promoter will monitor outcomes and, if necessary, secure compliance. • In section 1, possibly in section 1.6, introduce the Employer's Representative and define that person's role. Related to that consider whether the Employer's Representative should be identified in the glossary as a person who acts on behalf of the employer. • Identifying section 2 as Engaging with Communities rather than Liaison and Public Information. • In section 2 rescue the Enquiries and Complaints Procedure which has been relegated to the fifth bullet point in paragraph 2.3.1 and give it the status of a separate subsection 2.4 	<ul style="list-style-type: none"> • Section 1, 1.8.1 – 1.8.4 • 1.8.1 – 1.8.4, Included in previous revision • Section 2 • Section 2.4
141	The concerns of objectors are likely to persist until they are alleviated, and hopefully removed, by an explanation in plain English readily understandable to the lay public of how the project will be monitored, how compliance with the Code of Construction Practice will be enforced, and a step by step guide to how complaints can be made and how these will be acted upon. The Guidance on the Compulsory Purchase Process and Compensation (July 2009) demonstrates what can be achieved in explaining complicated issues to the general public; and the issue of a companion document would be a substantive contribution underpinning the promoter's commitment to meaningful community engagement.	1.8.1 – 1.8.4, 1.8.6, 2.2.3, 2.4.2, 2.4.3

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Para.	Stage 2 Report Recommendation	Paragraph Amended
187	<p>In response to questions the promoter gave a categorical assurance that any attempt by a contractor to work outside of working hours in order to make good slippage could not be classified as “exceptional works”. Specifically, it was noted that: <i>Catching-up works are not emergency work</i>. I suggest that this commitment be included within the Code of Construction Practice.</p>	3.4.13
279	<p>However, as far as the Enquiries and Complaints procedure is concerned, a reader of the revised Code will search in vain for a reference to that important matter in the table of Contents. A description of the system to which the promoter is committed is buried as the fifth bullet point in paragraph 2.3.1. Accordingly, it is easy to see how that relegation within the text of a document of 88 pages can be construed by either the contractor or affected persons or both as a lack of commitment by the promoter. In response to questions, I received categorical assurances at a number of hearing sessions that this is not the case; and I accept that. However, I find that the concerns of objectors can only be shown to be misplaced if there is a separate subsection included within Section 2 of the revised Code of Construction Practice which sets out clearly that complaints will be responded to urgently, efficiently and effectively. I find that these concerns will persist unless they are removed by a convincing explanation in plain English readily understandable not only to contractors but also to the lay public. In Chapter 1, I recommend that explanation, set out in detail, should be incorporated into the next revision of the Code of Construction Practice and be available for consideration by the Bill Committee.</p>	2.2.3, 2.4.2, 2.4.3
283	<p>Unequivocal commitments were given in evidence that in the vicinity of Society Road key elements of the promoter’s approach to working hours will include consideration of: local community needs e.g. controlling construction noise in the evening as well as construction requirements e.g. safety; and the cumulative effect of additional working hours e.g. control of evening construction noise, and/or respite periods during the weekends, if the works were concurrent with major daytime activities and already permitted long term noisy night-time activities. I find that these commitments should be extended and section 3.4 of the Code of Construction Practice should be redrafted to make specific reference to the general applicability of this package of commitments</p>	3.4.6, 3.4.7

