



Lewis  
Civil Engineering Limited and  
K'Nex Pipelines & Cables  
Limited

REGISTER OF  
LEGISLATION

CONTROLLED DOCUMENT

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## REGISTER OF LEGISLATION

**RECORD OF ISSUES/REVISIONS**

Date	Issue No	Modification	Authorised by
Jan 2001	1	Initial Distribution	DB
Feb 2001	2	Minor amendments	DB
Sep 2001	2	Activities added to items 6 and 7.	DB
Sep 2002	3	Addition to section 4. Repagination.	DB
Apr 2003	4	Updated to include K'Nex	DB
Oct 2004	5	Updated to include wildlife.	DB
Aug 2005	6	General update and addition of Hazardous Waste Regulations, Hazardous Substances, Storage on Site and Company Cars.	DB
Apr 2006	7	Updated to include Health & Safety legislation	DB
Oct 2006	8	Updated following MRM 3/10/06	DB
Apr 2007	9	Reviewed following MRM on 17/04/07 to include 'The Smoke-free Premises etc. (Wales) Regulations 2007, Section 29 and Section 30	DB
Apr 2008	10	Reviewed following Management Review Meeting	DB
Oct 2008	11	Include new legislation; including Site Waste Management Plans, The Corporate Manslaughter and Corporate Homicide Act 2007. Include new section on energy.	DB
Mar 2009	12	Reviewed. Add reference to National Highway Sector Stores.	DB
April 2009	13	Revised following company name change	DB
April 2009	14	Remove reference to Construction (Health, Safety and Welfare) Regulation 1996	DB
Dec 2009	15	Reviewed. Amended Sections 1.1-2, 2.1, 3.1, 6.1-2, 20.1, 20.3, 22.1 and 30.2	LW
Nov 2010	16	Amendments to 1.1, 1.2, 4.1, 5.1, 6.2, 8.1, 9.1, 10.1, 12.1, 12.2, 17.1, 19.1.4, 20.1, 20.3	LW
May 2011	17	Amendments to: 1 Employers Liability; 3.2 Data Protection Act; 19.1, 19.2 Waste Regulations 2011,	LW
June 2011	18	Amendments following Surveillance Visit to: 6.1 & 6.3 PUWER, 17.1 & 17.2 Environmental Permitting Responsibility, 22.4.4 Hazardous Waste Producer Registration, 27.4 Japanese Knot Weed, 28.1 & 28.2 Environmental Damage and Badger Act.	LW
March 2012	19	Amendments to 1.1, 1.2 Occupiers Liability; 2.2 PAS 79 text added; 3.2 new text – RIDDOR, 17.1, 17.2 Added Control of Pollution Regs, Environmental Damage Regs; 21.1.2, 21.2.2 Waste Management Regs 2006, 22.1 Waste Regs 2011; 30.1, 30.2 Road Vehicles (Construction and Use) Amendment 4, VOSA Testing	

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# 1. General

## 1.1 Relevant legislation and regulations

- *Health and Safety at Work Act 1974 (HSWA)*
- *Employers' Liability (Compulsory Insurance) Act 1969*
- *Employers' Liability (Compulsory Insurance) Regulations 1998 (SI 1998 No 2573) and amended 2008 (SI 2008 No 1765)*
- *Management of Health and Safety at Work Regulations 1999 (SI 1999 No. 3242)*
- *Health and Safety (Consultation with Employees) Regulation 1996 (SI 1996 No. 1513)*
- *The Corporate Manslaughter and Corporate Homicide Act 2007*
- *Health & Safety Offences Act 2008*
- *BS OHSAS18001:12007 Occupational Health and Safety Management System*
- *Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) Regulations 2010 (SI 2010/137)*
- *Occupiers Liability Acts 1957 & 1984*

## 1.2 Summary of requirements

### **HSWA**

The general duty on employers to ensure the health, safety and welfare of their employees.

There must be a written safety policy if five or more employees.

### **Employers Liability**

Employers must have insurance cover for compensation claims for employee injuries or work related illness. Current certificate of insurance must be on display.

### **Health and Safety at Work Regulations**

Risk assessments

Apply the principles of risk prevention to control risks

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Make appropriate arrangements for effective management of Health and Safety. Record if five or more employees.

Apply COSHH.

Have competent assistance in implementing Health and Safety.

Procedures in the event of a serious or dangerous event.

Provide relevant information to employees.

Health and Safety information to subcontractors on site.

Adequate Health and Safety training.

Employees have a duty to comply with the employer's arrangements and notify him of any risks.

Also applies to temporary employees.

Special requirements re. expectant mothers, young persons.

**Consultation**

Where there are not safety representatives under the 1977 Regulations, employers shall consult employees over:

Introduction of measures affecting health and safety

Appointing persons re 6(1) and 7(1)(b) of Management of Health and Safety at Work Regulations 1992

Statutory information

Planning of health and safety training

Health and safety implications of new technology

Where there are representatives:

Employers shall consult with them

Representatives must exercise their responsibilities

Allowed time off for training and to do their safety job

Provide facilities

**Corporate Manslaughter and Homicide**

Companies and organisations as a corporate entity (as opposed to individuals) can be found guilty of corporate manslaughter as a result of serious management failures resulting in a gross breach of duty of care.

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***Health and Safety Offences Act***

Increases penalties and gives lower courts greater sentencing powers for H&S offences.

***BS OHSAS18001***

The requirements for a structured health and safety management system which can be independently assessed.

***Social Security (Medical Evidence)***

From April 2010 doctors will issue new medical statements (known as "Fit Notes" instead of "Sick Notes") which give them the option of declaring that an employee *may be fit to work*. If a doctor uses this option, they will give advice about the effects of the patient's health condition and, if appropriate, some suggestions about the types of adjustment or adaptations their employer could consider making to help the employee back to work.

***Occupiers Liability Acts***

The Occupiers Liability Acts allow civil actions where Premises Owners do not meet their Duty of Care to keep visitors reasonably safe when entering, using or visiting their premises when they are aware of any risk to them. They must take reasonable precautions (decided by case law), which means that warning notices may not be enough, and they must take into account the fact that children may be less careful and less aware than adults.

The 1957 Act covers lawful visitors to premises, and the 1984 covers unlawful visitors, which means that the owner must also take precautions to protect trespassers on their premises.

## **1.3 Application to LCE**

Applies to all activities undertaken by the company.

## **1.4 Related Documents**

### **1.4.1 Register of Environmental Aspects**

None

### **1.4.2 Risk Assessments**

None

### **1.4.3 Procedures**

Hazard Identification, Risk Assessment and Control

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#### **1.4.4 Records**

Company Health & Safety Manual, Safe Systems of Work, Generic Risk Assessments & Toolbox Talk Manual

ARR2 - General Health and Safety Arrangements

ARR11 - Risk Assessments

#### **1.5 Other relevant documents**

None

## 2. Fire

### 2.1 Relevant legislation and regulations

- *The Regulatory Reform (Fire Safety) Order 2005 (SI 2005 No. 1541)*
- *PAS 79: 2007 Fire risk assessment, evidence and a recommended methodology*

### 2.2 Summary of requirements

#### *Regulatory Reform Order*

- Take general precautions to ensure safety of employees and others in case of fire
- Make a risk assessment to define precautions that need to be taken, special consideration of risks if dangerous substances are present (Sch 1 Part 1).
- Review and update risk assessments, particularly if changes are made.
- Special risk assessments needed if young persons are employed (Sch 1 Part 2)
- If 5 or more employees or a fire certificate is already in force, record results of risk assessment, persons especially at risk and resulting fire safety arrangements.
- Principles of prevention (Sch 1 Part 3).
- Special arrangements if dangerous substances present.
- Requirements for fire fighting, fire detection, emergency routes and exits, safety procedures and drills, competent persons and training, communication arrangements, action in case of fire, maintenance.

#### *PAS 79*

- Step by step guidance to conducting and documenting fire risk assessments.

### 2.3 Application to LCE

Fire risk assessments have been written for head office and on site.

Provision and maintenance of fire fighting equipment and emergency egress routes. Fire evacuation drills.

