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NR Ref: TP/S/2025/081

Dear Sir/Madam

Town and Country Planning (General Permitted Development) (Scotland) Order 1992, Class 29 and Class 14.

Re-deck of road bridge over railway and associated works, including the formation of a temporary bridge, compound, crane pad and access for the duration of the works.

Site: Overline Bridge Network Rail ref. ECN2 090/011, Broomhouse, Edinburgh, EH12 9BA

This letter is a request for the Prior Approval of the local authority for works which Network Rail proposes to carry out under permitted development rights.

The request for Prior Approval comprises the following plans and drawings:-

- **1:1,250 Location Plan**
- **Existing General Arrangement Plan,**
- **Existing Elevations and Section**
- **Proposed General Arrangement Plan**
- **Proposed Elevations and Section**
- **Proposed Cross Sections**

Background

Network Rail needs to re-deck the road bridge over the railway at Broomhouse as part of the decarbonisation of the railway line. This is because the existing bridge does not provide sufficient clearance for the passage of Overhead Line Equipment (OLE) for electric trains to pass under the bridge. The side parapets of the bridge are also too low to meet the standard required for OLE to run under the bridge.

The single carriageway, bi-directional road traffic bridge - with a single public footway on the northwest side - carries Ladywell Avenue over the East Coast Northern railway line. The bridge is located at British National Grid coordinates X: 319713.29032, Y: 671947.98452 and is within the EH12 9BA postcode area.



Aerial image of bridge site, looking northwest

Design Solution

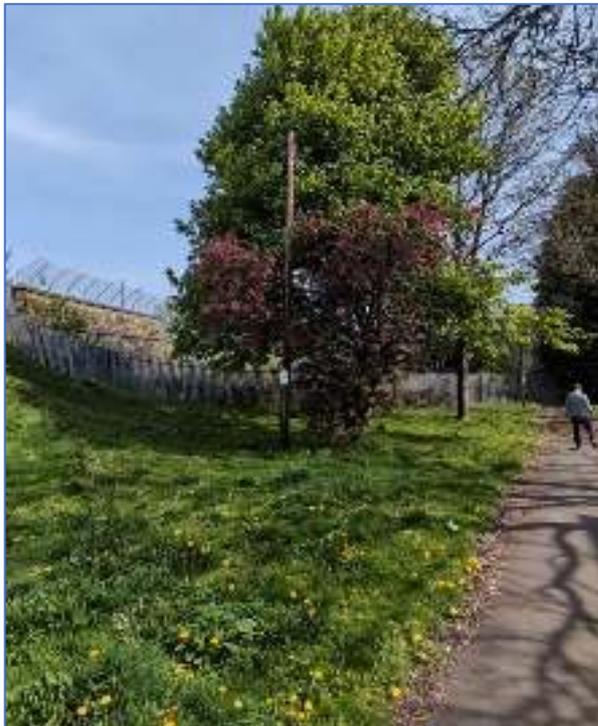
The works involve replacing the deck and side abutments of the bridge with a concrete box profile design that provides sufficient clearance for OLE to be run under the bridge. New bridge parapets will be provided at sufficient height to prevent users of the bridge coming into contact with the overhead lines. Alterations to the existing abutments and embankments to enable the re-deck work are also proposed. Please see the submitted drawing set for full details of the works.

A temporary compound is required for the storage of materials, plant, machinery and welfare facilities associated with the project. A temporary crane pad will also be sited south of the structure for lifting in the new bridge deck into place. The compound shall be formed on an existing car park and the crane pad formed using an area of open ground adjoining the site at the southeast. A temporary bridge providing continuity of utilities and services (currently housed within the bridge) shall be sited northwest of the structure. An existing vehicle access north of the bridge shall be used for access to the structure for duration of works.

Other Considerations

The overline bridge is not a listed building and is not within a conservation area. The site is not subject to any formal designation for biodiversity. Potential impacts on existing infrastructure (i.e. gas, water and electricity services) have been investigated as part of Network Rail's design process and will be re-routed through the temporary bridge, before being routed back to the replacement deck.

The compound and crane pad locations have been selected to minimise impact on trees. The smaller red leafed tree shown in the photograph below will need to be felled to allow for the compound and crane pad. The larger tree to the rear will need to be de-limbed but will remain. If necessary, compensatory planting can be provided by way of mitigation.



The bridge is public in status. An application shall be made to City of Edinburgh Council for temporary closure of the road under the separate Roads Service regulatory regime.

