

GLASGOW AIRPORT RAIL LINK ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3 – Miscellaneous and general

Section 37 – Listed buildings

These Notes relate to the Glasgow Airport Rail Link Act (asp [no]) which received Royal Assent on [date]

182. Paragraph 2 of **schedule 8** disapplies section 53 of the Listed Buildings Act in relation to the works authorised by Part 1 of the Act. Section 53(1) of the Listed Buildings Act makes it a criminal offence to do or permit anything which causes or is likely to result in damage to a listed building. The works described in the table would amount to damage giving rise to an offence. Section 53(3) provides that subsection (1) does not apply (which means that the offence is not committed) to the execution of works authorised by a planning permission or for which listed building consent has been given. As the Act amounts to an effective grant of planning permission, and the effect of **section 37** of and **schedule 8** to the Act is effectively to grant listed building consent for the specified works, section 53 ought not to apply to the works.
183. Paragraph 3 of the schedule applies the definitions of “building”¹ and “listed building”² in the Listed Buildings Act.
184. In the absence of this section it would be necessary to obtain separate listed building consent and conservation area consent in respect of works affecting the specific listed buildings or certain works in the conservation areas in which they are situated. This section enables the principle of the listed building issues to be dealt with at the same time as the rest of the scheme. However the details of any modifications to listed buildings will require prior approval by the local planning authority in accordance with the conditions attaching to the permitted development rights which apply to development authorised by the Act (see **paragraph 8** for an explanation of these permitted development rights).

¹ “Building” includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building (*Town and Country Planning (Scotland) Act 1997 (c.8), s.277(1), applied by Listed Buildings Act s.81*).

² “Listed building”: A building which is for the time being included in a list compiled by the Secretary of State under section 1 of the Listed Buildings Act (*Listed Buildings Act, ss.1 and 81*).