## **2.4 Related Documents**

### **2.4.1 Register of Environmental Aspects**

Fire

### **2.4.2 Risk Assessments**

Fire Risk Assessment

### **2.4.3 Procedures**

Hazard Identification, Risk Assessment and Control

Emergencies

### **2.4.4 Records**

Fire Maintenance Records

ARR43 - Fire Safety

SSW65 - Fire precautions for burning, welding

SSW80 - Fire on Construction Sites

OFS1 - Fire Safety (in offices)

### **2.4.5 Other relevant documents**

None

### **3. Accidents, Serious Incidents and First Aid**

#### **3.1 Relevant legislation and regulations**

- *Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (SI 1995 No. 3163) (RIDDOR)*
- *Social Security (Claims and Payments) Regulations 1979 (SI 1979 No. 628)*
- *Health and Safety (First Aid) Regulations 1981 (SI 1981 No 917) and Health and Safety (Miscellaneous Amendment) Regulations 2002 (SI 2002 No 2174)*
- *Data Protection Act 1998*

#### **3.2 Summary of requirements**

##### ***Social Security Regulations***

Where 10 or more people are employed, all accidents must be recorded, regardless of severity. Use Accident Book HMSO BI510.

##### ***RIDDOR***

Any accident which results in a death or major injury (amputation, serious fracture, eye injury etc.) must be reported immediately by telephone to the HSE Incident Contact Centre – 0845 300 9923.

All other accidents and incidents reportable under RIDDOR, as listed below, must be reported via the HSE website ([www.hse.gov.uk/riddor/report.htm](http://www.hse.gov.uk/riddor/report.htm)), using the relevant on-line form.

- specified dangerous occurrences
- accidents causing incapacity to work for three consecutive calendar days
- certain specified diseases
- certain events associated with the supply of gas

Accident records must be kept for three years (but keeping them for a life-time might be useful should a health claim be made any time in the employee's future).

##### **List of Serious Accidents**

- All fractures (except to fingers, thumbs and toes)
- All amputations

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- Dislocations of shoulders, hips, knees or spine
- Loss of sight (temporary or permanent)
- Penetrating injuries to the eye or chemical/hot metal burns to the eyes
- Electric shock or burns resulting in unconsciousness or hospitalisation, or which require resuscitation
- Loss of consciousness resulting from lack of oxygen or exposure to harmful substances, including biological agents
- Any acute illness requiring medical attention or loss of consciousness resulting from the absorption of any substance by inhalation, ingestion or skin absorption
- Any acute illness requiring medical attention resulting from exposure to biological agents or infected material
- Any other injury which results in admittance to hospital for more than 24 hours, such as hypothermia, heat-induced illness, unconsciousness or a need for resuscitation.

**Dangerous Occurrences**

- Collapse, overturning or failure of any lifting machinery
- Failure of pressure systems
- Incidents involving overhead electric lines
- Electrical short circuits causing fire or explosion
- Certain releases of explosives
- Release or potential release of biological agents
- Malfunction of radiation generators
- Malfunction of breathing apparatus
- Scaffold collapses
- Certain incidents relating to the carriage of dangerous substances
- Building or structure collapses
- Explosions and fire
- Escape of flammable substances

**First Aid Regulations**

- Employers must provide first aid equipment and facilities.

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- There shall be an appropriate number of first aiders. The ACOP (Associated Code of Practice) suggests 1 for every 50 employees. First aiders must be trained and qualified as approved by the HSE and should be refreshed every 3 years.
- First aid facilities must be publicised.

ACOP recommends contents of a first aid box:

- A leaflet giving general guidance on first aid.
- 20 individually wrapped sterile adhesive dressings (of assorted sizes) appropriate to the work environment (which may be detectable dressings for the catering industry).
- 2 sterile eye pads, with attachments.
- 4 individually wrapped triangular bandages.
- 6 safety pins.
- 6 medium-sized individually wrapped sterile unmedicated wound dressings (approximately 12cm x 12cm).
- 2 large sterile individually wrapped unmedicated wound dressings (approximately 18cm x 18cm).
- 1 pair of disposable gloves.

***Data Protection Act***

The new Accident Book is designed to meet the requirements of the Data Protection Act, in that no personal information is retained in the book and may not therefore be accessed by other personnel.

### **3.3 Application to LCE**

Recording of all accidents. Reporting any that are reportable under RIDDOR.

### **3.4 Related Documents**

#### **3.4.1 Register of Environmental Aspects**

None

#### **3.4.2 Risk Assessments**

None

#### **3.4.3 Procedures**

Emergencies

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### **3.4.4 Records**

First Aid Records

Accident Book

SPS14 - RIDDOR Policy Statement

ARR17 - Emergency Procedures

ARR28 - First Aid

ARR34 - Accident and Incident Reporting

ARR36 - Accident and Incident Investigation

### **3.5 Other relevant documents**

None

## 4. Welfare

### 4.1 Relevant legislation and regulations

- *Workplace (Health, Safety and Welfare) Regulations 1992 (SI 1992 No. 3004) and Health and Safety (Miscellaneous Amendment) Regulations 2002 (SI 2002 No. 2174)*
- *Working Time Regulations 1998 (SI 1998 No. 1833)*
- *Working Time Regulations 1999 (SE 1999 No. 3372)*
- *Working Time Amendment Regulations 2003 (SI 2003 No. 1684)*
- *Smoke Free Premises etc (Wales) Regulations 2007 (SI 2007 No. 787 (W.68))*

### 4.2 Summary of requirements

#### **Workplace**

The Regulations are intended to protect the health and safety of everyone in the workplace and to provide for their welfare.

Employers have responsibilities relating to:

- Maintenance of the workplace and equipment.
- Ventilation and temperature.
- Lighting.
- Cleanliness.
- Space.
- Suitable workstations and seating.
- Condition of floors and traffic routes.
- Prevention of falls or falling objects.
- Windows, glass doors, etc.
- Sanitary conveniences and washing facilities.
- Drinking water.
- Facilities for changing, resting and eating.
- Provision of facilities for disabled persons where necessary.

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***Working Time***

- Sets the maximum weekly working time except where there is agreement to exceed it.
- Also concerns:
- Patterns of work.
- Night work
- Rest periods.
- Annual leave

***Smoke Free Premises etc (Wales) Regulations 2007***

- Displaying No-smoking notices
- Developing and implementing a 'No Smoking Policy'

## **4.3 Application to LCE**

Provision of adequate welfare facilities on site and at head office.

## **4.4 Related Documents**

### **4.4.1 Register of Environmental Aspects**

None

### **4.4.2 Risk Assessments**

None

### **4.4.3 Procedures**

Control of site work

### **4.4.4 Records**

None

### **4.4.5 Other relevant documents**

SSW1 - General Site Matters and Welfare

## 5. Use of VDU's

### 5.1 Relevant legislation and regulations

- *Health & Safety (Display Screen Equipment) Regulations 1992 (SI 1992 No. 2792) and Health and Safety (Miscellaneous Amendment) Regulations 2002 (SI 2002 No. 2174) and Guidance*

### 5.2 Summary of requirements

Applies to people who use display screens as a significant part of their normal work.

Employer must assess the risk, including:

- Musculoskeletal
- Visual fatigue
- Mental stress
- and therefore relate to:
- Posture and seating
- Lighting
- Organisation of work

Breaks or changes in activity shall be planned.

Employer will provide an eyesight test at the request of the employee.

Employer will provide spectacles if special spectacles are required to do the work.

### 5.3 Application to LCE

Provision of adequate work-stations.

### 5.4 Related Documents

#### 5.4.1 Register of Environmental Aspects

None

#### 5.4.2 Risk Assessments

VDU Risk Assessments

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**5.4.3 Procedures**

Hazard Identification, Risk Assessment & Control

**5.4.4 Records**

None

**5.4.5 Other relevant documents**

ARR52 - Display Screen Equipment

## 6. Electrical Equipment

### 6.1 Relevant legislation and regulations

- *Electrical Equipment (Safety) Regulations 1994 (SI 1994 No. 3260)*
- *Electricity at Work Regulations 1989 (SI 1989 No. 635)*
- *BS7671:2008 Requirements for Electrical Installation - IEE Wiring Regulations (17<sup>th</sup> Edition)*
- *Provision and Use of Work Equipment Regulations 1998 (PUWER) (SI 1998 No 2306) and Health and Safety (Miscellaneous Amendment) Regulations 2002 (SI 2002 No. 2174)*

### 6.2 Summary of requirements

#### ***Electricity at Work Regulations***

Electrical systems must be safe, and can be isolated.

Systems of work on electrical systems.

In offices, portable appliances (i.e. leads plugged into a wall socket) are the most common electrical appliances.

Procedures for regular inspection and testing of portable appliances should be drawn up.

