



## Annex 2 - Relevant Legislation

Environmental Legislation	Summary of Relevance to the Site
<b>Hazardous Substances</b>	
Control of Substances Hazardous to Health (COSHH) Regulations 2002 (and amended 2003, 2004)	The COSHH regulations provide a legal framework for controlling people's exposure to all 'very toxic, toxic, harmful, corrosive or irritant' substances and apply to all places of work. There are various requirements including an assessment of the risk to the health of employees arising from their work and what precautions are needed, introduction of appropriate measures to prevent or control the risk (ensuring that measures of control do not increase the overall risk to health and safety), use of control measures and maintenance of equipment.
<b>Waste</b>	
The Waste (Scotland) Regulations 2012	These Regulations provide for the collection, transport and treatment of dry recyclable waste and food waste, and for related matters.
Environmental Protection (Duty of Care) Regulations 1991 (amended 2003)	<p>A legal duty of care is imposed on anyone – from producers to carriers and disposers of waste, to ensure that:</p> <ul style="list-style-type: none"> <li>• Waste is not illegally disposed of or dealt with without a licence or in breach of a licence or in any way that causes pollution or harm;</li> <li>• Waste is transferred only to an 'authorised person', i.e., a local authority, registered carrier or a licensed disposer; and</li> <li>• When waste is transferred, it is accompanied by a full written description which forms part of a waste transfer note (or consignment note for hazardous wastes).</li> </ul> <p>All persons subject to duty of care are required to ensure that neither they nor any other person commit an offence under the Regulations.</p>
Environmental Protection Act (EPA) 1990: Part 2 – Waste on Land (amended 2010)	This Act builds on the system put in place by the Control of Pollution Act with stricter licensing controls and other provisions aimed at ensuring waste handling, disposal and recovery operations do not harm the environment. It reorganised Local Authority responsibilities for waste management, introduced a duty of care for producers and handlers of waste and described the offences of unauthorised storage, treatment and disposal of waste.
Environmental Protection Act (EPA) 1990: Part 2a	The section of the EPA created by the Environment Act 1995 setting out the legislative framework for identifying and dealing with contaminated land.
Environment Act 1995	Inserted Part '2a' to the EPA 1990 giving powers and responsibilities to Local Authorities regarding contaminated land.
<b>Discharge to Water / Land</b>	
Water Industry Act 1999	The Act prohibits certain discharges to sewers including: Any matter likely to injure the sewer or interfere with the free flow of its contents or to affect the treatment, disposal of its contents;



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	<p>Liquid waste or steam at a temperature higher than 110°F or any other chemical waste which is dangerous, a nuisance or prejudicial to health;</p> <ul style="list-style-type: none"> <li>• Any petroleum spirit; and</li> <li>• Calcium carbide.</li> </ul> <p>Trade effluents may be discharged into public sewers only with the consent, or by agreement with, the sewerage undertaker (i.e., local water company). The consent may stipulate conditions relating to:</p> <p>Nature or composition of the effluent;</p> <ul style="list-style-type: none"> <li>• Maximum daily volume allowed;</li> <li>• Maximum daily rate of flow; and</li> <li>• Sewer into which the effluent is discharged.</li> </ul>
<p>Water Resources (Scotland) Act 2013</p>	<p>An Act of the Scottish Parliament to make provision for the development of Scotland’s water resources; to bring large-scale water abstraction under Ministerial control; to extend Scottish Water’s functions and to authorise grants and loans in favour of related bodies; to permit the taking of steps for the sake of water quality; to create contracts for certain non-domestic water and sewerage services; to protect the public sewerage network from harm and to allow for maintenance of private sewage works; to enable the making of water shortage orders; and for connected purposes.</p>
<p>Water Environment and Water Services (Scotland) Act 2003</p>	<p>An Act of the Scottish Parliament to make provision for protection of the water environment, including provision for implementing European Parliament and Council Directive 2000/60/EC; to amend the Sewerage (Scotland) Act 1968 and the Water (Scotland) Act 1980 in relation to the provision of water and sewerage services; and for connected purposes.</p>
<p>Groundwater Regulations 1998 (amended 2009)</p>	<p>The Regulations transpose the requirements of the Groundwater Directive into UK legislation. The Regulations aim to prevent and limit the pollution of groundwater by certain listed substances or groups of substances. The listed substances are the same as those in the Groundwater Directive. The Regulations aim to prevent entry of List I substances into groundwater and prevent groundwater pollution by List II substances.</p> <p>The direct or indirect discharge of List I or II substances must be subject to prior investigation and authorisation. The Regulations also allow notices to be served to control activities which might lead to an indirect discharge of List I substances or groundwater pollution by an indirect discharge of substances in List II.</p>
<p><b>Emissions to Air / Noise</b></p>	
<p>Control of Pollution Act (COPA) 1974 (Sections 60, 61) (amended 1989)</p>	<p>Section 60 of COPA gives powers to the Local Authority to control noise and vibration from construction Sites. The basis of the COPA legislation is that Best Practical Means should be used to control noise and vibration pollution.</p> <p>Control is by service of an abatement notice (under S60) on the person responsible for the noise requiring specific controls to minimise noise and vibration. The notice may specify types of plant and machinery, hours of work, boundary noise levels, etc.</p>



