

## A96 Corridor Review SEA: Legislation Review

### 1.1 Introduction

A wide range of legislation is relevant to the nine principal environmental topics considered in the SEA, as listed in Chapter 1 of the main Scoping Report. This legislation is summarised in section 1.2.

### 1.2 Legislation

Legislation	Summary of Document	Relevant SEA Topics
Climate Change (Emissions Reduction Targets) (Scotland) Act, 2019	The Act sets targets to reduce Scotland's emissions of all greenhouse gases to net-zero by 2045 at the latest, with interim targets for reductions of at least 56% by 2020, 75% by 2030, 90% by 2040.	Climatic Factors
Local Air Quality Management Act (Part of the Environment Act 1995)	Sets out duties requiring local authorities to review and assess air quality in their area with the reviews forming the cornerstone of the system of local air quality management.	Climatic Factors, Air Quality
Air Quality Standards (Scotland) Regulations 2010, transposing the EU Ambient Air Quality Directive (2008/50/EC)	These set limits and targets for several airborne pollutants with implications for human health, including carbon monoxide, oxides of nitrogen, Sulphur dioxide, and particulates.	Air Quality, Population and Human Health including Noise and Vibration
Equality Act 2010	The Equality Act 2010 requires public authorities to work to eliminate discrimination and promote equality in all their activities. Under Section 149 of the Equality Act a public authority has a duty to ensure that all decisions are made in such a way as to minimise unfairness, and do not have disproportionately negative impacts on people because of their protected characteristics or background.	Population and Human Health
Fairer Scotland Duty (2018)	The Fairer Scotland Duty Part 1 of the Equality Act 2010 went into force in Scotland from April 2018. It places a legal responsibility on certain bodies in Scotland to	Population and Human Health

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	<p>actively consider ('pay due regard' to) how they can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. Local Authorities are considered covered by the Duty.</p> <p>The guidance is currently 'interim' as the Scottish Government want the final guidance to be developed with public bodies that have experience of working on the Duty. The Duty will be subject to a three-year implementation phase in which there will be interaction with the Equality and Human Rights Commission (The Duty Regulator).</p> <p>In order for public bodies to fulfil their obligations under the Duty, they must meet key requirements: To actively consider how they would reduce inequalities of outcome in any major strategic decision they make; and to publish a written assessment, showing how they've done this.</p>	
<p>EC Ambient Air Quality Directive (2008/50/EC)</p>	<p>This Directive is transposed via the Air Quality Standards (Scotland) Regulations 2010 and these set limits and targets for several airborne pollutants including carbon monoxide, oxides of nitrogen, sulphur dioxide, and particulates. The Regulations also satisfy the mandate of the EC's 4th Air Quality Daughter Directive (2004/107/EC), which applies limits to ambient concentrations of certain heavy metals and polycyclic aromatic hydrocarbons.</p>	<p>Air Quality, Population and Human Health</p>
<p>Air Quality (Scotland) Regulations 2000, Air Quality (Scotland) Regulations 2022 and Air Quality (Scotland) Regulations 2016</p>	<p>Sets objectives for several airborne pollutants with implications for human health under the Environment Act 1995.</p>	<p>Air Quality, Population and Human Health</p>
<p>The Pollution Prevention and Control (Scotland) Regulations 2012</p>	<p>Allows for the regulation and monitoring of certain industrial activities that can generate airborne pollution.</p>	<p>Air Quality, Population and Human Health</p>

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Council Directive 79/409/EEC on the conservation of wild birds / Directive 2009/147/EC (codified version)	Relates to the long-term conservation of all species of naturally occurring birds in the wild state across European Member States. Applies to factors with potential to affect birds, including human activity leading to habitat destruction and pollution. Allows for designation of special protection areas, as part of a coherent ecological network (the Natura 2000 network).	Biodiversity, Flora and Fauna
Council Directive 92/43/EEC the conservation of natural habitats and of wild fauna and flora	Aims to promote the maintenance of biodiversity as part of sustainable development. Allows for designation of special areas of conservation, as part of a coherent ecological network known as the Natura 2000 network. Notes that land-use planning, and development policies should encourage the management of features of the landscape which are of major importance for wild fauna and flora. Also requires an appropriate assessment to be made of any plan or programme likely to have a significant effect on the conservation objectives of a designated site.	Biodiversity, Flora and Fauna
Wildlife and Countryside Act 1981	The Act gives protection to native species, controls the release of non-native species, enhances the protection of Sites of Special Scientific Interest (SSSI) and builds upon the rights of way rules.	Biodiversity, Flora and Fauna
Nature Conservation (Scotland) Act (2004)	Places a duty on public bodies and officeholders to make provisions for biodiversity conservation when carrying out any activity. It puts restrictions on any activities which might damage a protected feature of a SSSI and requires consent from NatureScot (although there are exceptions to this, of which Planning Permission under Part III of the Town and Country Planning (Scotland) Act 1997 is one). In addition, it covers the creation of Nature Conservation Orders and Land Management Orders, prohibiting certain activities on certain land.	Biodiversity, Flora and Fauna
Wildlife and Natural Environment (Scotland) Act 2011	Draws together and updates legislation on nature conservation. Focuses on a series of key measures relating to certain land management activities.	Biodiversity, Flora and Fauna
EU's Water Framework Directive (2000/60/EC)	Introduced as a more comprehensive approach to managing and protecting Europe's water bodies including rivers, lochs, transitional waters, coastal waters, and groundwater resources. The WFD sets out a	Water Environment