#### ***Wiring Regulations***

All domestic and Industrial wiring must conform to the regulations, which cover all aspects of electrical installations, periodic inspection and testing, and safety protection. Inspection and testing to be carried out by technicians certified to City & Guilds 2391 standard.

Maximum periods for inspection & testing of fixed installations are as follows:

Domestic	10 years
Commercial	5 years
Industrial	3 years
Churches and places of public entertainment	1 year
Petrol Stations	1 year
Emergency Lighting & Fire Alarms	1 year

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**PUWER**

- Regulations define work equipment as “*any machinery, appliance, apparatus, tool or installation for use at work (whether exclusively or not)*”, so may include Lifting Equipment, Machinery, Storage Racking, Vehicles, Tools and Office Equipment.
- Equipment used in the course of work must be suitable for purpose, have regard to the health and safety of the people involved.
- Equipment must be maintained in good condition.
- Equipment must be inspected, appropriate to use, and records kept.
- Where equipment poses a specific risk to health and safety, use and maintenance must be restricted to those authorised to do it.
- Instructions must be available and adequate training must be given.
- Dangerous equipment must be guarded.
- Controls
- Etc
- Special requirements for:
  - Mobile equipment
  - Power presses

**6.3 Application to LCE**

Maintenance of electrical equipment.

**6.4 Related Documents**

**6.4.1 Register of Environmental Aspects**

None

**6.4.2 Risk Assessments**

Site Work

**6.4.3 Procedures**

None

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**6.4.4 Records**

PAT Test Records

ARR27 - Portable Electrical Appliance Testing

OFS1 - Electrical Appliances

**6.4.5 Other relevant documents**

None

## 7. Hazardous Substances

### 7.1 Relevant legislation and regulations

- *Control of Substances Hazardous to Health Regulations 2002 (COSHH) (SI 2002 No. 2677)*
- *Control of Substances Hazardous to Health (Amendment) Regulations 2003 (SI 2003 No 1978) and amendment 2004*
- *Chemicals (Hazards Information and Packaging for Supply) Regulations 2009 (CHIP) (SI 2009 No 716)*
- *EH40: Occupational Exposure Limits (revised annually)*

### 7.2 Summary of requirements

#### ***COSHH***

Employers must carry out assessments of all hazardous substances used in the workplace.

Assess the risks.

Prevent or control exposure (especially if occupational exposure limits apply).

Monitoring if necessary.

Action to be taken in the event of over exposure, e.g. accidents.

### 7.3 Application to LCE

Purchasing, storage and use of hazardous substances

### 7.4 Related Documents

#### **7.4.1 Register of Environmental Aspects**

Effluents and Pollution

Storage of Hazardous Substances

#### **7.4.2 Risk Assessments**

COSHH Risk Assessments

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### **7.4.3 Procedures**

Hazard Identification, Risk Assessment & Control

### **7.4.4 Records**

SPS17 - COSHH Policy Statement

ARR19 - Asbestos

ARR31 - Control of Substances Hazardous to Health (COSHH)

OFS4 - Control of Substances Hazardous to Health (COSHH) (for Offices)

### **7.4.5 Other relevant documents**

None

## 8. Work Equipment

### 8.1 Relevant legislation and regulations

- *Provision and Use of Work Equipment Regulations 1998* (PUWER) (SI 1998 No 2306) and *Health and Safety (Miscellaneous Amendment) Regulations 2002* (SI 2002 No. 2174)

### 8.2 Summary of requirements

- Regulations define work equipment as “*any machinery, appliance, apparatus, tool or installation for use at work (whether exclusively or not)*”, so may include Lifting Equipment, Machinery, Storage Racking, Vehicles, Tools and Office Equipment.
- Equipment used in the course of work must be suitable for purpose, have regard to the health and safety of the people involved.
- Equipment must be maintained in good condition.
- Equipment must be inspected, appropriate to use, and records kept.
- Where equipment poses a specific risk to health and safety, use and maintenance must be restricted to those authorised to do it.
- Instructions must be available and adequate training must be given.
- Dangerous equipment must be guarded.
- Controls
- Etc
- Special requirements for:
  - Mobile equipment
  - Power presses

### 8.3 Application to LCE

Provision and use of work equipment

PUWER ‘Record of Inspection’

## **8.4 Related Documents**

### **8.4.1 Register of Environmental Aspects**

None

### **8.4.2 Risk Assessments**

Site Work

### **8.4.3 Procedures**

Control of Site Work

### **8.4.4 Records**

Inspection and Test Records

SSW41 - Mechanical Plant and Equipment

### **8.4.5 Other relevant documents**

None

## 9. Lifting Operations and Equipment

### 9.1 Relevant legislation and regulations

- *Lifting Operations and Lifting Equipment Regulations 1998* (SI 1998 No 2307) and *Health and Safety (Miscellaneous Amendment) Regulations 2002* (SI 2002 No. 2174)
- *The Health and Safety (Safety Signs and Signals) Regulations 1996* (SI 1996 No 341)

### 9.2 Summary of requirements

#### *Lifting Operations and Equipment*

- Lifting equipment must have adequate strength
- Safe working loads must be marked on
- Lifting operations must be carried out in a safe manner
- Operators must be competent
- Equipment must be examined before first use, at least every 12 months, and if the equipment has been subjected to dangerous stresses. The information to be recorded is detailed.
- Records must be kept for statutory periods.

Note: Equipment used for lifting people has more stringent requirements.

#### *Signs and Signals*

Command signals to be used when directing lifting operations.

### 9.3 Application to LCE

Lifting activities on site

Use of LOLER Record of Inspections

### 9.4 Related Documents

#### 9.4.1 Register of Environmental Aspects

None

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### **9.4.2 Risk Assessment**

Site Work

### **9.4.3 Procedures**

Control of Site Work

### **9.4.4 Records**

Test and Certification records

SSW47 - Lifting Operations

SSW47 - Lifting Appliances

SSW49 - Lifting Gear

SSW50 - Slinging of Loads

SSW51 - Types of slings and safe working load

### **9.4.5 Other relevant documents**

None

## 10. Manual Handling

### 10.1 Relevant legislation and regulations

- *Manual Handling Operations Regulations 1992* (SI 1992 No 2793) and *Health and Safety (Miscellaneous Amendment) Regulations 2002* (SI 2002 No. 2174) and Guidance

### 10.2 Summary of requirements

- Manual handling where there is risk of injury should be avoided if at all possible.
- Otherwise, a risk assessment must be carried out, taking into account the load (shape and weight), environment, physical suitability of employee, knowledge and training, groups identified as especially at risk (expectant mothers, young people etc), clothing and footwear worn and results of health surveillance.
- Schedule 1 lists the factors to be taken into account.

### 10.3 Application to LCE

Movement of materials / equipment.

### 10.4 Related Documents

#### 10.4.1 Register of Environmental Aspects

None

#### 10.4.2 Risk Assessment Work

Site Work

#### 10.4.3 Procedures

Hazard Identification, Risk Assessment and Control

#### 10.4.4 Records

Training Record

ARR50 - Manual Handling Operations

#### 10.4.5 Other relevant documents

None

## 11. Personal Protective Equipment (PPE)

### 11.1 Relevant legislation and regulations

- *Personal Protective Equipment at Work Regulations 1992* (SI 1992 No 2966) and Guidance
- *Control of Substances Hazardous to Health Regulations 2002* (SI 2002 No 2677)
- *Construction (Head Protection) Regulations 1989* (SI 1989 No 2209)

### 11.2 Summary of requirements

#### ***PPE Regulations***

- PPE must be provided if there is no other way to manage risk, i.e. a last resort.
- Risk assessment must be carried out and suitable equipment allocated.
- Equipment must be maintained and kept safely.
- Training in how to use it.
- Loss or defects must be corrected.
- Guidance notes give comprehensive information on types and use of PPE.