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Para.	Stage 2 Report Recommendation	Paragraph Amended
311	As noted elsewhere in this report, unequivocal commitments were given in evidence that key elements of the promoter's approach to working hours will include consideration of: local community needs e.g. controlling construction noise in the evening as well as construction requirements e.g. safety; and the cumulative effect of additional working hours e.g. control of evening construction noise, and/or respite periods during the weekends, if the works were concurrent with major daytime activities and already permitted long term noisy night-time activities. I find that these commitments should be extended and section 3.4 of the Code of Construction Practice should be redrafted to make specific reference to the general applicability of this package of commitments.	3.4.6, 3.4.7
338	I have concluded with respect to this, and other groups of objectors, that there should be further consideration given to the text of the revised Code of Construction Practice particularly as these refer to Working Hours, the Enquiries and Complaints Procedure and the role of the Employer's Representative. Other than that, after careful consideration of all that is before me, I agree that the final position of the promoter is adequate to meet the concerns of these objectors.	1.8.1 – 1.8.4, 1.8.6, 2.2.3, 2.4.2, 2.4.3, 3.4.6, 3.4.7
355	I have concluded with respect to other groups of objectors, that there should be further consideration given to the text of the revised Code of Construction Practice particularly as these refer to Working Hours, the Enquiries and Complaints Procedure and the role of the Employer's Representative.	1.8.1 – 1.8.4, 1.8.6, 2.2.3, 2.4.2, 2.4.3, 3.4.6, 3.4.7
402 – 403	<p>Key elements of the approach which will be implemented in Kirkliston include considering: local community needs, for example, controlling construction noise in the evening in currently quiet residential areas; and the cumulative effect of additional working hours for example, control over evening construction noise, and providing respite periods during the weekends, if the works are concurrent with major daytime activities and already permitted long term noisy night-time activities.</p> <p>Unequivocal commitments were given in evidence and I find that these arrangements are sufficient to meet the concerns of these objectors. I find that these commitments should be extended and section 3.4 of the Code of Construction Practice should be redrafted to make specific reference to the general applicability of this package of commitments.</p>	3.4.6, 3.4.7
448	In Chapter 1, I have explained why the text of section 2 Liaison and Public Information should be revisited to make clear beyond any doubt how the interests of, and impacts on, affected persons and their properties will be taken into account. Likewise the role of the Employer's Representative should be clarified, along with the ability of the local authority to serve a notice under the Control of Pollution Act 1974.	1.8.1 – 1.8.4, 1.8.6, 1.8.9, 2.2.3, 2.4.2, 2.4.3,

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Para.	Stage 2 Report Recommendation	Paragraph Amended
456	Paragraph 2.2 deals with Engaging with Communities and paragraph 2.3 with Community Engagement requirements. At the hearing the promoter confirmed an unequivocal commitment to engage in meaningful consultation with the local authorities and adjacent residents or their representatives to agree plans that minimise the impact on these residents. With that in mind and as a further step in removing residual doubts, I suggest that this section of the Code of Construction practice be re-titled: Public Information and Community Engagement.	Section 2
547/ 557	Turning to what the objector refers to as minor changes, I recognise that the Code of Construction Practice is a work in progress. As a part of that process of continuing review I suggest that further consideration be given to the text favoured by the objector in the first minor change. The replacement Forth crossing is part of the National Planning Framework and the revised wording suggested would provide an explicit link with Scottish Planning Policy.	4.1.1
558	Moving on from there I agree that the addition to the glossary provided in response to minor change seven is absurd and requires further thought bearing in mind the continued concerns of the objector.	Amended in previous revision
598	Unequivocal commitments were given in evidence to Group 26 that key elements of the promoter's approach to working hours will include consideration of: local community needs e.g. controlling construction noise in the evening as well as construction requirements e.g. safety; and the cumulative effect of additional working hours e.g. control of evening construction noise, and/or respite periods during the weekends, if the works were concurrent with major daytime activities and already permitted long term noisy night-time activities. I find that these commitments should be extended and section 3.4 of the Code of Construction Practice should be redrafted to make specific reference to the general applicability of this package of commitments. In response to questions during the session on Group 6 the promoter gave a categorical assurance that any attempt by a contractor to work outside of working hours in order to make good slippage could not be classified as "exceptional works". Specifically, it was noted that: <i>Catching-up works are not emergency work</i> ".	3.4.6, 3.4.7, 3.4.13
	<u>Additional Committee Recommendations</u>	
10	Revision 3 of the Code of Construction Practice, September 2010, is to be further updated to reflect commitments and undertakings given prior to commencement of phase 2 of Stage 2.	See above
12	The categorical assurance given by the promoter that any attempt by a contractor to work outside of working hours in order to make good slippage could not be classified as "exceptional works" and, specifically, : "Catching-up works are not emergency work" be included within the Code of Construction Practice (see Group 6, report by the Assessor).	3.4.13

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Para.	Stage 2 Report Recommendation	Paragraph Amended
13	Section 3.4 of the Code of Construction Practice should be redrafted to make specific reference to the general applicability of the commitments [construction working hours] given in evidence as a package of commitments (see Group 30, report by the Assessor)	3.4.6, 3.4.7
14	Further consideration should be given to the text favoured by the objector in the “first minor change”. The replacement Forth crossing is part of the National Planning Framework and the revised wording suggested would provide an explicit link with Scottish Planning Policy (see Group 38, report by the Assessor).	4.1.1
18	In addition to the above recommendations, the Committee recommends the following measures and welcomes comment from the Scottish Ministers. <ul style="list-style-type: none"> • Community forum meetings: Transport Scotland to hold a minimum of four (quarterly) community forum meetings per year. • Noise monitoring: Transport Scotland to publish the monitoring reports on noise for a four week period (or monthly, whichever is appropriate) and those reports to be published no later than the end of the subsequent monitoring period. 	<ul style="list-style-type: none"> • 2.2.6 • 5.9.5

