



# Waverley Railway (Scotland) Act 2006

## 2006 asp 13

### PART 3

#### MISCELLANEOUS AND GENERAL

#### **48 Regulation of mitigation measures**

- (1) The requirements imposed by or pursuant to the following provisions, that is to say—
  - (a) sections 45, 46 and 47 above;
  - (b) schedules 10 and 11 to this Act;
  - (c) any agreement under paragraph 6 of schedule 11; and
  - (d) any code of construction practice or local construction code approved, amended or replaced under either of those schedules,shall be enforceable, and the local planning authority shall have the duty to enforce them, as valid planning conditions.
- (2) For the purpose only of such enforcement, planning permission for the construction of the authorised works shall be deemed to have been granted under section 37 of the 1997 Act subject to the imposition of those conditions under section 41 of that Act.
- (3) The local planning authority shall appoint an Environmental Clerk of Works to monitor the carrying out by the authorised undertaker of the measures referred to in subsection (1).