#### ***COSHH***

See Hazardous Substances

#### ***Construction (Head Protection)***

- Applies to building works and works of engineering construction
- Employer must provide suitable head protection
- Employer must ensure that it is worn except where there is no risk of injury
- Employee must wear the equipment
- Applies to self employed

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### **11.3 Application to LCE**

Site work

### **11.4 Related Documents**

#### **11.4.1 Register of Environmental Aspects**

None

#### **11.4.2 Risk Assessment**

Site Work

#### **11.4.3 Procedures**

Control of Site Work

#### **11.4.4 Records**

ARR22 - Personal Protective Equipment

ARR25 - Selection and use of Respiratory Protective Equipment

#### **11.4.5 Other relevant documents**

None

## 12. Construction

### 12.1 Relevant legislation and regulations

- *Construction (Design & Management) Regulations 2007* (SI 2007 No 320)
- *Site Waste Management Plan Regulations 2008* (SI 2008 No 314)
- *Notification of Conventional Tower Cranes Regulations 2010* (SI 2010 No 333)

### 12.2 Summary of requirements

#### ***CDM Regulations***

#### **General Management**

- CDM Coordinators must be competent
- Everyone engaged on a construction project must co-operate with others, and must report anything likely to endanger Health and Safety.
- Clients must provide pre-construction information.
- Designers must produce designs which avoid foreseeable risks during construction or subsequent maintenance or when in use as a workplace, and provide information to clients, other designers, contractors.
- Contractors must plan, manage and monitor construction works so that it is carried out without risks to Health and Safety.
- Contractors must be informed.
- Workers must have appropriate information and training including:
  - Induction
  - Risks
  - Measures to be taken as a result of risk assessment
  - Site rules
  - Emergency procedures
  - Identity of persons nominated to implement these procedures

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- Take reasonable steps to prevent access by unauthorised persons

### **Notifiable Projects**

- Notifiable projects are those which are likely to involved more than 30 days or 500 man days of construction work.
- The client shall appoint a CDM co-ordinator and a principal contractor.
- The client shall provide the CDM co-ordinator with the pre-construction information and all other relevant Health and Safety information.
- Designers shall not start work until a CDM co-ordinator has been appointed.
- No contractor (i.e. sub-contractor) shall start work until he has been given the names of the CDM co-ordinator and the principal contractor.
- Constructors must provide the principal contractor with any information which could affect the safety of the works, and about any contractors he appoints.
- CDM co-ordinators must give advice to clients, ensure appropriate Health and Safety arrangements are made, liaise with the principal contractor, control designers.
- CDM co-ordinators must notify the project to the Health and Safety Executive.
- Duties of the principal contractor relating to:
  - Planning, managing and monitoring
  - Welfare
  - Giving directions to contractors
  - Training, site induction

### **Health and Safety On Site**

- Safe places of work
- Good order and site security
- Stability of structures
- Demolition or dismantling
- Working at Height
- Explosives

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- Excavations
- Cofferdams and caissons
- Inspections
- Energy distribution installations
- Prevention of drowning
- Traffic routes
- Vehicles
- Fire prevention, fire detection, fire fighting
- Emergency procedures, routes, exits
- Fresh air, temperature, weather protection
- Lighting

**Civil Liability**

***Construction Health, Safety & Welfare***

- Comprehensive requirements for safe places of work
- Includes reference to many aspects of construction including:
  - Working at heights
  - Excavations
  - Demolition
  - Explosives
  - Access
  - Welfare
  - Training
  - etc

***Site Waste Management Plans***

Applies to construction contracts value >£300,000 excl. VAT (tender price) in England, unless they relate to a Part A process under the *Environmental Permitting (England and Wales) Regulations 2008*.

A Site Waste Management Plan must show:

- Client; Principal Contractor; Who wrote the plan.

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- Each type of waste to be produced; estimated quantity; the plan for disposal, e.g. re-use, recycle, landfill, etc.
- Declaration that the Duty of Care will be observed.

For contracts >£300,000, < £500,000 records must be kept:

- Whenever waste is removed, record identity of person removing the waste, type of waste, site waste taken to.
- Within 3 months of completion, Principal Contractor must confirm that the plan has been monitored and kept up-to-date. Any deviations from the plan must be explained.

For contracts >£500,000 the following records must *also* be kept:

- Waste carrier registration, written description of each waste, permit details of the waste manager receiving the waste.
- Every 6 months, review the plan, record types of waste produced, how the waste has been disposed of, e.g. re-use, recycle, sent for another form of recovery, landfill or other form of disposal.
- Within 3 months of completion, *also* estimate cost savings achieved from implementing the Plan.

Plans to be kept on site

Records to be retained at principal office for 2 years from completion.

#### ***Notification of Conventional Tower Cranes Regulations***

- Conventional Tower Cranes are defined.
- All Conventional Tower Cranes need to be notified to the HSE by whoever is responsible for the thorough examination (usually the Principal Contractor), within 14 days of any such examination.
- Information required in the notification includes the crane owners details, the site address, crane identification, employers details, date of the thorough examination, and any defects found.
- Notification done on-line or by post on standard form.

## **12.3 Application to LCE**

Development of Health & Safety Plans prior to commencement of works.

## **12.4 Related Documents**

### **12.4.1 Register of Environmental Aspects**

Wastes

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### **12.4.2 Risk Assessments**

None

### **12.4.3 Procedures**

Control of Site Work

### **12.4.4 Records**

Site Work Management Plans

ARR2 - CDM Regulations 1994

ARR3 - Development of the Health and Safety Plan

SSW1 - General Site Matters and Welfare

SSW18 - Work in sewers, manholes and pumping stations

SSW38 - Excavation Work

SSW39 - Excavation work in contaminated and/or landfill areas

### **12.4.5 Other relevant documents**

None

## 13. Confined Spaces

### 13.1 Relevant legislation and regulations

- *Confined Spaces Regulations 1997* (SI 1997 No 1713)

### 13.2 Summary of requirements

- Only work in confined spaces if there is no reasonably practical alternative
- Risk assessment.
- Safe system of work e.g. isolate the area, supervision, communication, how to raise the alarm, air testing if a risk of contamination, purge flammable or toxic gases, PPE, lighting incl. emergency lighting, rescue procedures, time limits, permits to work.

### 13.3 Application to LCE

Site work (excavations)

### 13.4 Related Documents

#### 13.4.1 Register of Environmental Aspects

None

#### 13.4.2 Risk Assessments

Site Work

#### 13.4.3 Procedures

Control of Site Work

#### 13.4.4 Records

SSW6 - Entry confined spaces

SSW18- Work in sewers, manholes and pumping stations

#### 13.4.5 Other relevant documents

None

## 14. Road Works and Traffic

### 14.1 Relevant legislation and regulations

- *Department of Transport Traffic Signs Manual, Chapter 8 – Traffic Safety Measures and Signs for Roadworks and Temporary Situations.*
- *New Roads and Street Works Act 1991 Part III*
- *Safety at Street Works and Road Works: A Code of Practice 2<sup>nd</sup> Edition 2002*
- *BS EN 471:2003+A1:2007 High-visibility warning clothing for professional use. Test methods and requirements*
- *National Highways Sector Schemes for Quality Management in Highway Work:*

Scheme 12 D: Installing, maintaining and removing temporary traffic management on rural and urban roads.

### 14.2 Summary of requirements

#### **Street Works**

Carry out on site risk assessments.

Personnel must wear high visibility clothing and any other protective equipment deemed necessary.

Signs, lights and guarding equipment must be secured into position and must be reflectorised (unless otherwise specified).

Signs must be visible from both directions on two-way roads, and from all directions at road junctions.

Site layout must include working space and a safety zone.

Sites must be inspected regularly to ensure that all equipment remains correctly positioned.

All equipment must be removed promptly on completion of the job.

Correct signage at road works minimises the risk of accidents to operatives and road users.

#### **Sector schemes**

There is a need to demonstrate compliance with ISO9001: 2008.

Quality plans shall be available

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Contract specific statements are required for certain activities.

Staff should be competent. Any necessary training, information and instruction must be provided.

### **14.3 Summary of requirements**

Correct signage at road works minimises the risk of accidents to operatives and road users.

### **14.4 Application to LCE**

Traffic Management Systems are normally outsourced to approved subcontractors.

### **14.5 Related Documents**

#### **14.5.1 Register of Environmental Aspects**

None

#### **14.5.2 Risk Assessments**

None

#### **14.5.3 Procedures**

Control of Site Work

#### **14.5.4 Records**

SSW29 - Road works

SSEW32 - Road surfacing and associated operations

#### **14.5.5 Other relevant documents**

None

## 15. Working at Heights

### 15.1 Relevant legislation and regulations

- *Work at Heights Regulations 2005 (SI 2005 No 735)*

### 15.2 Summary of requirements

- (a) Work at height must be planned and organised
- (b) Those working at height must be competent
- (c) Risk assessments must be carried out
- (d) Equipment for working at height must be properly inspected and maintained
- (e) States hierarchy for managing work at height
- (f) Scaffolding and personal suspension equipment must be erected by trained personnel under the supervision of a competent person
- (g) If there is any risk of falling, work must be carried out in a way which is, as far as is reasonably practicable, safe, and to prevent falling a distance which is liable to cause personal injury
- (h) Precautions when working on fragile material (e.g. roofing)
- (i) Schedules give detailed requirements for guard rails, working platforms, scaffolding, personal suspension equipment, arresting falls, use of ladders.

