

1.2.6 Summary of legislation applicable to Wiltshire College

Document Control

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Summary

This document identifies the environmental legislation in force applicable to Wiltshire College, and provides a brief summary to assist stakeholders to assess whether each item is relevant to a project or situation. .

Existing Legislation

Legislation	Summary / Activities affected
Air Pollution	
Clean Air Act 1993	Smoke emissions
Environment Act 1995	Air quality standards – emissions from chimneys.
Environmental Permitting (England and Wales) Regulations 2007	Activities that are likely to require an environmental permit include: generating power; manufacturing and other industrial activities; waste management activities including disposing of waste; intensive pig

	and poultry farming; mineral extraction or processing; metal fabricating and treating; activities involving solvents;
Environmental Protection Act 1990 Part II Sections 35 –44 (as amended by Environment Act 1995)	Burning of waste on site
Environmental Protection (Controls on Ozone-Depleting Substances) Regulations 2002	Controls the production, marketing, use of, trade in, emission and transport of specified ozone-depleting substances.
Environmental Protection (Controls on Ozone-Depleting Substances) Regulations 2002	Controls the production, marketing, use of, trade in, emission and transport of specified ozone-depleting substances.
EU Regulation on Substances that Deplete the Ozone Layer 2037/2000	Phases-in a ban on producing, importing and exporting listed ozone-depleting substances, typically found in refrigerants, solvents and fire-fighting equipment.
Road Vehicles (Construction & Use) Regs 1986 (as amended)	Emissions.
Energy and climate	
Buildings Regulations 2000	Introduces requirements for builders to calculate and display energy ratings on new or altered buildings.
Climate Change Act 2008	Sets 2050 as the target for reducing greenhouse gas emissions; outlines a carbon budgeting system, greenhouse gas emissions trading schemes, financial incentives for businesses to reduce waste and recycle more and powers to charge for single use bags.
Climate Change Levy (General) Regulations 2001	Set outs who the climate change levy, which is charged on supplies of electricity, gas and solid fuel, applies to, what is taxable, who is exempt and procedures for registering, returns and tax credits.
Eco Design for Energy-using Products Regulations 2007	Establishes a framework for setting eco design requirements for energy-using products.
Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007	Establishes requirements for the production of energy performance certificates when buildings are constructed, sold or rented out.
Oil Storage Regulations 2000	Storage facilities that are external to buildings, above ground and exceed 200 litres capacity (excludes oil stored to power

	agricultural machinery on farms).
The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007	Requirement to obtain, maintain and display energy certificates in public buildings with total floor area exceeding 1,000 m2.
Land issues	
Contaminated Land (England) Regulations 2006	Registering and dealing with land that may have been contaminated by present or any previous occupiers.
Town and Country Planning Act 1990	Land and premises development.
Planning (Listed Buildings & Conservation Areas) Act 1990.	Restricts modifications to Listed Buildings, and requires them to be maintained.
Hazardous Substances and health	
Chemicals (Hazard Information and Packaging for Supply) Regulations 2009	Labelling of substances, for health and safety and for environmental pollution.
Control of Asbestos Regulations 2006	Bans the import, supply and new use of asbestos. Outlines employers' duties to assess risks and limit employees' exposure.
Control of Substances Hazardous to Health Regulations (COSHH) 2002	Exposure to hazardous materials, including waste, emissions and pollutants.
Controls on Certain Azo Dyes and "Blue Colourant" Regulations 2003	Bans the use of azo dyes and blue colourant for colouring textile and leather articles which come into contact with human skin, and bans the supply of articles made from these dyes and colourants.
EU Regulation on Certain Fluorinated Greenhouse Gases 842/2006	Sets out rules for containing and monitoring HFCs, PFCs and sulphur hexafluorides, and restricts their marketing and use.
EU Regulation on Persistent Organic Pollutants 850/2004	Sets out controls on producing and using dangerous pesticides, industrial chemicals and chemical by-products.
EU Regulation on Registration, Evaluation and Authorisation of Chemicals 1907/ 2006	Requires manufacturers and importers of chemicals to evaluate and manage risks arising from their use, and to prove that chemicals placed on the

