

2019 No. 418

ROADS AND BRIDGES

**The Renfrewshire Council River Clyde Opening Bridge Scheme
2018 Confirmation Instrument 2019**

Made - - - - *3rd December 2019*

Coming into force in accordance with article 1

The Scottish Ministers make the following Instrument in exercise of the powers conferred by section 75(3)(a) of the Roads (Scotland) Act 1984(a) and of all other powers enabling them to do so.

In accordance with section 76(1) of that Act, they have considered the reasonable requirements of navigation in the waters affected by the Scheme before confirming the Scheme.

They have complied with the requirements of Part II of schedule I of that Act(b) before making the Instrument.

Citation, commencement and interpretation

1. This Instrument may be cited as the Renfrewshire Council River Clyde Opening Bridge Scheme 2018 Confirmation Instrument 2019 and becomes operative on the date on which notice that it has been confirmed is first published in accordance with paragraph 1 of schedule 2 to the Roads (Scotland) Act 1984.

2. In this Instrument “the Scheme” means the Renfrewshire Council River Clyde Opening Bridge Scheme 2018.

Confirmation of the Scheme

3. The Scheme is confirmed with modifications.

(a) 1984 c.54. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
(b) Part II of schedule 1 was amended by the Local Government etc (Scotland) Act 1994 (c.39), schedule 13, paragraph 135, S.S.I. 1999/1, the Water Industry (Scotland) Act 2002 (asp 3), schedule 7, paragraph 14, S.S.I. 2006/614, the Transport and Works (Scotland) Act 2007 (asp 8), section 24(4)(b), schedule 2, paragraph 3(b) and schedule 3, S.S.I. 2011/396 and S.S.I. 2017/137.

4. The Scheme as modified and confirmed is set out in the schedule.

Buchanan House,
Glasgow
3rd December 2019

H GILLIES
A member of the staff of the Scottish Ministers

SCHEDULE

Article 4

ROADS (SCOTLAND) ACT 1984

THE RENFREWSHIRE COUNCIL RIVER CLYDE OPENING BRIDGE SCHEME 2018 CONFIRMATION INSTRUMENT 2019

Renfrewshire Council, in exercise of the powers conferred on them by section 75(3)(a) of the Roads (Scotland) Act 1984, and of all other powers enabling them in that behalf, and having complied with the provisions of Parts II and III of Schedule 1 to the said Act hereby makes the following Scheme:

1. This Scheme may be cited as “The Renfrewshire Council River Clyde Opening Bridge Scheme 2018” and shall come into force on the date on which notice that it has been confirmed is first published in accordance with Paragraph 1 of Schedule 2 to the Roads (Scotland) Act 1984.

2. Renfrewshire Council as roads authority is, by means of this Scheme, hereby authorised to construct along the route described in Schedule 1 to this Scheme, as a public road, an opening bridge over the navigable waters of the River Clyde, between Renfrew and Yoker, in accordance with Schedule 2 to this Scheme.

3. Schedule 3 to this Scheme shall have effect for the purposes of regulating the operation of the opening bridge for the passage of vessels.

SCHEDULE 1 TO THE SCHEME
THE ROUTE OF THE PUBLIC ROAD

From a point on the south bank of the River Clyde in a generally northerly direction across the River Clyde from Renfrew in Renfrewshire for a distance of 184 metres or thereby to a point on the north bank of the River Clyde at Yoker in the City of Glasgow as shown by the drawing numbered 117086-CH-SSP-00-DR-S-00001-P02.2 entitled “Proposed Clyde Crossing Planning Arrangement” signed with reference to this Scheme and deposited at the Renfrewshire Council Customer Service Centre, Renfrewshire House, Cotton Street, Paisley, PA1 1JD.

SCHEDULE 2 TO THE SCHEME
SPECIFICATION OF THE RIVER CLYDE OPENING BRIDGE
BETWEEN RENFREW AND YOKER

Points of Commencement and Termination

In Renfrewshire from a point on the south bank of the River Clyde west of Lobnitz Dock in Renfrew to a point on the north bank of the River Clyde at Yoker east of Rothesay Dock, all as shown on drawing 117086-SWECO-HML-00-DR-D-40010-P01.7 entitled “Clyde Crossing & Southern Approach Plan & Profile” and on drawing 117086-SWECO-HML-00-DR-40011-P01.8 entitled “Northern Approach & Dock Street Plan & Profile” signed with reference to this Scheme and deposited at the Renfrewshire Council Customer Service Centre, Renfrewshire House, Cotton Street, Paisley, PA1 1JD.