#### ***Ladders, Scaffolds***

- If there is any risk of falling, work must be carried out in a way which is, as far as is reasonably practicable, safe, and to prevent falling a distance which is liable to cause personal injury
- Schedules give detailed requirements for guard rails, working platforms, scaffolding, personal suspension equipment, arresting falls, use of ladders.
- Scaffolding and personal suspension equipment must be erected under the supervision of a competent person.
- Precautions when working on fragile material.

#### ***Roofwork***

- Guidance on safe working at heights and on roofs.

## **15.3 Related Documents**

### **15.3.1 Register of Environmental Aspects**

None

### **15.3.2 Risk Assessment**

Site Work

### **15.3.3 Procedures**

Control of Site Work

### **15.3.4 Records**

ARR61 - Working at Height

SSW56 - Scaffolds and Working Platforms

SSW57 - Scaffold Erection

SSW58 - Scaffold Inspections

SSW61 - Safe Use of Ladders

OFS8 - Safe use of Ladders

OFS8 - Safe use of Step Ladders

### **15.3.5 Other relevant documents**

None

## 16. Vibration

### 16.1 Relevant legislation and regulations

- *Control of Vibration at Work Regulations 2005* (SI 2005 No 1093)

### 16.2 Summary of requirements

- Introduces action values and limit values for daily exposure to vibration
- Must do a risk assessment
- Eliminate where possible, or reduce exposure to as low a level as is reasonably practicable.
- Introduce a programme to reduce exposure at action values
- Prohibition of working beyond limit values
- Weekly averaging allowed in specified circumstances
- Health surveillance required
- Instruction and training to be provided

### 16.3 Application to LCE

Use of power tools on site.

### 16.4 Related Documents

#### 16.4.1 Register of Environmental Aspects

None

#### 16.4.2 Risk Assessments

Site Work

#### 16.4.3 Procedures

Hazard Identification, Risk Assessment & Control

#### 16.4.4 Records

Vibration Assessment Table

Vibration Exposure Records

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ARR48 - Hand/Arm Vibration

SSW5 - Compressed Air Hand Tools

**16.4.5 Other relevant documents**

None

## 17. Waste Water

### 17.1 Relevant Legislation

- *Water Industry Act 1991 as amended by the Environmental Permitting Regulations 2007* (SI 2007 No. 3538)
- *Water Resources Act 1991: Sections 85 – 89 as amended by the Environmental Permitting Regulations 2007* (SI 2007 No. 3538) *and the Environmental Permitting Regulations 2010* (SI 2010 No. 675)
- *The Environmental Permitting Regulations 2010* (SI 2010 No. 675)
- *The Control of Pollution (Applications, Appeals and Registers) Regulations 1996* (SI 1996 No. 2971)
- *Environmental Damage (Prevention and Remediation) Regulations 2009* (SI 2009 No. 153) *and Environmental Damage (Prevention and Remediation) (Wales) Regulations* (SI 2009 No. 995)

### 17.2 Summary of Requirements

No polluting substances shall be allowed to enter any stream or river without consent.

The **Water Industry Act** requires all commercial activities to be licensed by the local Water Company before they can discharge to sewer. In practice, licences are only issued where prescribed substances are in use or where there is a likelihood of a problem.

The **Water Resources Act** is concerned with the pollution of water courses and is enforced by the Environment Agency.

The **Environmental Permitting Regulations** require a permit to discharge certain substances unless the Agency concludes that the concentrations are so low as not to cause deterioration of the quality of groundwater. Hazardous substances are forbidden. Non-hazardous pollutants are allowed provided appropriate precautions are taken.

#### ***Control of Pollution (Applications etc.) Regulations***

Describe the procedures for applying for, or varying, consents to discharge to controlled waters, and for appeals to the Secretary of State.

#### ***Environmental Damage Regulations***

Force polluters to prevent and remedy environmental damage to surface or ground water. These regulations also apply to

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contamination of land and damage to protected species and natural habitats (especially SSSIs).

### **17.3 Relevant Activities/Processes**

Washing out cement lorries and other vehicles.

Site run off.

Use of concrete near or in water courses.

Wheel washing.

### **17.4 Comment**

Clients normally carry out assessment of each job which they have commissioned and defines the precautions the company must take.

Lagoons or settlement ponds may be used to collect site water prior to discharge. Temporary pumping licences are obtained when needed.

### **17.5 Related Documents**

#### **17.5.1 Register of Environmental Aspects**

Effluents and pollution

#### **17.5.2 Risk Assessments**

None

#### **17.5.3 Procedures**

Hazard Identification, Risk Assessment and Control

Control of Site Work

#### **17.5.4 Records**

None

#### **17.5.5 Other relevant documents**

None

## 18. Noise

### 18.1 Relevant legislation and regulations

- *Control of Noise at Work Regulations 2005 (SI 2005 No 1643)*

### 18.2 Summary of requirements

#### **Noise**

- Determine whether any employee is exposed to a daily / weekly personal noise exposure of 80dB, or a peak of 135 dB. Make hearing protection available on request (lower exposure limit).
- Determine whether any employee is exposed to a daily/weekly personal noise exposure of 85db, or a peak of 137 dB. Must provide hearing protection (upper exposure limit).
- Exposure limit values of daily / weekly 87 dB, peak 140 dB, when wearing ear protection, must not be exceeded. Provide ear protection if level still at 85dB.
- Demarcate ear protection zones if above upper exposure limit.
- Take steps to reduce noise levels.
- Provide health surveillance if there is a risk.

### 18.3 Relevant activities/processes

Site Work

### 18.4 Related Documents

#### 18.4.1 Register of Environmental Aspects

Nuisances

#### 18.4.2 Procedures

None

#### 18.4.3 Records

Company Handbook – Control of Noise at Work

Noise Survey

#### 18.4.4 Other relevant documents

None

## 19. Pressure Systems

### 19.1 Relevant legislation and regulations

*Pressure Systems Safety Regulations 2000 (SI 2000 No. 128)*

### 19.2 Summary of requirements

#### ***Pressure Systems Safety Regulations***

- Safe design and construction.
- Safe installation.
- Safe operating limits.
- Periodic systematic examination.
- Action in case of imminent danger.
- Maintenance.
- Records.

#### ***Pressure Equipment Directive (PED)*** – applies to manufacturers of pressure equipment

- Pressure equipment must be CE Marked.
- Manufacturers must have full Technical Files.
- Equipment must be tested by a Notified Body.

#### ***Simple Pressure Vessels*** – applies to manufacturers of pressure equipment

- Working pressure  $\leq 30$  bar.
- Working temperature  $> -50^{\circ}\text{C}$   $< 300^{\circ}\text{C}$  (steel)  
 $< 100^{\circ}\text{C}$  (aluminium).
- CE marked.

#### ***Carriage of Dangerous Goods etc***

- Operator and driver training.
- Observe safety obligations
- Appoint safety advisors
- Report accidents

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- Identify goods by UN numbers.
- Packaging provisions.
- Marking and labelling.
- Equipment shall be CE marked and periodically tested.
- Special provisions for 'old' pressure vessels.

### **19.3 Relevant activities/processes**

Use of Pressure Systems on Site

### **19.4 Cross References to Other Documentation**

#### **19.4.1 Aspects**

None

#### **19.4.2 Risk Assessments**

None

#### **19.4.3 Procedures**

Site work

#### **19.4.4 Records**

Maintenance Records

#### **19.4.5 Other relevant documents**

None

## **20. General Management - Environment**

### **20.1 Relevant legislation and regulations**

- *ISO14001:2004 "Environmental Management Systems"*

### **20.2 Summary of requirements**

The requirements for a structured environmental management system which can be independently assessed.

### **20.3 Relevant activities/processes**

Any environmental aspect of the company's business.