Full List of Changes in Revision 4 of the Code of Construction Practice

Paragraph.	Change	Reason for Change
1.2.4	Cross references amended from section 1.4 to 1.9 and 1.10 to 1.8.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor’s report.
1.2.4	Clarification that the contractor is undertaking construction works on behalf on the Scottish Ministers in accordance with their powers and duties under the Bill.	To ensure consistency with the Bill, in particular the amendments lodged at Stage 2 to sections 70 and 71.
1.2.6	Cross reference amended from section 1.7 to 1.5.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor’s report.
Sections 1.4 - 1.10	Re-ordering of Section 1, with consequential renumbering of Sections 1.4 – 1.10	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor’s report
1.5.10	Cross reference amended from paragraph 1.7.7 to 1.5.7.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor’s report

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Paragraph.	Change	Reason for Change
1.5.12	Cross references amended from paragraph 2.2.3 to 2.2.4 and 2.2.4 to 2.2.7.	As a result of amendment made with additional paragraphs added into Section 2 in line with the recommendations in paragraph 141 and 279 of the Assessor's report and paragraph 18 of the recommendations in the Stage 2 Report.
1.8.1 – 1.8.4	Re-ordering of paragraphs within Section 1.8 to bring Employer's Representative role to the front of the section and inclusion of additional information regarding the role of the Employer's Representative in paragraphs 1.8.2 – 1.8.4.	In line with the recommendations in paragraph 140, 141, 338, 355 and 448 of the Assessor's report.
1.8.6	Inclusion of requirement to monitor the impact of construction works to enable compliance with the requirements of the CoCP to be demonstrated.	In line with the recommendation in paragraph 141, 338, 355 and 448 of the Assessor's report.
1.8.8	Cross reference amended from paragraph 1.7.7 to 1.5.7.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report
1.8.9	Clarification added that local authorities will retain the ability, in accordance with their statutory powers under existing legislation, to control issues such as unacceptable levels of pollution e.g. in relation to noise	In line with the recommendation in paragraph 448 of the Assessor's report.
1.8.10	Cross reference amended from paragraph 1.7.7 to 1.5.7.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.
Section 1.9	Formerly Section 1.4, paragraphs have been split up to aid readability.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.
Section 1.10	Formerly Section 1.5	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.
1.11.1	Cross references amended from section 1.7 to 1.5, 1.10 to 1.8, and from paragraph 1.7.8 to 1.5.8 and 1.7.9 to 1.5.9.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.
1.11.2	Environmental stakeholder group renamed environmental liaison group.	In line with terminology in contract.
1.11.3	Cross references amended from paragraph 1.7.7 to 1.5.7 and 1.7.10 to 1.5.10.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.

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Paragraph.	Change	Reason for Change
1.11.4	Cross reference amended from paragraph 2.2.3 to 2.2.4.	As a result of amendment made with additional paragraphs added into Section 2 in line with the recommendations in paragraph 141 and 279 of the Assessor's report.
1.12.1	Reference to community engagement, public information and enquiries included in first bullet point.	To be consistent with Section 2 following amendments in line with the recommendation in paragraph 141 and 279 of the Assessor's report.
2.1.1	References to engagement and dealing effectively with enquiries and complaints included. Text re-ordered to bring engagement to the front.	To be consistent with Section 2 following amendments in line with the recommendation in paragraph 141 and 279 of the Assessor's report.
2.2.3	Clarification added that the Engaging with Communities brochure will be updated with information regarding how construction works will be monitored, how compliance with the Code of Construction Practice will be enforced and a step-by-step guide to the enquiries and complaints procedure.	In line with the recommendations in paragraph 141, 279, 338, 355 and 448 of the Assessor's report.
2.2.6	Commitment to hold community forum meetings at least quarterly included.	In line with the recommendations in paragraph 18 of the recommendations in the Stage 2 Report.
Section 2.4	Enquiries and complaints procedure included in separate section with amendments in paragraph 2.4.2 and 2.4.3 regarding responding urgently, efficiently and effectively to enquiries and complaints.	In line with the recommendations in paragraph 141, 279, 338, 355 and 448 of the Assessor's report.
2.4.6	Environmental stakeholder group renamed environmental liaison group.	In line with terminology in contract.
3.2.1	Cross reference amended from Section 1.5 to 1.10.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.
3.2.8	Cross reference amended from Section 2.3.1 to Section 2.	To ensure complete applicability of Section 2 in relation to paragraph 3.2.8 following amendments made in line with the recommendations in paragraph 279 of the Assessor's report.
3.3.1	Cross reference amended from section 1.7 to 1.5.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.

