
*Changes to legislation: There are currently no known outstanding effects for the
Waverley Railway (Scotland) Act 2006, SCHEDULE 9. (See end of Document for details)*

SCHEDULE 9

(introduced by section 36)

LISTED BUILDINGS AND CONSERVATION AREAS

- 1 (1) Subject to sub-paragraph (2) below, if a listed building was such a building immediately before 21 March 2003 and is specified in columns (1), (2) and (3) of the following table—
- (a) section 6 of the Listed Buildings Act (restriction on works affecting listed buildings) shall not apply to works carried out in relation to the building in exercise of the powers conferred by Part 1 of this Act;
 - (b) to the extent that a notice issued in relation to the building under section 34(1) of that Act (enforcement) requires the taking of steps which would be rendered ineffective, or substantially ineffective, by works proposed to be carried out in exercise of the powers conferred by Part 1 of this Act, it shall not have effect or, as the case may be, shall cease to have effect;
 - (c) no steps may be taken in relation to the building under section 38(1) of that Act (execution of works specified in notice under section 34(1)) which would be rendered ineffective, or substantially ineffective, by such works as are mentioned in paragraph (b) above; and
 - (d) no works may be executed for the preservation of the building under section 49 of that Act (urgent works to preserve unoccupied listed buildings) which would be rendered ineffective, or substantially ineffective, by such works as are mentioned in paragraph (b) above.
- (2) In the case of any building specified in columns (1), (2) and (3) of the following table in relation to which any description of works is specified in column (4) of that table, sub-paragraph (1) above shall have effect as if the references to works carried out in exercise of the powers conferred by Part 1 of this Act were, so far as concerns works of demolition or alteration (as opposed to extension), to works so carried out which are of a description specified in relation to it in that column.
- (3) Paragraphs (a) to (d) of sub-paragraph (1) above shall also apply in relation to a listed building which was not such a building immediately before 21 March 2003.
- (4) If a building included in a conservation area and not a listed building—
- (a) was not included in a conservation area immediately before 21 March 2003; or
 - (b) was included in such an area immediately before that date and is specified in columns (1), (2) and (3) of the following table,
- section 66 of the Listed Buildings Act (control of demolition in conservation areas) shall not apply to the demolition of the building in exercise of the powers conferred by Part 1 of this Act.
- (5) Anything which, by virtue of section 1(4) of the Listed Buildings Act (objects or structures fixed to, or within the curtilage of, a building), is treated as part of a building for the purposes of that Act shall be treated as part of the building for the purposes of this paragraph.

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TABLE

BUILDINGS AUTHORISED TO BE DEMOLISHED OR ALTERED

<i>Local government area</i>	<i>Sheet of Parliamentary plans</i>	<i>Buildings authorised to be demolished or altered</i>	<i>Limit of authorised demolition or alteration</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
Midlothian	7	Glenesk Viaduct, Dalkeith	Structural repairs to the spandrels and wingwalls. Provision of cantilevered walkway.
Midlothian	8	Former Eskbank and Dalkeith Station platforms	Re-pointing and masonry repairs.
Midlothian	8	Melville Road Bridge, Eskbank (Overbridge 13)	Repairs and re-pointing to masonry and brickwork. Waterproofing works to bridge arch.
Midlothian	8	Lasswade Road Bridge, Eskbank (Overbridge 14)	Re-pointing of bridge arch ring.
Midlothian	8	Bonnyrigg Road, Eskbank (Overbridge 15)	Re-pointing. Replacement of damaged stonework.
Midlothian	11	Dalhousie Mains Bridge, Lothian Bridge (Underbridge 17)	Re-pointing and repairs to abutments and wingwalls. Reconstruction of spandrel wall on east side of bridge. Replacement of handrails. Cleaning and repainting of cantilever supports.
Midlothian	11, 12	Newbattle Viaduct, Lothian Bridge	Re-pointing, repairs and

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			replacement of bricks.
Midlothian	13	Murderdean Road Bridge, Newtongrange (Overbridge 19)	Repairs and re-pointing to masonry. Removal of infill material.
Midlothian	15	Redhaugh Farm Bridge, Redhaugh (Overbridge 21)	Repairs and re-pointing to abutments and wingwalls. Shot blast cleaning and painting bridge girders. Construction of parapets to replace existing handrails.
Midlothian	16	Povert Road Bridge, Redhaugh (Overbridge 22)	Repairs and re-pointing. Waterproofing works to bridge arch.
Midlothian	21	Existing Footbridge, Fushiebridge (Footbridge 28)	Removal of bridge superstructure.
Midlothian	21	Former Fushiebridge Station Bridge, Fushiebridge (Overbridge 29)	Repairs and re-pointing. Waterproofing works to bridge arch.
Midlothian	22	Catcune Farm Bridge, Catcune (Overbridge 30)	Demolition and replacement of bridge.
Midlothian	22	Catcune Farm Accommodation Bridge, Catcune (Underbridge 31)	Re-pointing and repairs. Waterproofing works to bridge arch. Removal and replacement of wrought iron handrail.
Midlothian	24	Castle Road Bridge, Borthwick Mains (Overbridge 32)	Repairs and re-pointing.

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Midlothian	24	Borthwick Mains Bridge, Borthwick (Underbridge 33)	Repairs to masonry. Removal and replacement of wrought iron handrail.
Midlothian	25	Halflaw Kiln Bridge, Birky Side (Overbridge 34)	Demolition and replacement of bridge superstructure. Repairs and re-pointing to bridge.
Midlothian	26	Halflaw Bow's, Maggie Bowies Glen (Overbridge 35)	Demolition and replacement of bridge deck and parapets. Repairs to masonry.

2 Section 53 of the Listed Buildings Act (acts causing or likely to result in damage to listed buildings) shall not apply to anything done in exercise of the powers conferred by Part 1 of this Act with respect to works.

3 In this schedule—

“the Listed Buildings Act” means the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (c. 9); and

“building” and “listed building” have the same meanings as in the Listed Buildings Act.

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