### **20.4 Cross References to Other Documentation**

#### **20.4.1 Aspects**

Register of Aspects

#### **20.4.2 Procedures**

Integrated Procedures

## 21. Disposal of Controlled Wastes

### 21.1 Relevant Legislation

#### 21.1.1 Removal of Waste

- *Control of Pollution (Amendment) Act 1989*
- *Waste Management: The Duty of Care: A Code of Practice (1996)*
- *The Controlled Waste Regulations 1992 (SI 1992 No. 588)*
- *Site Waste Management Plans Regulations 2008 (SI 2008 No 314)*
- *Clean Neighbourhoods and Environment Act 2005.*
- *The List of Wastes (England) Regulations 2005 (SI 2005 No 895) and The List of Wastes (Wales) Regulations 2005 (SI 2005 No 1820)*
- *The Waste (England and Wales) Regulation 2011 (SI 2011 No 986)*

#### 21.1.2 Waste Management

- *Environmental Permitting Regulations 2010 (SI 2010 No 675)*
- *The Controlled Waste (Amendment) Regulations 1993 (SI 1993 No 566)*
- *Waste Management (England & Wales) Regulations 2006 (SI 2006 No. 937)*

#### 21.1.3 Landfill Tax

- *Landfill Tax Regulations 1996 (SI 1996 No. 1527)*

#### 21.1.4 Other Waste Disposals

- *End-of-Life Vehicles Regulations 2003 (SI 2003 No 2635); End-of-Life Vehicles Regulations 2005 (SI 2003 No 263)*

### 21.2 Summary of Requirements

Wastes can only be transferred to an authorised person in one of the following categories:

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- Waste Collection Authority or Waste Disposal Authority (Local authority).
- Someone who holds an environmental permit or who has an exemption from holding one.
- Someone who is registered as a waste carrier or who holds an exemption from registration.

### **21.2.1 Removal of Waste**

#### ***Control of Pollution (Amendment) Act:***

Waste carriers must be licensed by the Environment Agency.

#### ***Duty of Care Code of Practice***

Gives guidance on the secure storage of waste, Controlled Waste Transfer Notes and registration of waste carriers

Controlled wastes can only be transported by a registered waste carrier.

All transfers of waste from the organisation to a waste carrier shall be documented on a Controlled Waste Transfer Note signed by both parties. A copy of each Transfer Note shall be kept for 2 years.

An example Waste Transfer Note can be found on and downloaded from the Environment Agency website at [http://www.environment-agency.gov.uk/static/documents/Business/Waste\\_transfer\\_note\\_e-form.pdf](http://www.environment-agency.gov.uk/static/documents/Business/Waste_transfer_note_e-form.pdf)

Annual Transfer Notes (Season Tickets) can be used for regular transfers of the same waste by the same carrier.

The Code of Practice requires checks on the validity of waste carrier licences.

Note: waste carrier details can be checked on [www2.environment-agency.gov.uk/epr/search.asp?id=EP8&&type=register](http://www2.environment-agency.gov.uk/epr/search.asp?id=EP8&&type=register)

Note that wastes are to be identified on Transfer Notes by reference to the appropriate codes in the List of Wastes Regulations.

Note: depending on the hazard rating of a hazardous waste, certain proportions can contaminate controlled waste without affecting its classification as controlled waste.

#### ***Controlled Waste Regulations:***

Schedules define Household, Industrial and Commercial Wastes.

#### ***Clean Neighbourhoods and Environment Act***

Fines for businesses (up to £300) not registered to carry waste, or failing to produce duty of care documentation

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Powers to order landowners to clear waste from their land if they knowingly caused or permitted fly-tipping

### ***Waste Regulations***

The regulations implement the revised EU Waste Framework Directive 2008/98, which sets requirements for the collection, transport, recovery and disposal of waste.

They set a hierarchy for waste management as follows:

- A. Prevention
- B. Preparing for reuse
- C. Recycling
- D. Recovery, e.g. energy recovery
- E. Disposal.

The Regulations:

- require businesses to confirm that they have applied the waste management hierarchy when transferring waste, and include a declaration on their Waste Transfer Note or Consignment Note (from October 2011)
- require inclusion on the Waste Transfer Note of the 2007 Standard Industrial Classification (SIC) code of the person/business producing the waste to be transferred (from October 2011). The list of SIC codes can be found at: [www.ons.gov.uk/ons/guide-method/classifications/current-standard-classifications/standard-industrial-classification/index.html](http://www.ons.gov.uk/ons/guide-method/classifications/current-standard-classifications/standard-industrial-classification/index.html) or for a step by step approach to identifying the correct code: <http://wastesupport.co.uk/sic-codes/>
- introduce a two-tier system for waste carrier and broker registration, including a new concept of a waste dealer
- make amendments to hazardous waste controls
- exclude some categories of waste from waste controls, (e.g. animal by-products such as used for muck spreading), although conditions may apply.

## **21.2.2 Waste Management**

### ***Environmental Permitting Regulations***

“Waste handling” is listed in the Environmental Permitting Regulations Schedule 1, Part 2, Chapter 5.

Persons receiving waste for treatment or disposal must be licensed by the Environment Agency. The licence will set out technical requirements regarding the operation of the site.

Such persons must be technically qualified to a level of competence which depends on the type of waste being handled or the processes being carried out.

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Persons carrying out exempt operations are still required to be registered and the exemption must be notified e.g. compactors at waste treatment sites, or the crushing of demolition waste for reuse on the construction site as aggregate.

There are certain activities which do not require exemptions to be registered as they are covered under the Non-Waste Framework Directive exemptions. These include treatment activities at the place of production (i.e. not at a waste management site) such as shredding or compacting, as long as this does not change the nature of the waste, and temporary (<12 months) storage of waste at the place of production for collection.

***Waste Management Regulations***

Extend the categories of controlled waste to cover mine, quarry and agricultural waste. Categorise wastes as household, industrial or commercial. Ban householders from treating, keeping or disposing of controlled waste if it could pollute the environment.

***Controlled Waste (Amendment) Regulations:***

Section 34 of the EPA will not apply in relation to scrap metal.

***The Disposal of Controlled Waste (Exception) Regulations:***

Exceptions with respect to any deposit of controlled waste on land or the use of any plant or equipment for the purpose of disposing of, or dealing with controlled waste.

### **21.2.3 Landfill Tax**

***The Landfill Tax Regulations:***

Disposal to landfill will be taxed at £56/t for active waste (for 2011/2012) and rising annually. General waste is active. Inert waste is taxed at £2.50/t.

Note: there is a small allowance for the contamination of inert waste by active waste without affecting its classification.

***Landfill Regulations:***

Landfill sites will be designated as hazardous, non-hazardous or inert. Some sites will be licensed to accept hazardous waste that has been stabilised and made inert in separate cells at non-hazardous sites.

Only waste that has been treated may be accepted by a landfill site. (Treatment includes reducing the volume e.g. removing recyclables, reducing the hazardous nature, making it easier to handle.) Excludes inert waste. If this is not done by the waste producer, it must be sent to a waste treatment facility before being landfilled.

In particular the following wastes may not be landfilled unless pre-treated: liquids, explosive, corrosive, oxidising, flammable, highly flammable, hospital and clinical wastes, undefined laboratory residues, tyres.

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Stringent conditions on the engineering, operation and monitoring of landfills, and finance.

The "Waste Acceptance Criteria", which sets out how wastes are to be classified, e.g. it may be allowable to have a small % of hazardous waste in with other wastes for normal disposal.

See comment above under "Duty of Care" about identifying wastes using the Waste Lists.

*Excavated soils.* - The Contaminated Land Industry Group (CLAIRE) has issued guidance (September 2008) setting out the circumstances when excavated soils do not have to be treated as waste.

- Soils must be "suitable for their intended use" without further treatment.
- Soils must have a guaranteed use i.e. not be stockpiled
- Soils must only be used in the quantities required. If the use excessive it will be regarded as waste.
- In order to prove that these conditions have been met, there must be a Materials Management Plan, reviewed and signed off by a "qualified person" i.e. a recognised land contamination expert, before excavation begins. Following the job there must be a verification report.

#### **21.2.4 Other Waste Disposals**

##### ***End-of-Life Vehicle Regulations:***

The **2003 Regulations** concern restrictions on the use of certain materials e.g. heavy metals in vehicle construction, the design of vehicles to facilitate recovery/recycling of materials, certificates of destruction, licensing of dismantlers.

The **2005 Regulations** require producers to register and make arrangements to collect used vehicles and meet reuse/recovery/recycling targets.

### **21.3 Relevant Activities/Processes**

General site operational and office rubbish.

### **21.4 Comment**

The company holds a waste transfer licence (number: SEW697016), but also uses waste carriers.

