



# Forth Crossing Act 2011

## 2011 asp 2

### PART 9

#### ENVIRONMENTAL MATTERS

#### **70 Control of noise: Control of Pollution Act 1974**

- (1) Section 60 of the Control of Pollution Act 1974 (c.40) applies to the Forth Crossing works with the following modifications—
  - (a) a ground for an appeal to a notice served under section 60 is that the works to which the notice relates are being, or are going to be, carried out in accordance with Ministers' duties in relation to noise in the code of construction practice, and
  - (b) if an appeal includes that ground—
    - (i) the notice is suspended (irrespective of any contrary statement included in the notice) until the appeal has been abandoned or decided by the sheriff, and
    - (ii) a sheriff must recall a notice served under section 60 if satisfied that the works to which the notice relates are being, or are going to be, carried out in accordance with Ministers' duties in relation to noise in the code of construction practice.
- (2) Section 61(9) of that Act does not apply to a consent given under section 61 of that Act in relation to Forth Crossing works.
- (3) Sections 63 to 67 of that Act do not apply to the Forth Crossing works.