



Edinburgh Tram (Line One) Act 2006

2006 asp 7

PART 5

MISCELLANEOUS AND GENERAL

68 Landscape and habitat management plan

- (1) The authorised undertaker shall not commence any of the scheduled works described as Work No. 12 in schedule 1 until the landscape and habitat management plan has been submitted to and approved by the planning authority.
- (2) Without prejudice to the foregoing, the landscape and habitat management plan will include the following—
 - (a) details of the trees to be removed and retained, including any proposed pruning, lopping and topping of trees to be retained and the species, specification and location of any replacement trees;
 - (b) details of the proposed accesses and finishes of such accesses to and from the tramroad and the cycletrack and walkway adjacent to the tramroad, all comprised in Work No. 12;
 - (c) the locations of noise barriers, fences, lighting and other street furniture;
 - (d) details of the location and species of existing planting to be retained;
 - (e) schedules and plans of proposed planting, including details of species, sizes, proposed numbers, planting density and location;
 - (f) proposals for maintaining the landscaping; and
 - (g) a plan, to be annexed as a confidential annex to the landscape and habitat management plan, to mitigate any adverse impact on the habitat of badgers.
- (3) The authorised undertaker shall employ all reasonably practicable means to ensure that—
 - (a) not less than one tree is planted for each tree that is removed;
 - (b) the tramroad comprised in Work No. 12 is constructed of a track form having a significant proportion of its surface finish in grass or similar;
 - (c) there is at least one access point adequate for use by emergency vehicles for each third of the cycletrack and walkway adjacent to the tramroad comprised in Work No. 12;

Status: This is the original version (as it was originally enacted).

- (d) there is no detrimental impact on the adequacy of the existing drainage system comprised in Work No. 12.
- (4) Prior to the submission of the landscape and habitat management plan to the planning authority for approval in accordance with subsection (1) of this section, the authorised undertaker shall consult with Scottish Natural Heritage and the emergency services in the preparation of the landscape and habitat management plan.
- (5) Prior to the submission of the landscape and habitat management plan to the planning authority for approval in accordance with subsection (1) of this section, the authorised undertaker shall consult with residents of property abutting the tramroad comprised in Work No. 12 in relation to the relocation, replacement or retention of their boundary fences.
- (6) Prior to the submission of the landscape and habitat management plan to the planning authority for approval in accordance with subsection (1) of this section, the authorised undertaker shall consult with residents of property abutting the tramroad comprised in Work No. 12 in relation to the security of properties abutting the tramroad comprised in Work No. 12.
- (7) The authorised undertaker shall comply with the terms of the landscape and habitat management plan approved by the planning authority in accordance with subsection (1) of this section.
- (8) The requirements imposed by or by virtue of the landscape and habitat management plan approved by the planning authority in accordance with subsection (1) of this section shall be enforceable by the planning authority as if planning permission for the construction of the scheduled works described as Work No. 12 in schedule 1 had been granted under section 37 of the 1997 Act subject to the imposition of those conditions under section 41 of that Act.
- (9) The landscape and habitat management plan approved by the planning authority in accordance with subsection (1) of this section shall not reduce the standards of mitigation and protections contained in the draft landscape and habitat management plan dated 17 June 2005, a copy of which has been lodged with the Clerk of the Parliament to be held with the accompanying documents relating to the Bill for this Act.
- (10) For the purposes of this section, the planning authority shall have the necessary power to approve, with or without modification, the landscape and habitat management plan; and such approval shall be given within 84 days of the submission of the landscape and habitat management plan, failing which consent will have deemed to have been given.