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	<p>requirement for an assessment of both chemical and ecological status, alongside the requirement to consider the status of bringing all European waters to “good ecological chemical status”. The Directive was transposed into Scottish law by the WEWS Act 2003.</p>	
<p>Water Environment and Water Services (Scotland) Act 2003</p>	<p>The aim of the Act is to protect the water environment by implementing the Water Framework Directive 2000/60/EC and its daughter Directives, Priority Substances Directive (2008/105/EC) and Groundwater Directive (2006/118/EC). The Act seeks to promote sustainable water use, reduce discharges and emissions as well as reduce the pollution of groundwater.</p>	<p>Water Environment</p>
<p>Water Environment and Water Services (WEWS) (Scotland) Act 2003</p>	<p>Scotland fulfils its water protection obligations under the WFD primarily through WEWS which defines the establishment of River Basin Management Plans. These plans aim to improve the environment status of water bodies and generally reduce adverse impacts on the water environment.</p>	<p>Water Environment</p>
<p>Flood Risk Management (Scotland) Act 2009</p>	<p>The Act sets out a more sustainable approach to flood risk management. The Act includes the following specific measures:</p> <ul style="list-style-type: none"> <li>A framework for coordination and cooperation between all organisations involved in flood risk management;</li> <li>Assessment of flood risk and preparation of flood risk management plans;</li> <li>New responsibilities for SEPA, Scottish Water and local authorities in relation to flood risk management;</li> <li>A revised, streamlined process for flood protection schemes;</li> <li>New methods to enable stakeholders and the public to contribute to managing flood risk, and;</li> <li>A single enforcement authority for the safe operation of Scotland’s reservoirs.</li> </ul>	<p>Water Environment</p>
<p>Islands (Scotland) Act 2018</p>	<p>The purpose of the Act is to make provision for a National Islands Plan, to impose duties in relation to island communities on certain public authorities, to make provision about the electoral representation of island communities, and to establish a licensing scheme in respect of marine development adjacent to islands. The purpose of a future national islands plan is to set out the</p>	<p>Population and Human Health</p>

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	<p>main objectives and strategy of the Scottish Ministers in relation to improving outcomes for island communities. In addition, the Act requires Scottish Ministers to prepare an island communities impact assessment in relation to legislation which would affect an island community.</p>	
<p>Historic Environment Scotland Act 2014</p>	<p>The Historic Environment Scotland Act 2014 sets out Historic Environment Scotland's role and legal status, including changes in processes for the designation of monuments and buildings (scheduling and listing) and for consents relating to scheduled monuments, listed buildings and conservation areas.</p>	<p>Cultural Heritage</p>
<p>Transport (Scotland) Act 2019</p>	<p>The Transport (Scotland) Act 2019 aims to make Scotland's transport network cleaner, smarter and more accessible by empowering local authorities and establishing consistent standards to tackle current and future challenges, while delivering a more responsive and sustainable transport system.</p> <p>The Act requires the production of a national transport strategy to set out various provisions including low emission zones, bus service improvements, smart ticketing, pavement parking prohibitions, workplace parking levies etc.</p>	<p>Air Quality, Climatic Factors, Population and Human Health including Noise and Vibration, Material Assets</p>
<p>Climate Change Act 2008</p>	<p>The Act applies to the whole of the United Kingdom (with specified exceptions which apply in England, Wales and/or Northern Ireland only).</p> <p>Sets a framework for the reduction of net UK carbon dioxide and targeted GHG emissions by 80% by 2050 (compared to the baseline in 1990). This target has subsequently been amended (see below).</p> <p>Secretary of State (SoS) duty to set "carbon budgets" for UK emissions for five-year periods, considering any representations made by the other national authorities (including the Scottish Government). Matters to be considered include scientific knowledge and technology relevant to climate change, economic impact and competitiveness, impact on fuel poverty, energy policy, differences between England, Scotland, Wales, and Northern Ireland.</p> <p>Duty to prepare policies and proposals for meeting carbon budgets, which as a whole must contribute to sustainable development. SoS "may" take into account</p>	<p>Air Quality, Climatic Factors</p>