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	Section 61 provides for OCU to apply to the Local Authority for consent before works commence. This protects the contractor from action by the local authority under S60, but not from individual residents' complaints.
Clean Air Act 1993	The Act prohibits, subject to certain conditions, the emission of dark and black smoke from chimneys serving boilers and other industrial plant. Limits also apply to dust, grit, sulphur and car fume emissions. All new furnaces shall be so far as practicable, smokeless. The Local Authority is empowered to undertake an examination of a plant likely to be causing air pollution, considering the possible relevance of statutory exemptions.
Noise and Statutory Nuisance Act 1993	This Act amends the Environmental Protection Act (EPA) 1990 to make noise emitted from vehicles, machinery or equipment in the street a statutory nuisance. It gives the Local Authority powers to serve an abatement notice on the person responsible.
Noise Act 1996	Introduces a new procedure for Local Authorities to seize noisy equipment, in relation to statutory nuisance offences under the EPA 1990.
Control of Noise at Work Regulations 2005	Requires that all employers must assess the exposure and therefore of the risk of their employees to noise where they have reason to believe that any of the specified action levels for various noise exposures is or could be exceeded.
Construction Plant and Equipment (Harmonisation of Noise Emission Standards) Regulations 1985 (as amended 1995)	Provides for examination and certification of construction plant that comply with noise emission standards. The Regulations require that plant is certified by approved bodies. Various types of plant manufactured after the dates of the regulations are to meet noise emission standards and are certified as such.
Environmental Protection Act (EPA) 1990: Part 3 – Statutory Nuisance (section 80)	When a complaint of statutory nuisance is made to the Local Authority by a person living in its area, the Authority must take steps to investigate the nuisance. Statutory nuisances include any premises maintained in such a state to be prejudicial to health or a nuisance; any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance. Noise emitted from premises to be prejudicial to health or a nuisance.
BS 5228-1:2009 Code of practice for noise and vibration control on construction and open Sites. Noise	Recommends basic methods to control noise on construction and open Sites with significant noise levels arising from work activities/operations.
BS 5228-2:2009 Code of practice for noise and vibration control on construction and open Sites. Vibration	Recommends basic methods to control vibration on construction and open Sites with significant vibration levels arising from work activities/operations.
Health and Safety at Work Act 1974	<p>The primary piece of legislation covering occupational health and safety in Great Britain. It's sometimes referred to as HSWA, the HSW Act, the 1974 Act or HASAWA.</p> <p>It sets out the general duties which:</p> <ul style="list-style-type: none"> <li>• employers have towards employees and members of the public;</li> <li>• employees have to themselves and to each other; and</li> </ul>



