Edinburgh Tram (Line One) Bill

Marshalled List of Amendments selected for Final Stage

The Bill will be considered in the following order—

Sections 1 to 80                        Schedules 1 to 10
Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 31

Jackie Baillie

1 In section 31, page 17, line 26, leave out <acquired or injuriously affected by construction works> and insert—
   <( ) acquired>

Jackie Baillie

2 In section 31, page 17, line 32, leave out <where the person’s land is injuriously affected by construction works authorised by this Act but> and insert—
   <( ) injuriously affected by construction works authorised by this Act where>

Section 36

Jackie Baillie

3 In section 36, page 20, line 35, at end insert—
   <(1A) Any person to whom a notice has been given under subsection (1) may, within the period of 10 days from the giving of the notice, give to the sheriff and the authorised undertaker a counter-notice in writing that the person disputes that there is an inaccuracy which may be amended under this section.>

Jackie Baillie

4 In section 36, page 20, line 36, leave out <on any application> and insert <in relation to any application under this section which has not been the subject of a counter-notice>

Jackie Baillie

5 In section 36, page 20, line 38, at end insert—
   <( ) If any counter-notice is given under subsection (1A), the sheriff shall before making any decision on the application cause a hearing to be held.>
Jackie Baillie
6 In section 36, page 21, line 4, at end insert—

<( ) In this section “Partner Libraries” means the following public libraries: Edinburgh Central Library, Blackhall Library, Morningside Library, Portobello Library and Wester Hailes Library.>

David McLetchie
7 After section 56, insert—

<Tramway signs

The authorised undertaker shall ensure that all signs on the authorised tramway which are intended to provide direction or guidance to tram drivers specify distance or speed by reference to miles or, as the case may be, miles per hour.>

Lord James Douglas-Hamilton
8 After section 56, insert—

<Tram speed limit

The authorised undertaker shall restrict the speed of trams using the authorised tramway to no more than 40 miles per hour.>

Section 61

Margaret Smith
10 In section 61, page 31, line 25, leave out <may> and insert <shall>

Margaret Smith
11 In section 61, page 31, line 29, leave out <may> and insert <shall>

Section 63A

Lord James Douglas-Hamilton
12 In section 63A, page 33, line 23, at end insert—

<(A1) The authorised undertaker shall amend the Noise and Vibration Policy dated March 2006 to provide that—

(a) noise caused by the use of the tram system will be restricted during night time to \( L_{A_{max}} \) 60 dB (calculated in accordance with subsection (B1)(a)),

(b) where compliance with paragraph (a) cannot be achieved by any reasonably practicable means, noise caused by the use of the tram system will be restricted during night time to \( L_{A_{max}} \) 45 dB (calculated in accordance with subsection (B1)(b)).

(B1) The noise caused by the use of the tram system is, for the purposes of—
(a) subsection (A1)(a), the noise as measured immediately outside the windows,
(b) subsection (A1)(b), the noise as measured immediately inside the windows,
of each sensitive receiver (as defined in the Noise and Vibration Policy dated March
2006) in the vicinity of the road tramways and tramroads forming part of the scheduled
works.

(C1) For the purposes of subsection (A1)(b) (and without prejudice to the generality of the
policy), the methods used to restrict noise shall, if requested by the owner or occupier of
the sensitive receiver, include insulation of windows and such measures ensuring
adequate ventilation as are necessary in consequence of such insulation.

(D1) The cost of any measures carried out in order to comply with subsection (A1)(b) shall be
met by the authorised undertaker (whether by means of a grant under a scheme made
under section 61 or otherwise).

(E1) In subsection (A1), “night time” means the hours between 2300 and 0700.