Span

A support on each shore with a minimum clear span of 90 metres between each as shown on drawing 117086-CH-SSP-00-DR-S-00001-P02.2 entitled “Proposed Clyde Crossing Planning Arrangement” signed with reference to this Scheme and deposited at the offices of the Renfrewshire Council Customer Service Centre, Renfrewshire House, Cotton Street, Paisley, PA1 1JD.

Headway

5.51 metres minimum clearance above mean high water springs and 2.83 metres minimum clearance above a 1 in 200 year flood event level during periods when the Bridge is in use by road traffic and 47 metres minimum clearance above mean high water springs when the Bridge is in a fully open position for the passage of vessels, as shown on drawing 117086-CH-SSP-00-DR-S-00001-P02.2 and 117086-CH-SSP-00-DR-S-00002-P02.2 entitled “Proposed Clyde Crossing Planning Arrangement” signed with reference to this Scheme and deposited at the offices of the Renfrewshire Council Customer Service Centre, Renfrewshire House, Cotton Street, Paisley, PA1 1JD.

Waterway

Minimum clearance between supports for the Bridge of 90 metres width or thereby when the Bridge is in a fully open position for the passage of vessels as shown on drawing 117086-CH-SSP-00-DR-S-00002-P02.2” entitled “Proposed Clyde Crossing Planning Arrangement” signed with reference to this Scheme and deposited at the offices of the Renfrewshire Council Customer Service Centre, Renfrewshire House, Cotton Street, Paisley, PA1 1JD.

SCHEDULE 3 TO THE SCHEME

OPERATIONAL PROVISIONS

For the purposes of this Schedule, the following definitions shall have effect:

“Advance Notification” means a notification to the effect that an Opening Notification is likely to be issued in respect of the relevant Vessel within 4 hours of the issue of the Advance Notification.

“Category 1 Vessel” means a vessel with a length overall greater than 160 metres or a beam greater than 23 metres.

“Category 2 Vessel” means a vessel with a length overall of 160 metres or less and a beam of 23 metres or less other than a Category 3 or Category 4 Vessel and includes a tug with a tow.

“Category 3 Vessel” means any leisure vessel (which shall not include a passenger vessel for which passengers pay a fare).

“Category 4 Vessel” means a tug without a tow.

“Council” means Renfrewshire Council constituted under the Local Government etc. (Scotland) Act 1994 and having its Principal Office at Renfrewshire House, Cotton Street, Paisley, PA1 1WB as roads authority for the area of Renfrewshire in terms of the Roads (Scotland) Act 1984 and its successors as roads authority for the Bridge.

“Excessive Wind Condition” means where wind speed (as measured at the anemometer owned and operated by Port Authority at KGV Dock) has recorded an average speed (excluding gusts) of more than 30 knots over the preceding 30 minutes.

“Layby Berth” means the layby berth in the River Clyde as shown indicatively on drawing 117806-SWEC)-SSP-00-DR-S-43000 Revision P02.2.

“Navigation Channel” means the buoyed channel of the River Clyde marked by lateral buoys and having its western (seaward) terminus at the starboard hand lateral buoy Number 1 lying off Greenock Ocean Terminal.

“Opening Notification” means a notification given in respect of a Vessel specifying the Opening Time that it requires the Bridge to be open (and excluding any Advance Notification where one is required).

“Opening Time” means the time when the Vessel requires the Bridge to be open as specified in an Opening Notification.

“Port Authority” means Clydeport Operations Limited incorporated under the Companies Acts(a) and having its Registered Office at 16 Robertson Street, Glasgow as harbour authority and pilotage authority for the River Clyde in terms of the Clyde Port Authority Order Confirmation Act 1965(b) and the Harbours Act 1964(c) (who and whose successors as harbour authority and pilotage authority are hereinafter referred to as the **“Port Authority”**).

Category 1 Vessels inbound

1. The following provisions shall apply in respect of Category 1 Vessels inbound:

- (a) the Council shall cause the Bridge to be open at the time specified in an Opening Notification so as to enable the relevant Vessel to transit the Bridge at any time after the Opening Time without having to stop, delay or use the Layby Berth and the Bridge shall remain open until the relevant vessel shall have completed its transit of the Bridge and it is safe to close the Bridge provided that an Opening Notification shall have been given to the Council not later than 3 hours prior to the Opening Time,

(a) Registered company number SC134759.

