

GLASGOW AIRPORT RAIL LINK ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3 – Miscellaneous and general

Section 45 – Compliance with code of construction practice and noise and vibration policy

203. The purpose of **Section 45** is to ensure that the authorised undertaker complies with the code of construction practice and noise and vibration policy for the authorised works which may, from time to time, be amended or replaced. The test for the authorised undertaker to apply in complying is that of using all reasonably practicable means.
204. Subsection (3) refers to **schedule 9** which sets out the detailed procedure for approval, amendment and replacement of the code of construction practice. The schedule provides that the authorised undertaker must not commence construction of the authorised works in the area of a local planning authority until it has submitted to that local planning authority the code of construction practice for their approval. Paragraph 2 of the schedule requires a local planning authority to send a copy of the code, including any amendment or replacement to both Scottish National Heritage and the Scottish Environment Protection Agency. Those bodies are not obliged to respond but, if they do so, the local planning authority must take account of their representations.
205. Subsection (2) provides that the code of construction practice and the noise and vibration policy may not be amended or replaced so as to reduce the standards of mitigation or protection provided for in the earlier version. If they are not amended or replaced they are the documents dated 7th November 2006 and lodged with the Clerk of the Parliament.