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Paragraph.	Change	Reason for Change
3.4.6, 3.4.7	Additional information added regarding the link between approval to undertake works and the noise assessment process and the ability of the Employer's Representative to take action to ensure compliance with the CoCP.	In line with the recommendations in paragraph 117 of the Assessor's report.
3.4.10	Cross reference amended from paragraph 3.4.10 to 3.4.12.	As a result of amendments made to Section 3.4 in line with paragraph 117, 283, 311, 338, 355, 402, 403 and 598 of the Assessor's report and paragraph 10 and 13 of the recommendations in the Stage 2 Report.
3.4.13	Clarification added that catching-up works are not exceptional works.	In line with the recommendations in paragraph 187 and 598 of the Assessor's report and paragraph 12 of the recommendations in the Stage 2 Report.
3.6.4	Cross reference amended from paragraph 1.7.7 to 1.5.7.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report
3.7.1	Clarification that background lighting will be for site offices and to aid the safe movement of staff on site.	For clarity.
4.1.1	Amendment to list vehicle types and users that traffic management measures aim to mitigate disruption to.	In line with the recommendations in paragraph 547 and 557 of the Assessor's report and paragraph 14 of the recommendations in the Stage 2 Report.
4.2.6	Cross reference amended from section 1.7 to 1.5.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.
4.2.11	Cross reference amended from section 1.7 to 1.5.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.
4.2.13	Cross reference amended from paragraph 4.6.9 to 4.6.12 and 4.6.10 to 4.6.13.	To correct an error in the cross reference.
5.2.1	Cross reference amended from section 1.3 to 1.9.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.
5.2.15	Cross reference amended to Table 5.2.13.	To correct an error in the cross reference.
5.2.18	Cross references amended to Table 5.2.13 and Table 5.3.7.	To correct an error in the cross references.
5.3.1	Cross reference amended from paragraph 1.4.2 to 1.9.3.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.

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5.5.1	Cross reference amended from section 1.7 to 1.5.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.
5.6.1	Cross reference amended from paragraph 5.3.10 to 5.3.9.	To correct an error in the cross reference.
5.7.3	Cross reference amended from paragraph 1.4.3 to 1.9.5 and 1.9.6.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.
5.8.2	Cross reference amended from paragraph 5.2.16 to 5.2.18.	To correct an error in the cross reference.
5.9.2	Cross reference amended from paragraph 1.4.3 to 1.9.5 and 1.9.6.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.
5.9.5	Commitment to publish monitoring reports at least monthly.	In line with the recommendations in paragraph 18 of the recommendations in the Stage 2 Report.
6.3.1	Cross reference amended from section 1.7 to 1.5.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.
7.2.1	Cross reference amended from section 1.7 to 1.5.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.
7.3.6	Cross reference amended from section 1.4 to 1.9.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.
8.2.1	Cross reference amended from section 1.7 to 1.5.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.
8.3.1	Cross reference amended from section 1.8 to 1.6.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.
8.3.5	Clarification added regarding complying with Food and Environment Protection Act 1985.	The requirements in the Food and Environment Protection Act 1985 are being replaced by the Marine Scotland Act 2010. To be consistent with other changes made in Revision 3.
8.5.1	Cross reference amended from section 1.8 to 1.6.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.
9.2.1	Cross reference amended from section 1.7 to 1.5.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.
9.7.2	Cross reference amended from section 1.4 to 1.9.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.

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Paragraph.	Change	Reason for Change
10.2.1	Cross reference amended from section 1.7 to 1.5.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.
10.3.1	Cross reference amended from section 1.4 to 1.9.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.
10.3.2	Cross reference amended from paragraph 1.4.3 to 1.9.5 and 1.9.6.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.
11.2.1	Cross reference amended from section 1.7 to 1.5.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.
12.2.1	Cross reference amended from section 1.7 to 1.5.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.
12.3.5	Admiralty House amended to former Admiralty House	In line with amendment lodged to Schedule 11 of the Bill.
13.2.1	Cross reference amended from section 1.7 to 1.5.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.
14.2.1	Cross reference amended from section 1.7 to 1.5.	As a result of amendment made to ordering of Section 1 in line with paragraph 140 of the Assessor's report.