



# Forth Crossing Act 2011

## 2011 asp 2

### PART 1

#### WORKS

#### 1 Power to construct Forth Crossing etc.

(1) Ministers may—

- (a) carry out the principal works, being the works set out in schedule 1 for the construction of a new bridge over the Firth of Forth (“the Forth Crossing”) and for the construction or improvement of associated roads and structures, and
- (b) carry out and maintain the ancillary works, being—
  - (i) such works of the type described in schedule 2, and
  - (ii) such other works of any type,

as Ministers consider necessary or expedient for the purposes of, in connection with, in consequence of or incidental to the carrying out of the principal works or the maintenance of those works under the 1984 Act.

(2) The principal works and the ancillary works are together referred to in this Act as the “Forth Crossing works”.

#### 2 Bridge proportions

Ministers, when carrying out or maintaining the principal works, must ensure—

- (a) that the Forth Crossing provides headroom of not less than 47.85 metres above ordnance datum (Newlyn) between—
  - (i) Central Tower and the North Tower, and
  - (ii) Central Tower and the South Tower,
- (b) that the Central Tower is located on Beamer Rock,
- (c) that there is a clear span between the Central Tower and the North Tower which is not less than 580 metres,
- (d) that there is a clear span between the Central Tower and the South Tower which is not less than 580 metres,
- (e) that the height of the Central Tower does not exceed 220 metres above ordnance datum (Newlyn), and

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- (f) that the height of the North Tower and the South Tower does not exceed 210 metres above ordnance datum (Newlyn).

### **3 Maximum construction height**

Ministers, when carrying out or maintaining the principal works, may not operate above the maximum construction height without the consent of the airport operator of Edinburgh Airport.

“maximum construction height” means—

- (a) for works associated with the Central Tower, 235 metres above ordnance datum (Newlyn), and
- (b) for works associated with the North Tower, the South Tower and any other part of the Forth Crossing, 225 metres above ordnance datum (Newlyn).

### **4 Limits of deviation etc.**

- (1) Subject to sections 2 and 3, Ministers, when carrying out or maintaining the principal works, may—
- (a) deviate laterally from the lines or situations shown on the Parliamentary plans to any extent within the limits of deviation, and
  - (b) deviate vertically from the levels shown on the Parliamentary sections to any extent upwards or downwards.
- (2) Ministers may carry out and maintain the ancillary works only within the Act limits.

### **5 Bridge marking and lighting**

- (1) Ministers must—
- (a) ensure that the Forth Crossing is adequately marked and lit—
    - (i) during construction, and
    - (ii) at all times after construction,
  - (b) maintain the marking and lighting in good working condition (for example, by acting as soon as reasonably practical to rectify any defects or failures which cause the marking and lighting to fall below that standard), and
  - (c) immediately notify the airport operator of Edinburgh Airport of any defect or failure in the marking or lighting which cause it to fall below that standard.
- (2) Ministers must consult the airport operator of Edinburgh Airport on the marking and lighting of the Forth Crossing—
- (a) before construction of the Forth Crossing begins,
  - (b) immediately after construction of the Forth Crossing is complete,
  - (c) before any of the marking or lighting is renewed or replaced (except where done so as an urgent repair or in accordance with routine maintenance), and
  - (d) at other times as they think fit.
- (3) Ministers must comply with any reasonable request notified to them by the airport operator of Edinburgh Airport which—
- (a) concerns the marking and lighting of the Forth Crossing,
  - (b) is made in order to discharge an obligation on the operator which—
    - (i) concerns aviation security and safety, and

- (ii) arises by virtue of any enactment,
- (c) specifies the enactment and any other relevant material by virtue of which the obligation arises, and
- (d) is not inconsistent with any other obligation on Ministers under any enactment.

## **6 Interference with navigation**

- (1) Ministers, when carrying out the Forth Crossing works, may interfere with a right of navigation in the Firth of Forth (within the Act limits) but only—
  - (a) to the extent as may be required to carry out or maintain the Forth Crossing works, or
  - (b) where the Forth Crossing works may endanger navigation.
- (2) The interference with navigation may consist of such steps as Ministers consider necessary, including—
  - (a) controlling navigation,
  - (b) temporary closure of the Firth of Forth, or a part of it, to navigation,
  - (c) carrying out scour protection works,
  - (d) construction of temporary structures,
  - (e) construction of facilities for temporary mooring or anchoring of barges and other vessels,
  - (f) placing, removing or maintaining buoys, beacons or other navigational warning apparatus.
- (3) Ministers must—
  - (a) consult the relevant navigation authority before interfering with a right of navigation, and
  - (b) take reasonable steps to secure that the minimum obstruction, delay or interference is caused to vessels using or intending to use the Firth of Forth.
- (4) Ministers are not liable for any loss arising (including any costs or expenses sustained) as a direct or indirect result of exercising their powers under this section.

## **7 Dredging etc.**

- (1) Ministers, when carrying out or maintaining the Forth Crossing works, may deepen, widen, dredge, scour, cleanse, alter, improve, or blast rock on any part of the bed of the Firth of Forth (within the limits of deviation).
- (2) Ministers may use, appropriate or dispose of anything removed in exercise of the power conferred by this section.

## **8 Marine (Scotland) Act 2010**

No activity authorised by this Act constitutes a licensable marine activity for the purposes of Part 4 of the Marine (Scotland) Act [2010 \(asp 5\)](#).

## **9 Interference with railways**

Ministers must—

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- (a) consult the relevant railway undertaker before beginning any ancillary works which they consider may interfere with a railway, and
- (b) consider any representations by the undertaker on the carrying out of those works.

## **10 Trees and shrubs**

- (1) Ministers may cut down or lop, or cut back the roots of, any tree or shrub near any part of the Forth Crossing works where they consider that such action is reasonably necessary in order to prevent the tree or shrub from—
  - (a) obstructing or otherwise interfering with the carrying out, maintenance or operation of the Forth Crossing works,
  - (b) obstructing or otherwise interfering with any apparatus used in connection with the Forth Crossing works, or
  - (c) constituting a danger to persons carrying out or using the Forth Crossing works.
- (2) Ministers, when taking such action in relation to a tree or shrub, must make reasonable efforts to avoid unnecessary damage to the tree or shrub.
- (3) Neither—
  - (a) a tree preservation order made under section 160(1) of the 1997 Act, nor
  - (b) section 172 of the 1997 Act,has effect in relation to anything Ministers do for the purposes of the Forth Crossing works in relation to a tree, group of trees or woodland.