	market are safe.
Notification of Cooling Towers and Evaporative Condensers Regulations 1992	Requires businesses to inform their local council before installing a cooling tower or evaporative condenser on their site.
Ozone Depleting Substances (Qualifications) Regulations 2009	Revokes 2006/1510. Amends minimum qualifications required to recover, recycle, reclaim or destroy controlled substances. Makes it an offence to, or employ a person to, carry out work with controlled substances or methyl bromide unless qualified to do so.
Radioactive Substances Act 1993	Sets out measures to regulate the use and disposal of radioactive substances including registration, authorisation, enforcement and offences.
Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2008	Bans the marketing of new electrical and electronic equipment containing more than specified levels of lead, cadmium, mercury and other hazardous substances.
Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2008	Design and manufacture of new electrical or electronic products.
Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005	Sets permitted maximum levels of organic solvents contained in paints, varnishes and vehicle refinishing products (such as cleaners, primers and fillers).
Nuisance	
Control of Noise (Codes of Practice for Construction and Open Sites) (England) Order 2002	Approves four British Standards Institution codes of practice for appropriate methods of minimising noise and vibration from construction and open sites in England.
Environmental Noise (England) Regulations 2006	
Environmental Noise Directive	Noise complaints (due to be transposed into UK law during 2005)
Environmental Protection Act 1990	Statutory Nuisance, including noise, smoke, smell etc
Noise and Statutory Nuisance Act 1993	Street noise, including intruder alarms.

Noise Emission in the Environment by Equipment for Use Outdoors Regulations 2001 (amended 2005)	
Statutory Nuisance (Appeals) Regulations 1995	Describes the grounds for appealing against abatement notices for statutory nuisances.
Packaging (including marketing materials)	
Packaging (Essential Requirements) Regulations 2003 (as amended)	Sets out essential requirements for packaging which apply to packaging producers, sellers and distributors, including enforcement, offences and penalties. Minimising the amount of packaging materials used
Producer Responsibility Obligations (Packaging Waste) Regulations 2007	Requires producers to recover and recycle packaging waste to achieve EU targets.
Producer Responsibility Obligations (Packaging Waste) Regulations 2005	Packaging use and recycling (any packaged materials sent out, including marketing materials)
Waste	
Animal By-Products Regulations 2005	Collection, transport, treatment and disposal of 'by-products' such as carcasses and food waste, including composting and biogas.
Clean Neighbourhoods and Environment Act 2005	Introduces additional noise, litter and waste controls including site waste management plans, and classifies artificial lighting and insects as statutory nuisances.
Controlled Waste (Registration of Carriers and Seizure of Vehicles) 1989	Waste transport
Controlled Waste Regulations 1992 (as amended)	Defines household, industrial and commercial waste for waste management licensing purposes.
End of Life Vehicles Regulations 2003	Requires vehicle producers to set up collection, treatment and disposal systems to make sure that components in vehicles can be recovered, reused and recycled at the end of their life.
Environmental Permitting (England and Wales) Regulations 2007	Introduces a new system for environmental permits for industrial activities and waste operations in England and Wales, including landfill and waste incineration, and sets out

	the powers, functions and duties of the regulator.
Environmental Permitting Regulations	Activities that are likely to require an environmental permit include: generating power; manufacturing and other industrial activities; waste management activities including disposing of waste; intensive pig and poultry farming; mineral extraction or processing; metal fabricating and treating; activities involving solvents;
Environmental Protection (Duty of Care) Regulations 1991	Imposes a duty of care on any person who imports, produces, carries, keeps, treats or disposes of controlled waste to ensure there is no unauthorised or harmful depositing, treatment or disposal of the waste.
Environmental Protection (Duty of Care) Regulations 1991 (amended 2003)	All aspects of waste management and disposal, both hazardous and non-hazardous.
EU Regulation laying down Health Rules concerning Animal By-Products not intended for Human Consumption 1774/2002	Sets out rules for collecting, transporting, storing, handling, processing, using and disposing of animal by-products to protect human and animal health. Also controls marketing and exporting animal by-products and products derived from them.
European Waste Catalogue (available on Environment Agency website)	Determining whether a waste is classed as 'hazardous'.
Groundwater Regulations 1998	Strict restrictions on allowing any liquid onto or into the ground.
Hazardous Waste (England and Wales) Regulations 2005 (amended 2009)	Details measures for controlling and documenting the movement of hazardous waste, and bans the mixing of different types of hazardous waste.
Hazardous Waste Regulations 2005	Handling, storage, transport and disposal of 'hazardous' waste, in any volume. Replaces Special Waste Regulations 1996.
Landfill Regulations 2002	Requires 'Hazardous' waste to be disposed of separately to non-hazardous.
List of Wastes (England) Regulations 2005	Provides the European Waste Catalogue list of codes used to classify wastes.
Site Waste Management Plans Regulations 2008	Requires the preparation of a site waste management plan for any construction projects with an estimated cost of over £300,000.
The Landfill Tax Regulations 1996 and Landfill Tax (Qualifying Material) Order	Tax on waste disposal to landfill.