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	<ul style="list-style-type: none"> <li>• certain self-employed have towards themselves and others.</li> </ul>
Air Quality Monitoring in the Vicinity of Demolition and Construction Sites (IAQM, 2012)	This document provides updated guidance on air quality monitoring in the vicinity of demolition and construction Sites.
<b>Vehicles</b>	
Road Vehicles (Construction and Use) Regulations 1986 (as amended 2020)	It is an offence to use a vehicle if it is emitting 'smoke, visible vapour, grit, sparks, cinders or oily substances' in such a way as is likely to cause 'damage to any property or injury to any person'. It is an offence to use a vehicle in such a way as to cause excessive noise.
Road Traffic (Vehicle Emissions) (Fixed Penalty) Regulations 1997 (as amended 2002 and 2003)	<p>These Regulations give powers to Local Authorities to enforce vehicle emission standards at the roadside as part of the implementation of the national air quality strategy.</p> <p>Under the Regulations, Local Authorities may issue fixed penalty notices to users of vehicles that do not comply with emissions standards set in the Road Vehicles (Construction and Use) Regulations 1986 as amended. Appropriately trained Local Authority officers can test emissions from vehicles with the help of a uniformed police officer to stop the vehicle. The Local Authority officer may also issue a fixed penalty notice to drivers who leave their engines running unnecessarily.</p>
EU Directive 97/68/EC Requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery	This Directive makes provision on emission standards and type-approval procedures for engines to be installed in non-road mobile machinery.
EU Directive 98/69/EC Relating to measures to be taken against air pollution by emissions from motor vehicles	Amends the Annexes to Directive 70/220/EEC relating to measures to be taken against air pollution by emissions from motor vehicles.
<b>Biodiversity</b>	
Wildlife and Countryside Act 1981	<p>The Act deals with the protection of certain animals, birds and species of flora, as well as providing power to protect habitats, and Sites of special scientific interest.</p> <p>It lists the protected animals and plants. Any activity that could result in the killing or injuring of animals or plants could breach the Act. When developing any Site, care and caution must be taken to ensure habitats are not damaged.</p> <p><b>Invasive non-native species</b></p> <p>It is an offence to release or allow to escape into the wild, any;</p> <ul style="list-style-type: none"> <li>• animal;</li> <li>• plants or otherwise cause to grow in the wild any plant.</li> </ul> <p>Details are set out in Schedule 9, this includes species of crayfish, Japanese knotweed and Himalayan Balsam.</p> <p>When these species are present you must take reasonable steps to control them to stop them spreading.</p>



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<p>Conservation of Habitats and Species Regulations SI 2017/1012</p>	<p>These regulations provide for the:</p> <ul style="list-style-type: none"> <li>• designation and protection of European Sites;</li> <li>• protection of European protected species;</li> <li>• adaptation of planning and other controls to protect European Sites.</li> </ul> <p>They provide for the safeguarding of protected European animals and plants in Great Britain. They make it an offence, subject to exceptions, to:</p> <ul style="list-style-type: none"> <li>• capture, injure or kill any wild animal of a European protected species;</li> <li>• Deliberately disturb wild animals of any such species;</li> <li>• Deliberately take or destroy the eggs of such an animal; or</li> <li>• Damage or destroy a breeding Site or resting place of such an animal.</li> </ul>
<p>Conservation (Natural Habitats etc.) Regulations SI 1994/2716</p>	<p>The Regulations designate Sites as special areas of conservation and introduce management agreements which maintain these Sites and remove the threat of their degradation and destruction, by restricting potentially damaging operations.</p> <p>They also provide powers to make bylaws which prevent the entry or movement into a Site and the killing or taking of wildlife protected by European law and the disturbance of their habitats, breeding grounds and surrounding vegetation. Similar provisions are also issued for plants.</p> <p>There are exemptions to certain regulations, which are fully outlined.</p>
<p>The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010</p>	<p>Tree preservation orders can be created under the Town and Country Planning Act.</p> <p>The Regulations contain, amongst other things, the procedure connected to making appeals against such orders as well as the procedure connected to applying for consent to cut down, top, lop or uproot trees protected by a tree preservation order.</p> <p>Applications for consent must be on a form issued by the Secretary of State and must include the required details and documents.</p>
<p>National Parks and Access to the Countryside Act 1949</p>	<p>The Act makes provision for:</p> <ul style="list-style-type: none"> <li>• national parks;</li> <li>• the maintenance of nature reserves;</li> <li>• the recording, creation, maintenance and improvement of public paths; and</li> <li>• access to open country.</li> </ul>
<p>Protection of Badgers Act 1992</p>	<p>The Act establishes provisions relating to badgers, which make it an offence to intentionally kill, injure, ill-treat or take them, unless under strict conditions.</p>
<p>Wild Mammals (Protection) Act 1996</p>	<p>This Act makes it an offence to mutilate, kick, beat, nail (or otherwise impale), stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.</p>



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Countryside and Rights of Way Act 2000	The Act provides additional levels of protection for wildlife. Schedule 12 of the Act amends the Wildlife and Countryside Act 1981, strengthening the legal protection for threatened species. The provisions make certain offences 'arrestable', create a new offence of 'reckless' disturbance, confer greater powers to police and wildlife inspectors for entering premises and obtaining wildlife tissue samples for DNA analysis, and enable heavier penalties on conviction of wildlife offences.