Use of Permitted Development

Alterations to bridge over railway

Planning permission for the re-deck of the bridge and associated works has been granted by virtue of Class 29 (Part 11) to Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (GPDO), development under local or private acts or orders, subject to the Council giving its Prior Approval to the plans and specifications therein.

The provisions of Class 29 state that permitted development applies when it is *“authorised by (a) a local or private Act of Parliament (i.e. the original Act of Parliament that allowed the construction of the railway).....which ... designates specifically the nature of the development authorised and the land upon which it may be carried out.”* However, Class 29 also indicates that certain types of development, including the erection, construction, alteration or extension of any building, bridge, aqueduct, pier or dam, are not permitted by that Class *“...unless the Prior Approval of the appropriate authority in respect of the detailed plans and specifications is first obtained”*.

Class 29 further indicates that such Prior Approval *“shall not be refused by the planning authority or granted subject to conditions unless they are satisfied that (a) the development ought to be and could reasonably be carried out elsewhere on the land...; or (b) the design or external appearance of any building, bridge... would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.”*

The railway at this location was originally authorised under the terms of the North British Railway Act 1888 and incorporated the Railways Clauses Consolidation (Scotland) Act 1845.

The Railway Clauses Consolidation (Scotland) Act 1845 contains a ‘general power’ at Part 16 that states that the railway undertaker can erect various buildings or structures and can from *“time to time, alter, repair, or discontinue the before mentioned works or any of them and substitute others in their stead, and do all other acts necessary for making, maintaining, altering, repairing or using the railway”*.

The development is reasonably considered to consist of the alteration of structure as part of a programme of electrification and railway improvement and constitutes an act necessary for altering and using the railway. Accordingly, Network Rail hereby seeks the Prior Approval of the local planning authority to undertake the works, as shown on the submitted plans and drawings.

It is Network Rail’s consideration that the proposed works are entirely location specific and therefore cannot be sited elsewhere. The design and external appearance of the structure would not injure the amenity of the neighbourhood and would be in-keeping with the surroundings.

Temporary Compound, crane pad and access

Network Rail considers the formation of the temporary compound, crane pad and access to be permitted development under Class 14 (Part 4) of the GPDO, being the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land and not excluded by any of the exemptions to Class 14. Following completion of the works, as soon as reasonably practicable, the compound and crane pads sites shall be reinstated to their condition before that development was carried out. The access does not require the formation of a new or altered access from a classified road.

The use of the Permitted Development Rights conferred under Class 14 does not require the prior approval of the planning authority. For the avoidance of doubt, the request for prior approval relates to the works to the bridge structure only.

Other Relevant Matters

There are no designations which would preclude the use of Network Rail's permitted development rights. There are no policy impediments to the development which would be circumvented by reliance on permitted development here.

A Screening Opinion, in terms of the Town & Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, was sought from City of Edinburgh Council Planning Authority in September 2021 and July 2022* for the Haymarket to Dalmeny Electrification Project (then titled "Proposed Electrification Works – Fife Corner & Haymarket to Dalmeny"). The EIA Screening included scope for bridge reconstruction/replacement/demolition for route clearance and for the formation of temporary compounds/laydowns and accesses associated with the programme. The Screening Opinions returned a negative response indicating EIA was not required. The development is reasonably considered to fall within the scope of the negative EIA Screening Opinions.

An overview of the current scope and timescales for the Haymarket to Dalmeny Electrification Project has been provided to City of Edinburgh Council Planning Authority.

(*July 2022 Screening Opinion was for a revised scheme within the same boundary)

Planning Fee

Table 4, Category 1 of the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 requires £100 fee to be paid for: "An application made for determination as to whether the Prior Approval of the planning authority is required in relation to development under schedule 1 of the General Permitted Development Order (other than one within categories 2 to 9)".

The submission made to City of Edinburgh Council Planning Authority is for the Prior Approval of the planning authority to satisfy Class 29, rather than a determination

as to whether Prior Approval is required. Table 4, Category 1 is therefore not relevant to this submission. Network Rail submit numerous Prior Approval submissions to other local authorities in Scotland and it is accepted that a planning fee is not required.

Summary

I look forward to receiving the council's consideration on Prior Approval for the development. Should you require any further information, please do not hesitate to contact me.

Yours faithfully

Fraser MacKenzie
Network Rail Lead Town Planner for Highlands & North Scotland