

**Respondee Information**

Name: NSCA Scotland

Postal Address: c/o Glasgow City Council,  
Environmental Protection Services,  
231 George Street, Glasgow, G1 1RX

Sean Doohan  
Scottish Executive Health Department  
Public Health Team  
3E(s), St Andrew's House  
Regent Road  
Edinburgh  
EH1 3DG

[publichealthconsultation@scotland.gsi.gov.uk](mailto:publichealthconsultation@scotland.gsi.gov.uk)

Dear Sean

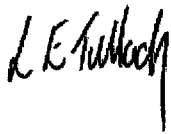
**PUBLIC HEALTH LEGISLATION IN SCOTLAND: A CONSULTATION**

NSCA Scotland<sup>1</sup> welcomes the opportunity to respond to the consultation on Public Health Legislation in Scotland. We are supportive of improvements to Public Health legislation to ensure that it is suitable for modern challenges. However, we would like to offer some comments on a few specific issues within the consultation that relate to the interests of NSCA and its members.

I have therefore attached comments on some specific questions within the document labelled appropriately.

I trust you will find these comments useful.

Yours sincerely



Lorraine Tulloch  
Policy Officer

---

<sup>1</sup> National Society for Clean Air and Environmental Protection  
([http://www.nasca.org.uk/pages/divisions/scotland\\_nasca.cfm](http://www.nasca.org.uk/pages/divisions/scotland_nasca.cfm))

**Question 1.3**

*Views are invited on whether there should be a requirement for the production of local Health Protection Plans and Statements, to be incorporated within Community Plans or Health Improvement Plans/Local Delivery Plans.*

**Comment:**

It is accepted that the need for any new plans should be closely linked to existing plans.

**Question 1.4**

*Views are invited on whether the issues to be covered in Plans/Statements should include the matters covered in paragraph 3.17*

**Comment:**

Whilst this seems a reasonable list is important to ensure that the plans/statements take cognisance of all the other statutory environmental health duties that are relevant to environmental influences such as Local Air Quality Management. However it is hoped that their will be the ability to act on a local level and encourage innovative thinking and developing projects above and beyond what is statutorily required to improve health. In these terms it will be important to define where health protection stops and health improvement starts.

In terms of information and data sharing there is potential for extremely useful Scotland wide datasets if basic common standards are set.

**Question 5.5**

*Views are invited on whether the new system of environmental health concern management could include:*

- a) public (individual or group) report to the local authority*
- b) joint assessment by local authority and NHA staff of the risk, based on the precautionary principle and agree actions with the community*
- c) proportionate action by local authority, based on legal sanctions, including abatement or prohibition orders similar to those used currently, or in food standards legislation.*

**Comment:**

Whilst it is important that the focus is on public reporting officers should still have the power to intervene without complaint to ensure potential problems dealt with effectively and to enable improvements in quality of life.

**Question 5.6**

*Views are invited on whether the time is also right to expand the statutory nuisance regime in the Environmental Protection Act 1990 to include light and insect pollution; and are there any other areas of nuisance that should be added now.*

**Comment:**

Yes the definition of statutory nuisance should be expanded and NSCA support the incorporation of light pollution. NSCA have been actively promoting this for a number of years and supporting local authorities in their efforts to deal with light pollution without any statutory powers.

NSCA would also support the statutory nuisance regime including inadequate sound insulation between properties resulting in noise nuisance.