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	<p>proposals and policies of other national authorities (the Scottish Ministers are the relevant national authority for the Scottish Parliament).</p> <p>UK GHG emissions are those from sources in the UK. They do not include emissions from international aviation or international shipping unless regulations provide (see Scottish Regulations below).</p> <p>Annual progress reports should be provided to the UK Parliament by the Committee on Climate Change (CCC), setting out progress made towards meeting the target and further progress required. The SoS shall respond to the points in the progress report, in consultation with the other national authorities. The CCC is required to include members appointed by the other national authorities.</p> <p>The national authorities may give the CCC directions on its functions, and may also request advice, analysis, or information in connection with climate change matters.</p> <p>National authorities (Scottish Ministers) are provided powers to acquire carbon units representing reductions in GHG emissions "offsets", including the power to purchase units or interest in units for other public bodies who do not have the power to do so of their own account.</p> <p>The territorial scope of the Act applies to emissions occurring in, above or below UK coastal waters or the UK sector of the continental shelf.</p>	
<p>The Climate Change Act 2008 (2050 Target Amendment) Order 2019</p>	<p>Amends the Climate Change Act 2008 to increase the UK GHG emissions reduction target to 100% by 2050 (compared to 1990 baseline levels).</p>	<p>Climatic Factors</p>
<p>Climate Change (Scotland) Act 2009</p>	<p>Sets a framework for GHG emissions reductions in Scotland by 42% by 2020 ("the interim target"), and 80% by 2050 ("the 2050 target"). (This target has subsequently been amended – see below).</p> <p>Scottish Ministers are required to set an annual target for the net Scottish emissions account and ensure that it is not exceeded. The targets should be consistent with a reduction which will allow the interim target and 2050 target to be met, and after 2020 should be at least 3% less than the target for the preceding year.</p>	<p>Climatic Factors</p>

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	<p>GHG emissions are attributable to Scotland only if they are emitted from sources in Scotland, or if an order has been made regarding emissions from international aviation and shipping which are attributable to Scotland. (See regulations below).</p> <p>Imposes duty on Scottish Ministers to publish plans in respect of land use, energy efficiency, renewable heat.</p> <p>Sets requirements (via regulations) to assess energy performance and GHG emissions of non-domestic buildings and require owners to take steps to improve performance/reduce emissions.</p> <p>Sets framework for preparation of waste prevention, reduction, management, recycling, use and disposal plans.</p> <p>Sets framework for reduction of packaging.</p>	
<p>The Climate Change (International Aviation and Shipping) (Scotland) Order 2010</p>	<p>Provides a formula for calculating the extent of GHG emissions from international aviation and shipping which are to be included in the Scottish emissions.</p>	<p>Climatic Factors</p>
<p>The Climate Change (Additional Greenhouse Gas) (Scotland) Order 2015</p>	<p>Includes nitrogen trifluoride as an additional GHG.</p>	<p>Climatic Factors</p>
<p>The Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015</p>	<p>Sets out regulations requiring all listed public bodies (including Scottish Ministers) to provide a report on compliance with its climate change duties, within 8 months of each reporting year.</p> <p>The Scottish Government has recently consulted on proposed changes to this Order, on the ways that information and knowledge on climate change is shared between public sector bodies, whether they should set targets for themselves, and proposed changes to the mandatory reporting duties.</p>	<p>Climatic Factors</p>
<p>The Climate Change (Duties of</p>	<p>Adds a further requirement that all listed public bodies will be required to include:</p>	<p>Climatic Factors</p>

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Public Bodies: Reporting Requirements) (Scotland) Amendment Order 2020	<ul style="list-style-type: none"> <li>• a target date for achieving zero direct emissions of greenhouse gases, or such other targets that demonstrate how the body is contributing to Scotland achieving its emissions reduction targets.</li> <li>• Targets for reducing indirect emissions of greenhouse gases</li> </ul> <p>Also includes a requirement for listed bodies to provide information on how spending plans and use of resources will contribute towards delivering emissions targets.</p>	
The Climate Change (Annual Targets) (Scotland) Orders 2010, 2011, 2015	Sets the annual emissions targets, expressed in tonnes of carbon dioxide equivalent, for the years in the periods 2010-2022, 2023-2027, and 2028-2032.	Climatic Factors
The Companies (Directors' Report) and Limited Liability Partnerships (Energy and Carbon Report) Regulations 2018	<p>Known as the SECR (Streamlined Energy and Carbon Reporting) Regulations.</p> <p>Sets out the reporting requirements for certain companies (excluding small businesses) to provide annual reports on emissions, energy consumption and energy efficient action.</p> <p>It is applied in England, Wales and Scotland.</p>	Climatic Factors
The Assessment of Energy Performance of Non-domestic Buildings (Scotland) Regulations 2016	Applicable to all non-domestic buildings over 1,000sqm unless constructed in accordance with relevant building standards or other specified criteria. Requires action plans to be prepared and implemented with respect to improving energy performance and reducing emissions.	Climatic Factors
The Climate Change (Nitrogen Balance Sheet) (Scotland) Regulations 2022	The Balance Sheet brings together evidence from a range of sources in relation to flows of nitrogen across Scotland's economy and environment. The Act requires a record of how "nitrogen use efficiency" contributes to achieving Scotland's GHG emissions reduction targets.	Air Quality, Climatic Factors