(b) 1965 c.xlv.

(c) 1964 c.40.

- (b) the Opening Time stated in the Opening Notification will be the anticipated time when the vessel will be at a location just before the Vessel enters the Navigation Channel, and able to safely abort entry to the channel. The Vessel may elect not to enter the Navigation Channel until such time as the Bridge has been confirmed as open,
- (c) if there is any change to the travel plans for the vessel which would change the Opening Time already indicated in an Opening Notification, this information will be relayed to the Council. The responsibility for relaying such information shall rest with the party issuing the Opening Notification.

Category 1 Vessels outbound

2. The following provisions shall apply in respect of Category 1 Vessels outbound:

- (a) the Council shall cause the Bridge to be open at such time as is specified in an Opening Notification so as to enable the Vessel to transit the Bridge at any time after the Opening Time without having to stop or delay and the Bridge shall remain open until the relevant Vessel has completed its transit of the Bridge and it is safe to close the Bridge provided that—
 - (i) an Advance Notification shall have been given to the Council not less than 3 hours prior to the Opening Time, and
 - (ii) an Opening Notification shall have been given to the Council not less than 30 minutes prior to the Opening Time,
- (b) the Opening Time stated in the Opening Notification will be the anticipated time of commencement of unmooring of the Vessel and just prior to setting off,
- (c) if there is any change to the travel plans for the vessel which would change the Opening Time already indicated in an Advance Notification or Opening Notification, this information will be relayed to the Council. The responsibility for relaying such information shall rest with the party issuing the Opening Notification.

Category 2 Vessels (inbound and outbound)

3. The following provisions shall apply in respect of Category 2 Vessels inbound and outbound:

- (a) the Council shall cause the Bridge to be open at such time as is specified in an Opening Notification so as to enable the Vessel to transit the Bridge at any time after the Opening Time without having to stop, delay or use the Layby Berth and the Bridge shall remain open until the relevant Vessel has completed its transit of the Bridge and it is safe to close the Bridge provided that—
 - (i) an Advance Notification shall have been given to the Council not less than 3 hours prior to the Opening Time,
 - (ii) a second Advance Notification shall have been given to the Council not less than 30 minutes prior to the Opening Time, and
 - (iii) an Opening Notification shall have been given to the Council by the vessel when the vessel is around Erskine Bridge (inbound), around BAE Govan (outbound departing upstream of BAE Govan except PS Waverley) and after commencement of unmooring (all other outbound),
- (b) the Opening Time stated in the Opening Notification will be the anticipated time when the Vessel will be around Erskine Bridge (inbound), around BAE Govan (outbound departing upstream of BAE Govan except PS Waverley) and after commencement of unmooring (all other outbound),
- (c) if there is any change to the travel plans for the vessel which would change the Opening Time already indicated in an Advance Notification or Opening Notification, this information will be relayed to the Council. The responsibility for relaying such information shall rest with the party issuing the Opening Notification.

Category 3 Vessels (Leisure Vessels)

4. The following provisions shall apply in respect of Category 3 Vessels inbound and outbound:
- (a) the Council shall cause the Bridge to be open at the time specified in an Opening Notification so as to enable the relevant Vessel to transit the Bridge at any time after the Opening Time and the Bridge shall remain open until the relevant Vessel shall have completed its transit of the Bridge and it is safe to close the Bridge provided that:
 - (i) the Vessel shall have given a first Advance Notification to the Council not less than 3 hours prior to the Opening Time,
 - (ii) the Vessel shall have given a second Advance Notification to the Council not less than 1 hour prior to the Opening Time, and
 - (iii) the Vessel shall have given an Opening Notification when the Vessel is around Rothesay Dock entrance (inbound) or around Renfrew Ferry slipway (outbound).
 - (b) the Opening Time stated in the Opening Notification will be the anticipated time when the Vessel will be around Rothesay Dock entrance (inbound) or around Renfrew Ferry slipway (outbound),
 - (c) if there is any change to the travel plans for the vessel which would change the Opening Time already indicated in an Advance Notification or Opening Notification, this information will be relayed to the Council. The responsibility for relaying such information shall rest with the party issuing the Opening Notification.