Margaret Smith
Supported by: Lord James Douglas-Hamilton

*13 In section 63A, page 33, line 23, at end insert—

<(A1) The authorised undertaker shall amend the Noise and Vibration Policy dated March
2006 to provide that noise insulation shall be provided for any residential property
where—
(a) noise caused by the use of the tram system reaches $L_{Aeq\ 2200-0700}\ \text{hours}\ 60\ \text{dB},$ or
(b) the tram free-field level exceeds $L_{A_{max,\ slow}}\ 70\ \text{dB}$ more than twice an hour during
night time.>

Margaret Smith

14 In section 63A, page 33, line 23, at end insert—

<(F1) The authorised undertaker shall amend the Noise and Vibration Policy dated March
2006 to provide that “night” and “night time” mean the hours between 2200 and 0700
hours.>

Donald Gorrie
Supported by: Margaret Smith

15 In section 63A, page 33, line 31, at end insert—

<(1A) The authorised undertake shall employ all reasonably practicable means to ensure that
the noise caused by the use of the tram system on the tramroad forming part of Work
No. 12 does not exceed $L_{A_{max}}\ 60\ \text{dB}$ between 2200 and 0700.

(1B) For the purposes of subsection (1A), the noise caused by the tram system is the noise as
measured (in accordance with BS 8233) immediately outside the windows of each
dwellinghouse situated on land contiguous with Work No. 12.>

Donald Gorrie
Supported by: Margaret Smith

15A As an amendment to amendment 15, line 4, at end insert <,
( ) \(L_{\text{Amax}}\) 70 dB between 0700 and 2200.

**Jackie Baillie**

19 In section 63A, page 33, line 35, at end insert <a copy of which has been lodged with the Clerk of the Parliament to be held with the accompanying documents relating to the Bill for this Act.>

**Lord James Douglas-Hamilton**

16 In section 63A, page 33, line 40, at end insert <as amended in order to comply with subsection (A1).>

**Margaret Smith**

17 In section 63A, page 33, line 40, at end insert <as amended in order to comply with subsection (F1).>

**Margaret Smith**

18 In section 63A, page 33, line 40, at end insert <as amended in order to comply with subsection (A1) and (F1).>

**Jackie Baillie**

20 In section 63A, page 33, line 40, at end insert <a copy of which has been lodged with the Clerk of the Parliament to be held with the accompanying documents relating to the Bill for this Act.>

**Section 63C**

**Jackie Baillie**

*21 In section 63C, page 34, line 23, leave out second <authorised> and insert <scheduled>

**Jackie Baillie**

22 In section 63C, page 34, line 25, leave out <local>

**Jackie Baillie**

23 In section 63C, page 35, leave out lines 1 to 3

**Jackie Baillie**

24 In section 63C, page 35, line 9, at end insert <;

( ) there is no detrimental impact on the adequacy of the existing drainage system comprised in Work No. 12>

**Jackie Baillie**

25 In section 63C, page 35, line 10, leave out <The> and insert <Prior to the submission of the landscape and habitat management plan to the planning authority for approval in accordance with subsection (1) of this section, the>
In section 63C, page 35, line 12, leave out <The> and insert <Prior to the submission of the landscape and habitat management plan to the planning authority for approval in accordance with subsection (1) of this section, the>.

In section 63C, page 35, line 15, leave out <The> and insert <Prior to the submission of the landscape and habitat management plan to the planning authority for approval in accordance with subsection (1) of this section, the>.

In section 63C, page 35, line 18, leave out subsection (7).

In section 63C, page 35, line 22, leave out <local>.

In section 63C, page 35, line 26, at end insert—

<(  ) The requirements imposed by or by virtue of the landscape and habitat management plan approved by the planning authority in accordance with subsection (1) of this section shall be enforceable by the planning authority as if planning permission for the construction of the scheduled works described as Work No. 12 in schedule 1 had been granted under section 37 of the 1997 Act subject to the imposition of those conditions under section 41 of that Act.>.

In section 63C, page 35, line 25, leave out subsection (10) and insert—

<(  ) The landscape and habitat management plan approved by the planning authority in accordance with subsection (1) of this section shall not reduce the standards of mitigation and protections contained in the draft landscape and habitat management plan dated 17 June 2005, a copy of which has been lodged with the Clerk of the Parliament to be held with the accompanying documents relating to the Bill for this Act.>.

In section 63C, page 35, line 26, at end insert—

<(  ) For the purposes of this section, the planning authority shall have the necessary power to approve, with or without modification, the landscape and habitat management plan; and such approval shall be given within 84 days of the submission of the landscape and habitat management plan, failing which consent will have deemed to have been given.>