



# Edinburgh Tram (Line One) Act 2006

## 2006 asp 7

### PART 5

#### MISCELLANEOUS AND GENERAL

#### 74 Town and country planning, etc.

- (1) So far as they are not inconsistent with the provisions of this Act, the 1997 Act and any orders, regulations, rules, schemes and directions made or given under it and any restrictions or powers imposed by it or conferred in relation to land shall apply and may be exercised in relation to any land notwithstanding that the development of such land is or may be authorised or regulated by or under this Act.
- (2) In their application to development authorised by this Act, article 3 of, and Class 29 in Part 11 of Schedule 1 to the 1992 Order (which permit development authorised by any Act of the Parliament (among other legislation) which designates specifically both the nature of the development authorised by it and the land upon which it may be carried out) shall have effect as if the authority to develop given by this Act were limited to development begun within 15 years of the date on which this Act comes in to force.
- (3) Subsection (2) shall not apply to the carrying out of development consisting of the alteration, maintenance or repair of the authorised works or the substitution of new works for them.
- (4) In its application to development authorised by this Act and for the avoidance of doubt, Class 29 in Part 11 of Schedule 1 to the 1992 Order shall be interpreted as follows—
  - (a) buildings shall be deemed to include substations, tramstops and poles;
  - (b) extensions to buildings shall be deemed to include attachments to buildings;
  - (c) in relation to prior approval for works affecting a listed building, consideration of the phrase “injury to the amenity of the neighbourhood” in paragraph 3(b) shall be deemed to include the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and
  - (d) the exercise of the power to attach equipment to buildings under section 16 (Attachment of equipment to buildings for purposes of works) and any wires so attached shall be deemed to be on land specifically designated by this Act.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Without prejudice to development permitted by Class 29 in Part 11 of Schedule 1 to the 1992 Order and for the avoidance of doubt, for the purposes of Part 13 of Schedule 1 to the 1992 Order (which permits certain development by statutory undertakers)—
- (a) the road tramways comprised in the works and the works and conveniences connected with those tramways shall be taken to be a tramway undertaking within Class 41 of that Part of that Schedule; and
  - (b) the tramroads comprised in the works and the works and conveniences connected with those tramroads shall be taken to be a light railway undertaking within Class 34 of that Part of that Schedule.
- (6) In the application of the Conservation (Natural Habitats, &c.) Regulations 1994 ([S.I. 1994/2716](#)) to the works, the Parliament shall be deemed to have been a competent authority for the purposes of those regulations.
- (7) In this section “the 1992 Order” means the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 ([S.I. 1992/223](#)).