## **21.5 Related Documents**

### **21.5.1 Register of Environmental Aspects**

Waste – Head Office

Waste - On Site

### **21.5.2 Procedures**

Control of site work

Disposal of controlled wastes

### **21.5.3 Records**

Controlled Waste Transfer Notes

Evidence of Carriers Licence

### **21.5.4 Other relevant documents**

Waste Carriers Licence

## 22. Disposal of Hazardous Wastes

### 22.1 Relevant legislation and regulations

#### *Hazardous Wastes*

- *The Hazardous Waste (England and Wales) Regulations 2005* (SI 2005 No 894) and *The Hazardous Waste (England and Wales)(Amendments) Regulations 2009* (SI 2009 No. 507)
- *The List of Wastes (England) Regulations 2005* (SI 2005 No 895)
- *Chemicals (Hazard Information and Packaging for Supply) Regulations 2009* (SI 2009 No 761) (CHIP)
- *UK Standard Industrial Classification of Economic Activities 2003* (SIC Codes)
- *Waste Batteries and Accumulators Regulations 2009* (SI 2009 No 890)
- *Waste Electrical and Electronic Equipment Regulations 2006* (SI 2006 No 3289) and *Waste Electrical and Electronic Equipment (Amendment) Regulations 2010* (SI 2010 No 1155)
- *The Waste (England and Wales) Regulations 2011* (SI 2011 No. 988)

### 22.2 Relevant activities/processes

Disposal of hazardous wastes, e.g. waste oils, waste containing heavy metals, solvents, chemicals.

### 22.3 Summary of requirements

#### *Hazardous Wastes*

##### *Definition of Hazardous Waste*

Wastes are categorised as “hazardous” if identified as such in the *List of Wastes*, and have hazard and risk factors, as defined in *CHIP* in the concentrations listed in Regulations 3 and 4 of the *List*.

##### *Notification of premises*

The Environment Agency (EA) must be notified up to one month in advance if more than 500kg p.a. of hazardous waste is to be produced at a premises, by writing (£28), telephone (£23) or electronically (£18). The notification must include the SIC code of the premises. A notification is valid for 12 months.

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When EA has been notified and the fee paid, the EA will issue a unique "premises code". Lewis has been issued the premises code **NDP930**.

*Consignment Notes*

The consignor must produce a Consignment Note ( For an example of the required format go to: [http://www.environment-agency.gov.uk/static/documents/Business/HWCN01v111\\_paper\\_final\\_April\\_2011.pdf](http://www.environment-agency.gov.uk/static/documents/Business/HWCN01v111_paper_final_April_2011.pdf)), to be completed in turn by consignor, carrier, consignee, producing enough copies for everybody in the chain to the ultimate destination. Consignor retains one copy and hands the rest to the carrier. The consignment note should include reference to the 2003 SIC code of the waste and confirmation that the waste hierarchy has been applied.

The consignor's copies must be kept on the premises in a register for 3 years.

The consignees (normally disposal contractors) of hazardous waste are required to notify producers/consignors quarterly on a Hazardous Waste Producer Returns Form stating what waste has been received and how it has been treated.

Carriers of hazardous waste may make multiple collections but must notify the consignee of how many collections were made in the round. Consignees must note on the quarterly Hazardous Waste Producer Returns Form the round number and the customer's collection number

***Waste Batteries and Accumulators Regulations***

Producers and retailers to be responsible for recycling. Those producing more than 1 tonne p.a. of portable batteries must join an approved appliance scheme.

Also makes recommendations for end users.

***WEEE Regulations:***

When replacing equipment already in existence at 13<sup>th</sup> August, 2005, with new equipment of the same type or serving the same function, the responsibility for the old equipment being removed will fall to the producer of the new equipment. When removing equipment which is not being replaced, the responsibility will fall on the organisation.

When buying new equipment after 13<sup>th</sup> August, 2005, the responsibility for its disposal when it is eventually removed will fall on the "producer" of the equipment, which can be the manufacturer, the "own brand" distributor or the importer.

***Waste Regulations***

See ***Disposal of Controlled Waste*** section for general requirements of these regulations.

The regulations also introduce a new category, *H13 Sensitizing*, to the list of properties defining waste as hazardous.

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This change means that some non-hazardous wastes may be reclassified as hazardous wastes.

## **22.4 Related Documents**

### **22.4.1 Register of Environmental Aspects**

Waste on site

### **22.4.2 Procedures**

Hazardous wastes

### **22.4.3 Records**

Hazardous Waste Consignment Notes

### **22.4.4 Other relevant documents**

Registration (as a producer of Hazardous Waste)

## 23. Statutory Nuisance

### 23.1 Relevant Legislation

- *Environmental Protection Act 1990: Part III. Section 79*
- *Clean Air Act 1993 Part 1*
- *Control of Noise (Codes of Practice for Construction and Open Sites) (Wales) Order 2002 (SI 2002 No. 1725)*
- *Control of Noise (Codes of Practice for Construction and Open Sites) (England) Order 2002 (SI 2002 No. 461)*
- *BS5228 "Noise and vibration control on construction and open sites"*
  - Part 1:1997 – basic information (with Amendment No.1 (15 April 1999))
  - Part 2:1997 – road construction and maintenance
  - Part 4:1992 – piling (with Amendment No.1 (July 1993))

### 23.2 Summary of Requirements

Premises shall not emit any of the following which are prejudicial to health or a nuisance:

- Smoke
- Fumes and gas
- Dust, steam, smell
- Accumulation or deposit
- Noise

#### 23.2.1 Relevant Activities/Processes

Noise from general site activity, generators and compressors.

#### 23.2.2 Comment

##### **Noise**

The times and levels of noise are usually set out in the contracts. If Lewis (Civil Engineering) Limited requires a variation to any times or noise level an application is made to the local authority.

## **23.3 Related Documents**

### **23.3.1 Register of Environmental Aspects**

Nuisances

### **23.3.2 Procedures**

Control of site work

### **23.3.3 Records**

ARR46 – Control of Noise at Work

ARR47 – Noise schedule

### **23.3.4 Other relevant documents**

None

## 24. Contaminated Land

### 24.1 Relevant Legislation

- *Environmental Protection Act 1990 Part IIa*
- *Environment Act 1995, Part II, Part III*
- *Contaminated Land (Wales) Regulations 2006 (SI 2006 No 2989)*
- *Contaminated Land (England) Regulations 2006 (SI 2006 No. 1380)*

### 24.2 Summary of Requirements

#### ***Environmental Protection Act***

Part IIA refers to contaminated land including identification, liabilities, remediation and powers of enforcement

#### ***Environment Act***

Enabled the establishment of the Environment Agency and made a number of provisions, including provisions in Part II for contaminated land

The ***Contaminated Land Regulations*** places a responsibility on local authorities and on the Environment Agency to identify contaminated land and to serve remediation notices. The notices will be served on the people who created the contamination if they can be identified. Otherwise the current owner or occupier is responsible.

Defines types of contaminated land.

### 24.3 Relevant Activities/Processes

The company must take care that its activities do not cause land pollution, e.g. spilt diesel.

### 24.4 Comment

The company does not own the land it is working on so therefore any obligation to carry out remedial work to remove contamination is the responsibility of the owner.

## **24.5 Related Documents**

### **24.5.1 Register of Environmental Aspects**

Effluents and Pollution

### **24.5.2 Procedures**

Handling, storage, packaging, preservation and delivery

### **24.5.3 Records**

None

### **24.5.4 Other relevant documents**

None

## 25. Planning Agreements with Relevant Local Authorities

### 25.1 Relevant Legislation

- *Town and Country Planning (Environmental Impact Assessment) Regulations 2011* (SI 2011 No. 1824)
- *Town and Country Planning (Environmental Impact Assessment (England and Wales)) Regulations 1999* (SI 1999 No. 293) and subsequent amendments.
- *Coast Protection Act 1949*
- *Harbour Works (Environmental Impact Assessment (England and Wales)) Regulations 1999* (SI 1999 No 3445)

### 25.2 Summary of Requirements

New developments require planning consent. The application may need to be accompanied by an environmental impact assessment. The permission may include conditions relating to environmental factors.

#### ***Town and Country Planning***

Any new planning applications likely to have significant environmental effects will require an environmental impact assessment e.g. visual, traffic, noise, pollution.

#### ***Coast Protection***

Not lawful to excavate or remove materials on any portion of the seashore without an Order.

#### ***Harbour Works***

An environmental statement must be prepared and approved before any harbour works (below low watermark) are commenced.

### 25.3 Relevant Activities/Processes

Projects which involve new development areas.

