
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 570

**The Transport and Works (Scotland) Act 2007
(Applications and Objections Procedure) Rules 2007**

Plans, sections and book of reference

10.—(1) Subject to paragraphs (6) and (8), the plans referred to in rule 8(3)(b) are—

- (a) a plan drawn to a suitable scale not smaller than 1:50000 showing clearly the location of any works and, if provision is made for such works in the proposed order, in particular the general line of the route of any works that are of a linear nature and which exceed 2 kilometres in length; and
- (b) a plan drawn to a suitable scale not smaller than 1:2500 showing clearly in relation to existing features, the location, the alignment, if any, and limits of deviation of the works described or for which provision is made in the proposed order.

(2) All plans and sections described in this rule may be submitted in black and white and shall be stated in metric units.

(3) All plans described in this rule shall contain a reference to the National Grid base or, where this is not practicable, to the latitude and longitude of the site of the proposed works.

(4) Subject to paragraphs (6) and (8), the sections referred to in rule 8(3)(b) are sections having a suitable vertical scale not smaller than 1:500 and showing by reference to Ordnance Survey or Chart datum—

- (a) on the same horizontal scale as the plan described at paragraph (1)(b) the levels of the proposed works, including in particular where relevant—
 - (i) ground levels;
 - (ii) the height of every intended bridge, aqueduct, viaduct, embankment and elevated guideway;
 - (iii) the depth of every intended cutting and tunnel;
 - (iv) the levels of the bed of any tidal waters or inland waterway where works are proposed; and
 - (v) the height of every structure or device intended to be erected above, on or below the surface of, or on or beneath the bed of tidal waters or an inland waterway;
- (b) on a horizontal scale not smaller than 1:500 the span and vertical clearance of every intended bridge, aqueduct, viaduct, gantry and other structure or device above ground level for which provision is made in the proposed order;
- (c) in cross section on a horizontal scale not smaller than 1:500 the depths and water levels of every intended inland waterway for which provision is made in the proposed order;
- (d) in cross section on a horizontal scale not smaller than 1:500 every intended tunnel for which provision is made in the proposed order; and
- (e) on a horizontal scale not smaller than 1:500 any altered gradient of a carriageway or a way forming part of a railway, tramway or other guided transport system on either side of every

level crossing, bridge, tunnel or underpass which would carry the carriageway or way or through which it would pass, for which provision is made in the proposed order.

(5) Subject to paragraph (6) the plan referred to in rule 8(4) is a plan drawn to a suitable scale not smaller than 1:2500 (and which may be the plan described in paragraph (1)(b)) showing clearly any land—

- (a) over which it is proposed to acquire powers of compulsory acquisition, or any right to use the land or to carry out protective works to any building or structure;
- (b) which is—
 - (i) affected by a personal real burden which it is proposed shall be varied or extinguished;
 - (ii) affected by a title condition which it is proposed shall be varied or extinguished; or
 - (iii) a development to which a development management scheme applies where it is proposed to disapply that scheme;
- (c) in relation to which it is proposed that other private rights (including private rights of navigation over water) shall be extinguished;
- (d) of which the applicant is the sole owner and occupier and which it is proposed shall be used for the purposes of the order for which application is being made; or
- (e) in which there subsists a Crown interest, whether or not there are other interests in such land, and which it is proposed shall be used for the purposes of the proposed order.

(6) An applicant may in writing request the Scottish Ministers to direct that the scale for the plans and sections referred to in paragraph (1), (4) or (5) be varied and the Scottish Ministers may so direct where they are satisfied that such a request is reasonable and appropriate.

(7) The book of reference referred to in rule 8(4) is a book which refers to the plan described in paragraph (5) and which (subject to the provisions of paragraph (9))—

- (a) contains the names (and addresses) of every owner, lessee (whatever the period of the lease) and occupier of any land which it is proposed shall be subject to—
 - (i) powers of compulsory acquisition;
 - (ii) rights to use land, including the rights to attach equipment to buildings or structures; or
 - (iii) rights to carry out protective works to buildings or structures;
- (b) contains the names (and addresses) of every holder of any personal real burden which it is proposed shall be varied or extinguished;
- (c) contains the names (and addresses) of every owner of land which is a benefited property in relation to a title condition which it is proposed to vary or extinguish;
- (d) contains the names (and addresses) of every owners' association of a development to which a development management scheme applies where it is proposed to disapply that scheme;
- (e) contains the names (and addresses) of all those entitled to enjoy other private rights over land (including private rights of navigation over water) which it is proposed shall be extinguished;
- (f) where there is a Crown interest in land, which it is proposed shall be used for the purposes of the order for which application is being made, specifies the appropriate authority in relation to that interest;
- (g) specifies land—

