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# A83 Rest and Be Thankful

LTS EIAR VOLUME 4, APPENDIX 18.1 - MAJOR ACCIDENTS AND  
DISASTERS LEGISLATION, POLICY AND GUIDANCE

Transport Scotland

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## 18-1. Major Accidents and Disasters Legislation, Policy and Guidance

### 18-1.1. Legislation

#### [The Roads \(Scotland\) Act 1984 \(Environmental Impact Assessment\) Regulations 2017](#)

A18-1.1.1. The Roads (Scotland) Act 1984 (Environmental Impact Assessment) Regulations implement, in relation to construction projects for new roads; and improvement and maintenance projects for roads, the amended EU Directive 2014/52/EU on the assessment of the effects of certain public and private projects on the environment.

A18-1.1.2. Schedule 1A Paragraph 5(d) of the Environmental Impact Assessment (EIA) Regulations requires: “A description of the likely significant effects of the project on the environment resulting from ... the risks to human health, cultural heritage or the environment (for example due to accidents or disasters)”.

A18-1.1.3. Schedule 1A, Paragraph 9 of the EIA Regulations requires:

- A description of the expected significant adverse effects of the Proposed Scheme on the environment deriving from the vulnerability of the Proposed Scheme to risks of major accidents and/or disasters that are relevant.
- If appropriate, a description of the measures envisaged to prevent or mitigate the significant adverse effects of major accidents and/or disasters on the environment and details of the preparedness for and proposed response to such emergencies.

#### [Health and Safety at Work etc. Act 1974 \(c. 37\)](#)

A18-1.1.4. The Act provides the framework for the regulation of workplace health and safety in the UK. It provides a legal framework for the provision of safe plant and equipment and prevention of harm to people from occupational hazards present in

a workplace, including emergencies, which may affect those offsite or visiting the Proposed Scheme.

### Construction (Design and Management) (CDM) Regulations 2015

- A18-1.1.5. These Regulations place legal duties on almost all parties involved in construction work, with specific duties on clients, designer(s) and contractor(s), so that health and safety is considered throughout the life of a construction project from inception to demolition and removal.
- A18-1.1.6. The client, designer(s) and contractor(s) must avoid foreseeable risks, so far as is reasonably practicable, by eliminating hazards associated with the design, construction, operation and maintenance of the Proposed Scheme.
- A18-1.1.7. The Regulations ensure that mechanisms are in place to continually identify, evaluate and manage safety risks throughout the design, construction and operation phases of the Proposed Scheme. Many of the risks identified and managed at the detailed design phase also serve to eliminate or reduce the risk of a major accident (and therefore environmental consequence) occurring during the construction and operation phases.

### Occupiers' Liability (Scotland) Act 1960

- A18-1.1.8. The Occupiers' Liability (Scotland) Act outlines the liability of individuals who occupy or control premises in Scotland for the safety of visitors and trespassers.
- A18-1.1.9. The Act provides a legal framework for the prevention of harm to people from occupational safety and health hazards present on premises under the control of the occupier, including to those visiting the premises.
- A18-1.1.10. The Proposed Scheme will include premises controlled by Transport Scotland that will attract visitors who could be impacted by major accidents and/or disasters whilst on/crossing those controlled premises.

## 18-1.2. National Policy

### National Planning Framework 4 (NPF4) 2023

- A18-1.2.1. The framework recognises the need to protect health and wellbeing, including by planning and managing development to take hazards into account.
- A18-1.2.2. Policy 23 on Health and Safety recognises that spatial strategies should maintain appropriate distances between sites with hazardous substances and areas where the public are likely to be present and areas of particular natural sensitivity or interest.
- A18-1.2.3. The framework also recognises the need to strengthen resilience to current and future risks associated with climate change and flood risk.
- A18-1.2.4. The assessment of major accidents and disasters has taken into consideration the potential risks associated with proximity to sites with hazardous substances, none of which were identified in the Study Area. It also considers the potential impact of future climate change and flood risk.

### Argyll and Bute Council Local Development Plan 2 (LDP2) 2024

- A18-1.2.5. The LDP, adopted in February 2024, plans for sustainable development across Argyll and Bute. It is essential to the delivery of a prosperous and inclusive economy, safeguarding environmental assets, and accommodating growth of the local communities.
- A18-1.2.6. Policy 54 recognises that there are a number of installations handling hazardous substances in the locality which, whilst they are subject to stringent controls under existing health and safety legislation, need to be considered prior to permitting future development. There are no major accident hazard sites within a 5km radius of the Proposed Scheme.
- A18-1.2.7. Policy 55 and 56 specifically consider the risks associated with flooding and land erosion respectively.

A18-1.2.8. The assessment of major accidents and disasters has taken into consideration the potential risks associated with proximity to sites with hazardous substances, none of which were identified in the Study Area. It also considers the potential impact of flood risk and ground stability.

### 18-1.3. Guidance and Standards

#### [Design Manual for Road and Bridges \(DMRB\) - LA 104 Environmental Assessment and Monitoring](#)

A18-1.3.1. This document sets out the requirements and procedures to be followed when assessing, reporting and monitoring the environmental effects of motorway and all-purpose trunk road projects in line with the requirements of the EIA Directive.

A18-1.3.2. The assessment of major accidents and disasters is aligned with the methodology outlined in DMRB LA 104.

#### [IEMA Major Accidents and Disasters in EIA: A Primer.](#)

A18-1.3.3. The purpose of the primer is to increase awareness of the major accidents and disasters topic and its application within all stages of EIA. The primer outlines an assessment methodology based on known current practice within the UK and provides definitions of key terminology.

A18-1.3.4. The Primer is structured around a typical assessment approach and provides a proportionate method for considering major accidents and disasters through the stages of EIA.

A18-1.3.5. The assessment of major accidents and disasters is aligned with the methodology outlined in the IEMA Primer on the assessment of major accidents and disasters in EIA.

#### [‘Green Leaves III’ Guidelines for Environmental Risk Assessment and Management](#)

A18-1.3.6. Providing generic guidance for the assessment and management of environmental risks. A cyclical framework for risk management is presented that identifies four main components of risk assessment:

- formulating the problem
- carrying out an assessment of the risk
- identifying and appraising the management options available
- addressing the risk with a risk management strategy.

A18-1.3.7. A source-pathway-receptor model is suggested as a tool to assist in risk screening and an example is provided of applying the following filters to prioritise significant hazards for further investigation:

- the plausibility of linkages between the source of a hazard and a receptor
- the relative potency of a hazard, availability of a pathway, or vulnerability of a receptor
- the likelihood of an event, based on historic occurrence or of changed circumstances
- a view on the performance of current risk management measures that, if they were to fail, may increase the potential for future harm.

A18-1.3.8. The assessment of major accidents and disasters follows the risk assessment methodology outlined in this guidance document.

#### [ISO 31000:2018 Risk Management – Guidelines 2018](#)

A18-1.3.9. This guidance identifies principles that need to be satisfied to make risk management effective. If the standards are adopted and applied the management of any risk should help minimise losses, improve resilience, improve controls and improve the identification of opportunities and threats.

A18-1.3.10. The ISO standard states that when defining risk criteria, the following factors should be considered:

- the nature and types of causes and consequences that can occur and how they will be measured
- how likelihood will be defined
- the timeframe(s) of the likelihood or consequence(s)
- how the level of risk is to be determined

- the views of stakeholders
- the level at which risk becomes acceptable or tolerable
- whether combinations of multiple risks should be considered and, if so how, and which combinations should be considered.

A18-1.3.11. The assessment methodology for major accidents and disasters follows the guidelines presented in ISO 31000:2018.