

# GLASGOW AIRPORT RAIL LINK ACT 2007

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

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

#### ***Section 38 – Saving for Town and Country Planning***

185. Subsection (1) provides for planning legislation to apply in relation to the works authorised by the Act.
186. As explained in [paragraph 8](#) above, development authorised by the Act is permitted development i.e. under class 29 of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (in the Act referred to as “the 1992 Order”). Subsection (2) imposes three restrictions on the planning permission conferred by the 1992 Order.
187. First, subsection (2) lays down a 10-year limit in respect of these permitted development rights. By subsection (3) the time limit does not apply to the alteration, maintenance or repair of the authorised works, or the substitution for those works of new works. The Act therefore operates to grant planning permission for the works subject to a condition that development must be begun within 10 years.
188. Subsection (2)(b) imposes a restriction on the extent of the permission given for new fuel farm facilities at Glasgow Airport (the ancillary works identified in paragraph 2 of [schedule 2](#) to the Act). The intention is that the Act should authorise a replacement which is equivalent to the existing fuel farm facilities which will be displaced by the railway works, and that is all that has been assessed in the Environmental Statement accompanying the Act. The purpose of this provision is to ensure that the permitted development conferred by the 1992 Order is consistent with what has been considered in the Environmental Statement. If the operators of the fuel farm decide that expanded facilities are in due course required an application would need to be made for planning permission in the normal way.
189. The purpose of subsection (2)(c) is to ensure that Renfrewshire Council will have the right to approve the detailed plans and specifications of the viaduct to be constructed over St James’ Park. Under paragraph (2) of Class 29 of Schedule 1 to the 1992 Order the planning permission conferred by that Order for certain types of development is subject to the prior approval by the local planning authority of detailed plans and specifications. This provision adds “viaduct” to this list of types of development and thus removes any doubt as to whether construction of a viaduct would otherwise have been treated as being included within the types of development for which prior approval is required.