

# GLASGOW AIRPORT RAIL LINK ACT 2007

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 3 – Miscellaneous and general**

#### ***Section 43 – Mitigation of environmental impacts***

200. **Section 43** imposes a positive duty on the authorised undertaker regarding the environmental impacts of the authorised works. The environmental statement lodged with the Act on introduction proposes that certain mitigation measures will be taken. The effect of these measures will be to prevent or reduce environmental impacts being caused by the authorised works. Subsection (1)(a) obliges the authorised undertaker to ensure that the environmental impacts of the construction or operation of the authorised works are no worse than the residual impacts identified in the environmental statement. Subsection (1)(b) obliges the authorised undertaker either to carry out any additional mitigation measures identified in the undertakings given by SPT as promoter of the Act or to ensure that the environmental impacts are no worse than they would have been if those additional mitigation measures had been carried out. The test for the authorised undertaker to apply is that of using all reasonably practicable means.
201. Subsection (2) contains definitions of environmental statement, the promoter's undertakings and residual impacts. For the purposes of this section, the environmental statement is identified as the accompanying document lodged with the Act and residual impacts means the environmental impacts of the construction or operation of the authorised works after the mitigation measures proposed in the environmental statement have been carried out.