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Dear Sir/Madam

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

Parapet alterations of road bridge over railway and associated works, including the formation of a compound for the duration of the works.

Site: Overline Bridge Network Rail ref. ECN2 090/021, Stenhouse, Edinburgh, EH12 0AR

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**
- **Mixed Scale General Arrangement, Elevation and Section Drawings**

Background

Network Rail needs to alter and heighten the side wall parapets of the road bridge over the railway at Stenhouse as part of the decarbonisation of the railway line. This is because the existing side parapets of the bridge are too low to meet the standard required for Overhead Line Equipment (OLE) to run under the bridge.

The single carriageway, bi-directional road traffic bridge - with a single public footway on the northwest side - carries Lennymuir Public Road over the East Coast Northern railway line. The bridge is located at British National Grid coordinates X: 316021.50606, Y: 674325.32356 and is within the EH12 0AR postcode area.



Aerial image of bridge site, looking north

Design Solution

The works involve removing the existing copes on the bridge and building up the height of the sandstone block parapet side walls to around 1550mm. New sandstone copes will then be dowelled into the heightened parapet walls. The new wall height will be sufficient to prevent users of the bridge coming into contact with the overhead lines. Please see the submitted drawing set for full details of the works.

A 4,900sqm temporary compound is required for the storage of materials, plant, machinery and welfare facilities associated with the project. The compound shall be formed in land adjoining the Stenhouse bridge re-deck site and the operational railway and shall be shared as the site compound for the Stenhouse, Bathgate and Turnhouse bridge alteration jobs along this section of the railway line as part of this programme.

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 should not be affected by parapet modifications.

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 regulatory regime, if required to enable the works.

Use of Permitted Development

Alterations to bridge over railway

Planning permission for the alteration 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 (GPD), 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.

Formation of Temporary Compound

Network Rail considers the formation of the temporary compound 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 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.

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

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

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