1996	
Trade Effluent (Prescribed Processes and Substances) Regulations 1989	Discharges to sewer
Waste Electrical and Electronic Equipment Regulations 2006	Disposal of any electrical or electronic equipment. Also relevant to the design of such items to ensure recyclability; and to purchase / hire decisions to minimise disposal costs.
Waste Electrical and Electronic Equipment Regulations 2006 (amended 2007)	Aims to reduce the amount of WEEE sent to landfill. Requires producers of electrical and electronic equipment to register and cover the costs of collecting, treating, recovering and disposing of equipment when it reaches the end of its life.
Waste Management (England and Wales) Regulations 2006	Extends the regime for 'controlled waste' to cover mine, quarry and agricultural waste. Categorises waste as household, industrial or commercial. Bans householders from treating, keeping, disposing of controlled waste if it could pollute the environment.
Waste Management Licensing Regulations 1994	Covers applications for waste management licences, which authorise the deposit, disposal and treatment of controlled waste. Includes conditions on using certain mobile plant to dispose of, or treat controlled waste.
Waste Management Licensing Regulations 1994	Selection of waste contractors
Water Industry Act 1991	Any discharge to sewer; controls all materials that may be poured down sink or flushed away
Water Pollution	
Anti-Pollution Works Regulations 1999	Sets out the contents of anti-pollution works notices, how to appeal against such notices, and how to claim compensation for access rights in connection with anti-pollution works.
Control of Pollution (Applications, Appeals and Registers) Regulations 1996	Sets out procedures for applying for or varying consents for discharge into controlled waters and appeals to the Secretary of State. Details the information the Environment Agency has to keep in water pollution control

	registers.
Control of Pollution (Oil Storage) (England) Regulations 2001	Imposes general requirements for preventing pollution of controlled waters from oil storage, particularly fixed tanks or mobile bowsers. Makes contravention a criminal offence.
Environmental Damage (Prevention and Remediation) Regulations 2009	
Groundwater Regulations 1998	Empowers the Environment Agency in England and Wales and SEPA in Scotland to prevent direct or indirect discharge of certain dangerous substances to groundwater and control pollution resulting from the discharge of those and other substances.
Nitrate Pollution Prevention Regulations 2008	
Water Act 2003	Sets out the framework for abstraction licensing, regulates impoundments, increases competition in water supply and includes measures for drought management and flood defence work in England and Wales.
Water Industry Act 1991	Consolidates previous legislation on water supply and sewerage services (including trade effluent consents) and opens up the market to allow private sector companies to compete to be appointed as water and sewerage undertakers.
Water Resources Act 1991	Sets up the regime, now controlled by the Environment Agency, to conserve, manage and control pollution of water resources, abstraction and impoundment, and offences for contravening and organising flood defences. Also requires fitting anti-syphon devices to hosepipes and outside taps.
Water Resources Act 1991	Any liquid discharge not to sewer (excluding pure rainwater). Includes accidental pollution caused by leaks.