### 25.4 Comment

The planning process is the client's responsibility. The requirements, if any, are left to the client to highlight in documentation prior to the commencement of a contract. The company must ensure that it complies with any such requirements.

## **25.5 Related Documents**

### **25.5.1 Register of Environmental Aspects**

Controlling the Work

### **25.5.2 Procedures**

Contract Review

Hazard identification, risk assessment and control

### **25.5.3 Records**

None

### **25.5.4 Other relevant documents**

None

## **26. Sites of Special Scientific Interest**

### **26.1 Relevant Legislation**

- *Countryside Act 1968*

### **26.2 Summary of Requirements**

Damage or destruction to SSSIs.

### **26.3 Relevant Activities/Processes**

Site activities.

### **26.4 Comment**

The client is expected to highlight any SSSIs in the documentation prior to the commencement of the contract. Lewis (Civil Engineering) Limited does not actively check to see if there are any SSSIs on or adjacent to the land being worked on.

### **26.5 Related Documents**

#### **26.5.1 Register of Environmental Aspects**

Controlling the Work

#### **26.5.2 Procedures**

Hazard identification, risk assessment and control

#### **26.5.3 Records**

None

#### **26.5.4 Other relevant documents**

None

## **27. Disposal of Japanese Knot Weed and Other Pernicious Weeds**

### **27.1 Relevant Legislation**

- *Wildlife and Countryside Act 1981*, as amended: Schedule 14, paragraph 2 – Invasive Plants
- *The Knotweed Code of Practice Environment Agency 2006*

### **27.2 Summary of Requirements**

It is an offence to grow or cause to grow any plant in Part 2 of Schedule 9 – this includes Japanese Knot Weed. Local authorities have to exercise control over the disposal of pernicious weeds (Schedule 14 para 2).

### **27.3 Relevant Activities/Processes**

Discovery of Knot Weed etc on site.

### **27.4 Comment**

If Knot Weed is discovered on site work in the area of the Knot Weed will be postponed until Lewis site management and the client have been informed and a management plan prepared.

*The Knotweed Code of Practice* gives guidance on how to control/dispose of Japanese Knotweed.

### **27.5 Related Documents**

#### **27.5.1 Register of Environmental Aspects**

Controlling the Work

#### **27.5.2 Procedures**

Hazard identification, risk assessment and control

#### **27.5.3 Records**

None

### **27.5.4 Other relevant documents**

Guidance note on how to control Japanese Knotweed -  
[www.environment-agency.gov.uk/static/documents/Leisure/GEHO0307BLZO-e-e\(1\).pdf](http://www.environment-agency.gov.uk/static/documents/Leisure/GEHO0307BLZO-e-e(1).pdf)

## 28. Wildlife

### 28.1 Relevant Legislation

- *Town and Country Planning (Trees) Regulations 1999*
- *Wildlife and Countryside Act 1981 and many amendments*
- *Hedgerow Regulations 1997*
- *Conservation of Habitats and Species Regulations 2010 (SI 2010 No 490)*
- *Environmental Damages (Prevention and Remediation) Regulations 2009 (SI 2009 No 153)*
- *The Protection of Badgers Act 1992*

### 28.2 Summary of Requirements

#### ***Town and Country Planning (Trees) Regulations***

- Tree preservation orders.

#### ***Wildlife and Countryside act***

- It is an offence to harm any protected species.

#### ***Hedgerow Regulations***

- Hedgerows may not be removed without local authority approval.

#### ***Conservation of Habitats and Species Regulations 2010***

These regulations consolidate the requirements of the 1994 regulations and subsequent amendments and revoke most of their content.

Schedules 2 and 5 list protected species of European plants and animals.

#### ***Environmental Damages (Prevention and Remediation) Regulations***

Force polluters to prevent and remedy environmental damage that they have caused, including damage to protected species and natural habitats (especially SSSIs) - the 'polluter pays' principle.

#### ***Badgers Act***

Makes it an offence to take, injure or kill badgers or interfere with their sets.

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## **28.3 Relevant Activities/Processes**

Lewis has previously identified bats and badgers on site.

There is often a need to remove (and subsequently reinstate) hedgerows.

## **28.4 Comment**

In the event of identifying protected species, the company will, where necessary, identify alternative solutions in order to protect wildlife.

## **28.5 Related Documents**

### **28.5.1 Register of Environmental Aspects**

Controlling the work

### **28.5.2 Procedures**

Contract review (target costs)

Hazard identification, risk assessment and control

### **28.5.3 Records**

None

### **28.5.4 Other relevant documents**

None

## 29. Storage on Site

### 29.1 Relevant legislation and regulations

- *Water Resources Act 1991*, as amended by the *Environmental Permitting Regulations 2007* (SI 2007 No. 3538) and the *Environmental Permitting Regulations 2010* (SI 2010 No. 675)
- *Control of Pollution (Oil Storage) (England) Regulations 2001*
- *Guidance: Storage and Handling of Drums and Intermediate Bulk Containers* (PPG26 Feb 2004)
- *Control of Pollution (Silage, Slurry & Agricultural Fuel Oil) Regulations 1991*
- *The Dangerous Substances and Explosive Atmosphere Regulations 2002* (SI 2002 No 2776)

### 29.2 Summary of requirements

**The Dangerous Substances and Explosive Atmosphere Regulations 2002** require a risk assessment to be carried out if such substances are stored. Hazardous areas must be classified and signed depending on the nature of the hazard. Zone classifications are listed. Emergency and incident arrangements must be in place.

Under the **Water Resources Act** it is an offence to cause pollution of any water course.

Under the **Control of Pollution (Oil Storage) Regulations**, proper bunded or secure storage facilities must be provided for the storage of oil. PPG26 gives guidance for oil and chemicals.

### 29.3 Relevant activities/processes

Storage and use of diesel.

### 29.4 Related Documents

#### 29.4.1 Register of Environmental Aspects

Effluents and Pollution

Housekeeping and appearance of the yard

#### 29.4.2 Procedures

Handling, Storage, Packaging, Preservation and Delivery.

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**29.4.3 Records**

None

**29.4.4 Other relevant documents**

None

## **30. Company Vehicles**

### **30.1 Relevant legislation and regulations**

- *Finance Act 2000*
- *VOSA Testing*
- *Road Vehicles (Construction and Use) Regulations (Amendments) (No. 4) 2003 (SI 2003 No. 2695)*

### **30.2 Summary of requirements**

#### ***Finance Act***

From April 2001 the basis for charging Vehicle Excise Duty on new passenger vehicles is related to the vehicle's CO<sub>2</sub> emissions.

Note that in the Finance Act 2006, vehicles emitting less than 100 g CO<sub>2</sub> per km pay no VED (i.e. principally hybrid vehicles).

#### ***VOSA***

The Vehicle Operator and Services Agency enforces testing of all categories of in-service vehicles, including requirements to meet the Exhaust Emission Standards for Road Vehicles.

#### ***Road Vehicles (Construction and Use)(Amendment No. 4)***

The regulations prohibit a person from driving, or causing or permitting a person to drive a motor vehicle on a road if the driver is using a hand held mobile phone.

### **30.3 Relevant activities/processes**

Administration of the fleet of company cars.

### **30.4 Related Documents**

#### **30.4.1 Register of Environmental Aspects**

Company vehicles and mobile plant

#### **30.4.2 Procedures**

None

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**30.4.3 Records**

ARR20 – Use of Company and Personal Vehicles

**30.4.4 Other relevant documents**

None

## **31. Energy**

### **31.1 Relevant legislation and regulations**

- *Finance Acts 1999 and 2000*

### **31.2 Summary of requirements**

#### ***Finance Acts***

As one action to meet the Kyoto commitment to reduce emissions of greenhouse gases, HM Government applies a climate change levy or carbon energy tax on the industrial and commercial use of energy.

Energy from new forms of renewable energy, e.g. solar, wind power, is exempt.

“Energy intensive” industries can pay reduced rates if they have agree an energy reduction programme with the government.

Current levy is 0.169p per kWh for gas, 0.485p per kWh for electricity, 1.083p per kg for LPG/gas oil, and 1.321p per kg for coal (from April 2011).

### **31.3 Relevant activities/processes**

Applies to all energy used by the business.

### **31.4 Cross References to Other Documentation**

#### **31.4.1 Aspects**

Electricity

Gas

#### **31.4.2 Procedures**

None

#### **31.4.3 Records**

Utility Bills

#### **31.4.4 Other relevant documents**

None