Q1. Transport Scotland has carried out a programme of consultation and engagement with stakeholders on the proposals contained in the Bill. Do you have any comments on the adequacy of this activity?

The Council has no view on this.

Q2. The Bill envisages that a single bridge operating company be appointed to manage and maintain the Forth Road Bridge and the replacement crossing. Do you have any comments on this overall intention and should other alternatives for the management and maintenance of the Forth crossings be considered?

The Council supports the proposed arrangement whereby the management of both bridges falls within the remit of one organisation. A coordinated approach, which places both bridges under the management of a single party, will provide benefits for both strategic planning and the ongoing operation and control of the bridges, including responses to incidents or any emergency works that might be required. The Council is supportive of an arrangement which maximises the potential to maintain consistent and effective operation and traffic flow on all strategic routes to and from the city as this will assist the Council in effectively managing its local road network.

Following construction of the Forth Replacement Crossing, the Forth Road Bridge will operate in conjunction with it as part of the Managed Crossing Strategy. The Council considers the joint operation of both bridges, one for general traffic, and the other for public transport, cycles and pedestrians, as strategically very important to the success of cross forth road transport. Under this arrangement the existing bridge will be the only facility for cyclists and pedestrians to cross the Forth in this area. The Council therefore wishes to reinforce its assertion that it is essential that this arrangement is properly managed and maintained in to the future. The Council also seeks assurances that the existing bridge will be repaired and maintained to its current operational standards on an ongoing basis, with sufficient resources being allocated to facilitate this and therefore ensure the bridge’s longevity.

Q3. The Bill would trunk the road over the Forth Road Bridge and the Schedule to the Bill specifies the precise description of the road that is to become a trunk road. Do you have any comments about this proposal and the description included in the Schedule?

The Council would support the trunking of the road over the Forth Road Bridge as it is a vital strategic link for the whole of the east of Scotland and for the wider UK transport network. Designation as a trunk road would most accurately reflect this status and is considered to be essential if FETA is to be
dissolved. Furthermore, for the same reasons given in our response to Question 2, the Council is supportive of an arrangement where the roads over the Forth Replacement Crossing and the Forth Road Bridge and the associated public transport corridor are all managed by the same organisation that manages the surrounding trunk road network.

Q4. The Bill would dissolve the Forth Estuary Transport Authority and transfer its property, rights and liabilities to the Scottish Government. Do you have any comments about these proposals?

The Council does not object in principle to the dissolution of FETA, but does have significant concerns regarding the lack of any proposed replacement arrangement that would provide elected members from this Council and the other affected Local Authorities to provide input to issues relating to the Forth crossings.

Four elected members of The City of Edinburgh Council sit on the FETA Board and one of these undertakes the role of Convener every second year. The current make up of the Board ensures that the local authorities most affected by the operation of the Forth crossings, are represented at elected member level.

As a key stakeholder in FETA, the Council values the opportunity to influence decisions relating to these issues, particularly those associated with the Forth Road Bridge. These decisions can have significant impacts on both public transport and general traffic, with consequent economic effects on the city of Edinburgh, as well as causing localised impacts for residents in the Queensferry area.

The Council notes the establishment of the Forth Bridges Forum (FBF) in November 2011, meaning the Council will be able to communicate its views at Officer level at FBF meetings. The Council does, however, consider that this represents a significant reduction in its ability to influence decisions relating to the Forth crossings and to ensure that the needs and concerns of affected local communities are given adequate consideration.

To ensure that these communities have a democratic voice, and that meaningful consultation continues to be carried out on an ongoing basis, both with Local Authorities and directly with the affected communities, the Council considers it to be essential that all affected Local Authorities be given the opportunity for elected members to sit on the FBF. This would be a development of current informal arrangements where Officers from Local Authorities attend the FBF.

The Council also notes that both the membership and remit of the FBF are extensive and varied. In addition, the FBF only meets quarterly, whereas the FETA Board currently meets approximately every 2 months. The Council therefore has significant concerns that the FBF, in its current form, may not be the most effective way to address issues which are directly affecting local communities on a day-to-day basis.
Given the above, the Council would therefore seek a formal commitment from Scottish Ministers that the FBF will be reconstituted to include elected members from all affected Local Authorities.

The Council also has financial concerns relating to the dissolution of FETA. These are set out in our response to Question 6 and have also been submitted separately in response to the Finance Questionnaire associated with the Financial Memorandum.

Q5. The Bill provides for employees of the Forth Estuary Transport Authority to be transferred to the bridge operating company appointed by the Scottish Government. Do you have any comments about the impact that this proposal could have on FETA employees?

The Council values the high levels of dedication and professionalism demonstrated by FETA staff in undertaking their duties. It is therefore strongly supportive of the arrangements contained within the Bill to ensure that there will be no compulsory redundancies when FETA is dissolved and that all staff will transfer to the new bridge operating company with their existing terms and conditions protected under the TUPE Regulations. The Council would strongly oppose any suggestion that these arrangements should be modified or removed from the Bill.

Q6. Do you have any comments on the estimated costs associated with the Bill, which are included in the Financial Memorandum? (The Finance Committee will consider the Financial Memorandum in detail and will report to the lead Committee, so any responses to this question will be copied to the Finance Committee.)

The Council has submitted its views on the Financial Memorandum separately. These are reproduced below:

The Financial Memorandum states that The City of Edinburgh Council is expected to sustain “a small reduction in income…in relation to the amounts currently paid by FETA for finance and administrative services”. However, this reduction is expected to be “offset by the freeing up of resources…to devote to other areas”.

The dissolution of FETA will remove the ongoing requirement for the provision of financial services and legal advice and the bi-annual provision of committee clerking services by the Council. The Council also provides estates services; acting on FETA’s behalf for land acquisition, rent reviews and lease renewals. The average annual loss of income to the Council of ceasing to provide these services would be approximately £110,000. However, it is accepted that this would be at least partially offset by the opportunity to re-allocate resources accordingly.
The Council would be able to absorb the annual loss of income due to ceasing to provide FETA with financial services, legal advice, committee clerking and estates services.

The Bill also has potential financial implications for the Council relating to the M9 Spur Extension/A90 Upgrading contract. Although the M9 Spur was made into a trunk road in April 2011, the Council has retained responsibility for all outstanding issues relating to this contract.

The Council undertook this contract acting as an agent for FETA, which has reimbursed all costs incurred by the Council in connection with it. Various costs are still outstanding relating to land acquisition, compensation claims (for noise, disturbance, vibration, smell, fumes etc.) and outstanding contractual issues (road pavement compliance testing, remedial works, renewal of road markings, supervision of outstanding works and retention payments).

The estimated total value of these costs is around £600,000 and it is noted that paragraph 26 of the Financial Memorandum states that Scottish Government accounts will make provision for a liability of this value, in connection with the A8000 dualling, on dissolution of FETA (although the paragraph only refers to a liability for potential land compensation claims).

However, it should be noted that this sum is based on an estimated total settlement value for all compensation claims relating to noise, disturbance, vibration, smell, fumes etc. of £93,000. To date, 180 such claims have been received with a combined value of approximately £4.4 million. It is also possible that other outstanding costs may exceed the values currently estimated.

The Council would therefore seek a formal commitment that Scottish Ministers will reimburse all costs incurred by the Council in connection with this contract following the dissolution of FETA.

The City of Edinburgh Council
1 February 2013