The Water Supply (Water Fittings) Regs 1999	Maintenance of water supply pipes and fittings
Agriculture	
Control of Pesticides Regulations 1986	Sets out restrictions on selling, supplying or storing pesticides and precautions to protect the health of humans, the environment, and particularly water, when using pesticides.
Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 amended 1997	Sets out conditions for making silage and storing slurry and fuel oil, with limited exceptions.
Crop Residues (Burning) (England & Wales) Regulations 1993 SI 1366	Bans the burning of crop residues on agricultural land (with exceptions), restricts the burning of linseed and other specified crops, and sets conditions for the size and timings of burning.
Heather and Grass etc Burning (England) Regulations 2007	Bans burning between sunset and sunrise, and requires sufficient persons and equipment to control burns and prevent injury.
Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) (Amendment) Regulations 2004	
Pesticides Act 1998	
Plant Health Act 1967	Sets out how to regulate and deal with pests and diseases destructive to agricultural and horticultural crops, and procedures for introducing non-native pests.
Plant Protection Products (Basic Conditions) Regulations 1997	Specifies controls on marketing, advertising, storing and using plant protection products.
Plant Protection Products Regulations 2005	Sets out the approval system for placing plant protection products on the market in England and Wales including enforcement, offences and penalties.

Hedgerows Regulations 1997	Preservation of hedgerows.
Wildlife and biodiversity	
Conservation (Natural Habitats, &c.) Regulations 1994	Implements Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and makes it an offence to deliberately capture, kill or disturb or trade in protected animals; and to remove or trade in protected plants.
Biocidal Products Regulations 2001 (as amended)	Bans placing biocidal products (or a new substance for use in a product) on the market without authorisation.
Protection of Badgers Act 1992	Makes it an offence to wilfully kill, injure, take, or attempt to kill, injure or take a badger. Also sets out the exceptions, licences, enforcement and penalties for this offence.
Wildlife and Countryside Act 1981 (amended 1991)	Bans certain methods of killing or taking wild animals, including birds, and restricts the introduction and sale of certain non-native animals and plants. Also sets out the amended laws relating to public rights of way.
Wildlife and Countryside Act 1981 (England and Wales) (Amendment) Regulations 2004	Amends 1981/69 to add a new definition of 'wild bird' to include any species that is native to, or a visitor to, any country in the EU. Specifies which birds may be hunted, and when.
Natural Environment and Rural Communities Act 2006	Establishes Natural England as the main body responsible for conserving, enhancing and managing England's natural environment. It also covers biodiversity, pesticides harmful to wildlife and the protection of birds.
EU Regulation on the Protection of Species of Wild Fauna and Flora by Regulating Trade 338/1997	Sets out rules for import, export and re-export, and internal EU trade in specimens of wild fauna and flora.
Environmental Damage (Prevention and Remediation) Regulations 2008 & 2009	The Directive seeks to achieve the prevention and remedying of environmental damage - specifically,

	damage to habitats and species protected by EC law, and to species or habitat on a site of special scientific interest for which the site has been notified, damage to water resources, and land contamination which presents a threat to human health. It reinforces the “polluter pays” principle - making operators financially liable for threats of or actual damage
Countryside and Rights of Way Act 2000	Sets out rules on public access to the countryside, public rights of way, driving motor vehicles off road, nature conservation and the protection of wildlife and areas of outstanding natural beauty.
Nitrate Pollution Prevention Regulations 2008	
Sludge (Use in Agriculture) Regulations 1989 (amended 1990)	Sets conditions and precautions for agricultural use of sludge from sewage plants or septic tanks, and specifies what records must be kept.

Planned legislation

Legislation	Summary / Activities affected
Carbon reduction commitment (CRC)	Affect organisations whose half-hourly metered electricity use was above 6,000 megawatt-hours (MWh) in 2008. Will require ‘carbon trading’ and carbon emission reduction commitments.
Environmental Permitting (England and Wales) Regulations 2010	Will extend the Environmental Permitting regime to include consents for release to controlled waters and groundwater authorisations, amongst others.

Legislation	Summary / Activities affected
New groundwater regulations	Due in force in Spring 2009, these Regulations alter the way that groundwater pollution is controlled, in particular from activities such as landspreading of agricultural wastes and the handling, storage and disposal of agricultural chemicals.
Waste Battery Regulations 2009	Stricter rules on battery recycling and collection, including mandatory disposal via recycling facility (it will become illegal to throw batteries in the bin).
Waste Controls (England and Wales) Regulations 2009 (expected in force October 2009)	Simplifies and improves existing procedures.
Water Resources Act (Amendment) (England and Wales) Regulations 2009	regulate pollution from agriculture more strongly by extending the use of water protection zones (WPZs) and works notices (WNs).

