

**FORTH REPLACEMENT CROSSING**  
**NOISE LIAISON GROUP**  
**TERMS OF REFERENCE**

**1 Context**

- 1.1 The formation of the Noise Liaison Group is a joint initiative by the Scottish Ministers, local authorities and Scottish Natural Heritage to cement a collaborative and inclusive approach to assure and assess the noise and vibration control regime for the Forth Replacement Crossing project for the benefit of stakeholders and affected parties including, in particular, local residents and protected species within the Forth Estuary.

**2 Membership**

- 2.1 The Noise Liaison Group will comprise:
- a) the Scottish Ministers' Employer's Representative or his delegated representative (including his advisors);
  - b) The City of Edinburgh Council;
  - c) Fife Council;
  - d) West Lothian Council;
  - e) Scottish Natural Heritage;
  - f) the contractors; and
  - g) any other party that may be considered from time to time as appropriate.

**3 Purpose**

- 3.1 The purpose of the Noise Liaison Group is:
- a) To **review** the planning, execution and monitoring of construction works to **provide assurances** to those organisations participating in the Group that the construction works are being undertaken in accordance with the Forth Crossing Act 2011; Environmental Statement; Appropriate Assessment documents; Code of Construction Practice and construction contracts, and in line with the Scottish Ministers' Management Plan – Construction Noise and Vibration; and
  - b) To provide a forum through which the members of the Noise Liaison Group may **provide advice** to the Employer's Representative regarding construction noise and vibration matters, of which the Employer's Representative will take appropriate consideration in determining whether to approve construction works and in undertaking any other necessary actions.

**4 Working Principles**

- 4.1 The Employer's Representative will chair the meetings of the Noise Liaison Group. Responsibilities in this regard will include:
- a) Ensuring the scheduling of meetings and notifying Group members;
  - b) Ensuring all documentation required for the meeting is issued to the Group members a least one week in advance of each meeting;
  - c) Liaising with community councils and other community groups in advance of Noise Liaison Group meetings as appropriate to identify any issues they wish to be considered by the Group;
  - d) Guiding the meetings according to the agenda [to be developed and agreed by the Noise Liaison Group] and time available; and
  - e) Ensuring notes of proceedings are taken, ensuring minutes of the meetings are prepared and placing agendas for the Group meetings and agreed minutes in the public domain.
- 4.2 The Noise Liaison Group will meet at two-monthly intervals as a minimum, with more frequent meetings as required to discuss specific issues, especially during the initial period after the contractor's appointment and start of works on site.
- 4.3 The members of the Group will provide any information to be considered at meetings to the Employer's Representative at least a week in advance, or less on urgent business, to enable it be issued to all members in advance.
- 4.4 The members of the Group will provide such information as they consider necessary, including making representations, to the Employer's Representative regarding the contractors' proposals for constructing the works as they relate to noise and vibration.
- 4.5 The Employer's Representative will consider all advice he receives from the Noise Liaison Group in determining whether to approve construction works and undertaking any other necessary actions.
- 4.6 Public statements on behalf of the Group will be agreed and made by the Employer's Representative on behalf of the Group; this does not preclude any statements being made by individual Group members regarding noise and vibration matters that are not the agreed views of the Group.

## **5 Dispute Resolution**

- 5.1 In the event of any difference of opinion between the Group members regarding the acceptability of the contractors' proposals for constructing the works as they relate to noise and vibration, the following procedure will be followed:
- a) The contractor shall consult further with the Group, including providing such additional information as is necessary to demonstrate that its proposals comply with the Forth Crossing Act 2011; Environmental Statement; Appropriate

Assessment documents; Code of Construction Practice and construction contract, as appropriate.

- b) If the contractor is still unable to secure the full acceptance of the Group regarding its proposals for constructing the works as they relate to noise and vibration the contractor may seek to demonstrate to the Employer's Representative that there are exceptional circumstances that justify approval of its proposals.
- c) The contractor shall, unless it demonstrates that exceptional circumstances exist, be advised by the Employer's Representative that the proposals for constructing the works as they relate to noise and vibration are not acceptable, stating the reasons, as determined by the Group, why they are considered not to comply with the Forth Crossing Act 2011; Environmental Statement; Appropriate Assessment documents; Code of Construction Practice and construction contract, as appropriate. The contractor shall subsequently revise and resubmit its proposals to the Group for further consideration.
- d) If the contractor demonstrates that exceptional circumstances exist in accordance with the construction contract, the Employer's Representative shall, where considered appropriate, approve the contractors' proposals for constructing the works as they relate to noise and vibration.

## **6 Functions**

6.1 The functions of the Noise Liaison Group are to:

- a) take evidence from the contractor on matters relating to construction noise and vibration to support the purpose of the Group;
- b) consider whether the necessary procedures relating to planning construction works are in place and operating effectively and to identify any improvements to the planning procedures;
- c) consider whether construction works are being undertaken in accordance with the Environmental Statement, Appropriate Assessment documents, Code of Construction Practice and construction contract and to identify any areas where investigation or actions are required to provide assurance;
- d) consider proposed monitoring locations and resultant information, any actions taken in respect of noise and vibration monitoring and whether the noise and vibration effects arising from construction activities are in line with the obligation that they are not worse than the residual noise and vibration effects identified in the Environmental Statement;
- e) consider matters relating to public notification of construction works, community consultation, enquiries and complaints regarding noise or vibration, including whether appropriate actions have been taken in respect of each and to identify any improvements to the procedures in place or actions taken;

- f) consider matters brought to the attention of the Employer's Representative by community councils and other community groups for consideration by the Group;
- g) consider any contractors' requests to work outside of normal working hours and allow approval or rejection of such proposals, in accordance with the Code of Construction Practice;
- h) provide the Employer's Representative with sufficient information to allow him to approve or reject the contractors' proposals relating to noise and vibration;
- i) consider, and if necessary review, the maximum noise level criteria in the Code of Construction Practice in accordance with the provisions of section 5.4 of the Code; and
- j) confirm areas where additional local authority consent is required prior to relevant construction works proceeding and review the status of consents requested by the contractors; and
- k) consider any other matter from time to time considered appropriate by the Employer's Representative.