Category 4 Vessels (inbound and outbound)

5. The following provisions shall apply in respect of Category 4 Vessels inbound and outbound:
- (a) the Council shall cause the Bridge to be open at the time specified in an Opening Notification so as to enable the relevant Vessel to transit the Bridge at any time after the Opening Time without having to stop, delay or use the Layby Berth and the Bridge shall remain open until the relevant vessel shall have completed its transit of the Bridge and it is safe to close the Bridge provided that:
 - (i) the Vessel shall have given an Advance Notification to the Council not less than 2 hours prior to the Opening Time (save where the Vessel requires to transit the Bridge with less notice to deal with an unplanned move or emergency), and
 - (ii) a second Advance Notification shall have been given to the Council not later than 30 minutes prior to the Opening Time,
 - (iii) the Vessel shall have given an Opening Notification when the Vessel is around Rothesay Dock entrance (inbound) or around Renfrew Ferry slipway (outbound),
 - (b) the Opening Time stated in the Opening Notification will be the anticipated time when the Vessel will be around the entrance to Rothesay Dock (inbound) or around Renfrew Ferry slipway (outbound),
 - (c) if there is any change to the travel plans for the vessel which would change the Opening Time already indicated in an Advance Notification or Opening Notification, this information will be relayed to the Council. The responsibility for relaying such information shall rest with the party issuing the Opening Notification.

Notice Procedure

- 6.
- (a) an Opening Notification or an Advance Notification may be given by the master or skipper or pilot of any Vessel or by the Port Authority on behalf of any master, skipper or pilot,
 - (b) a notice may be validly given by verbal communication on VHF Channel 12 or by email to an email address which shall be constantly monitored by the Council, failing which by mobile telephone to a number specified by the Council which mobile telephone will be

constantly monitored by the Council: such email address and mobile telephone number (and any change to such and the effective time and date of any change) shall at all times be published on the Council's website in a manner which can be readily identified and found by a party navigating the Navigation Channel; in addition the Council shall notify such email address, mobile telephone number and any change to such to the Port Authority in writing not less than 7 days before the effective time of any change (save where it is not possible to give such notice in which case the Council shall do so as soon as reasonably practicable) so that the Port Authority may publish such information by means of a Port Information Notice or a Notice to Mariners as the Port Authority may see fit,

- (c) the Council will promptly acknowledge receipt of any Advance Notification or Opening Notification following receipt by the Council, such acknowledgement to be issued by the same means of communication as was used by the person issuing the relevant notification, failing which by one of the other permitted methods of communication.

Communications Protocol and Emergency Procedures

7. The Council shall establish a communications protocol and emergency procedures to be adopted in the event that the Bridge may fail to open in consultation with the Port Authority; when such protocol and procedures (hereinafter "the protocol") shall have been established, the Council shall procure that the protocol shall at all times be published on the Council's website in a manner which can be readily identified and found by a party navigating the Navigation Channel; in addition the Council shall where reasonably practicable to do so notify the protocol and any change to the protocol to the Port Authority in writing not less than 14 days before the effective time of any change so that the Port Authority may publish such change by means of a Port Information Notice or a Notice to Mariners as the Port Authority may see fit.

Excessive Wind

8. The Council shall be exempt from any requirement to comply with paragraphs 1 to 5 of this Schedule during the period of any Excessive Wind Condition.

Signage

9. The Council shall publish and maintain in a prominent position at each end of the Bridge, and such other positions as reasonably necessary to attract the attention of vessel operators and users of the Bridge, notices setting out the arrangements for the opening of the Bridge.

Shipping traffic to have priority to road traffic

10. The passage of vessels through the Navigation Channel shall have priority over the demands of road traffic using the Bridge and the associated road network and it is not intended that vessels on passage shall require to use the Layby Berth or otherwise alter their passage plans to accommodate the requirements of road traffic.

No charges to shipping

11. The Council will levy no charge in respect of the opening of the Bridge to either the Port Authority or to any vessel owner or operator, cargo owner or master or crew of any vessel transiting the Bridge.

Council to operate Bridge at all times

12. The Council shall operate the Bridge on a continuous basis at all times of the day and night, every day of the year; and shall cause two suitably experienced linesmen to be available on the Layby Berth to take the lines of any vessel in the event of the Bridge not opening as required by paragraphs 1 to 5.

EXPLANATORY NOTE

(This note is not part of the Instrument)

This Instrument confirms the Renfrewshire Council River Clyde Opening Bridge Scheme 2018.

The Scottish Ministers have modified paragraph 12 of schedule 3 of the Bridge Scheme as follows—

1. In the heading, “24/7/365” has been changed to “at all times”.
2. “24/7/365 basis at all times of the day and night” has been changed to “on a continuous basis at all times of the day and night, every day of the year”.