- (i) which is common (as defined in section 7(1) of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (interpretation)^{M1}) or open space (as also defined in section 7(1) of that Act);
 - (ii) which is land held by the National Trust for Scotland for Places of Historic Interest or Natural Beauty;
 - (iii) which is within, or is within 3 kilometres of, an area designated as a National Park by a designation order made by the Scottish Ministers under section 6(1) of the National Parks (Scotland) Act 2000^{M2};
 - (iv) which has been notified under section 23 of the National Parks and Access to the Countryside Act 1949^{M3} or section 3(1) or 5(1) of the Nature Conservation (Scotland) Act 2004^{M4} as a site of special scientific interest or which is within 3 kilometres of any such site;
 - (v) which is within, or is within 3 kilometres of, an European site or an European marine site as those expressions are defined in regulations 2(1) and 10(1) of the Conservation (Natural Habitats, &c.) Regulations 1994 (interpretation)^{M5};
 - (vi) which is property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of World Cultural and Natural Heritage^{M6} or which is within 3 kilometres of any such property;
 - (vii) in respect of which a declaration has been made under section 19 of the National Parks and Access to the Countryside Act 1949 (declarations that areas are nature reserves)^{M7} or which is declared to be a national nature reserve under section 35 of the Wildlife and Countryside Act 1981^{M8} or which is within 3 kilometres of any such land;
 - (viii) which is provided as a nature reserve under section 21 of the National Parks and Access to the Countryside Act 1949^{M9} or which is within 3 kilometres of any such nature reserve;
 - (ix) in respect of which a nature conservation order or land management order made under section 23 or 30 respectively of the Nature Conservation (Scotland) Act 2004 has effect or which is within 3 kilometres of any such land;
 - (x) which is an area designated as a national scenic area under section 263A of the Town and Country Planning (Scotland) Act 1997^{M10} or which is within 3 kilometres of any such area;
 - (xi) which is a garden or designed landscape identified in “An Inventory of Gardens and Designed Landscapes in Scotland – List of Sites 2007”, published by the Scottish Ministers in 2007^{M11} or which is within 3 kilometres of any such garden or landscape;
 - (xii) which is a scheduled monument within the meaning of section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979^{M12};
 - (xiii) on which there is a listed building within the meaning of section 1(4) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997^{M13};
 - (xiv) for which other land is to be given in exchange;
 - (xv) that is to be given in exchange for other land; and
- (h) specifies, for each plot of land identified in it and within which it is intended that all or part of the proposed works shall be carried out, the area in square metres of that plot.
- (8) Where provision is made in the proposed order for any works which are–

- (a) proposed to be formed or constructed for the accommodation of an owner or occupier of land adjacent to a proposed transport system or inland waterway; or
- (b) ancillary to a proposed transport system or inland waterway,

the applicant shall not be obliged to show them as required by paragraphs (1) and (4) but shall give such indication of them as is reasonably practicable.

(9) The requirements of paragraph (7)(a) to (f) shall extend only to including those names (and addresses) which have been ascertained by the applicant, after making reasonable inquiry, at the beginning of a period of 28 days ending with the date of the application but where the applicant has reason to believe that relevant names (or addresses) have, or might have, been omitted the applicant must clearly indicate this in the book of reference.

(10) Subject to paragraph (9), where the applicant has made reasonable inquiry in order to attempt to obtain the information mentioned in paragraph (7) the application shall not be invalidated by reason only of an error in, or the omission of information from, the book of reference.

Marginal Citations

- M1** 1947 c. 42.
- M2** 2000 asp 10.
- M3** 1949 c. 97; section 23 was repealed by the [Wildlife and Countryside Act 1981 \(c. 69\)](#), [Schedule 17](#), but notifications under section 23 can continue to have effect by virtue of the [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), [schedule 5](#), paragraphs 8 to 10.
- M4** 2004 asp 6.
- M5** [S.I. 1994/2716](#); the relevant amending instruments are [S.S.I. 2004/475](#) and 2007/80.
- M6** See Cmnd Paper 9424.
- M7** Section 19 was amended by the [Nature Conservancy Council Act 1973 \(c. 54\)](#), [Schedule 1](#), paragraph 1.
- M8** 1981 c. 69.
- M9** Section 21 was amended by the [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Schedule 27](#), paragraph 100 and Schedule 29, the [Nature Conservancy Council Act 1973 \(c. 54\)](#), [Schedule 1](#), paragraph 1, the [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\)](#), [section 10](#), the [Local Government etc. \(Scotland\) Act 1994 \(c. 39\)](#), [Schedule 14](#), and the [National Parks \(Scotland\) Act 2000 \(asp 10\)](#), [schedule 3](#), paragraph 2.
- M10** 1997 c. 8; section 263A is inserted by the [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), [section 50](#).
- M11** ISBN 978 1 904966 44 9. A copy is available at www.historic-scotland.gov.uk.
- M12** 1979 c. 46.
- M13** 1997 c. 9.

Changes to legislation:

There are currently no known outstanding effects for the The Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Rules 2007, Section 10.