



Report to the Scottish Ministers

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 THE CITY OF EDINBURGH COUNCIL (SOUTH GYLE ROAD, EDINBURGH) (STOPPING UP) ORDER 202_

Report by Paul Cackette, a reporter appointed by the Scottish Ministers

- Case reference: SUO-230-001
- Site Address: Subjects at South Gyle Road in the vicinity of the South Gyle Railway Station, Edinburgh
- Order : The City of Edinburgh Council (South Gyle Road, Edinburgh) (Stopping Up) Order 202_
- Promoting authority: City of Edinburgh Council
- Planning permission holder : Network Rail Infrastructure Limited
- Remaining objector: Kevin Mooney
- Date of site visits: 17 and 22 April 2026

Date of this report and recommendation: 8 May 2026

DPEA case reference: SUO-230-001

The Scottish Ministers
Edinburgh

Ministers

In accordance with my minute of appointment dated 6 March 2026, I conducted an examination into what were three unwithdrawn objections at that date (where two were withdrawn in the course of my examination) to The City of Edinburgh Council (South Gyle Road, Edinburgh) (Stopping Up) Order 202_, affecting subjects at South Gyle Road in the vicinity of the South Gyle Railway Station, Edinburgh.

The Order proceeds under section 207 of the Town and Country Planning (Scotland) Act 1997, as read with Schedule 16 to that Act. In light of those objections, paragraphs 4 to 6 and 8 to 9 of Schedule 16 apply. Paragraph 5(2) of Schedule 16 requires Scottish Ministers to be satisfied as to every matter of which the authority making the order are required under section 207 to be satisfied before proceeding to confirm any such Order.

Unless waived, paragraph 8 requires an opportunity to be given before an appointed person to have an oral procedure to consider and report on the justification for the Order and those objections. The right to a Hearing is under paragraph 8(3)(b) of that Schedule. As noted above, two objectors withdrew their objection. The third waived his right to a hearing.

On 10 March 2026, I wrote to City of Edinburgh Council as the promoting authority, Network Rail Infrastructure Limited as holders of the related planning permission and the two objectors as then known to me, setting out my proposals for consideration of the matters before me and addressing a range of procedural matters.

After attending the site on an unaccompanied basis on 17 April 2026 and then an accompanied basis on 22 April 2026 and on the basis of the written representations before me, I considered the matters before me, including a range of documents provided by the Council and Network Rail and the outstanding objection (and related correspondence).

My Report takes account of those written statements and documents and my conclusions from the site visits. It concludes that the test under section 207 of the Town and Country Planning (Scotland) Act 1997 is met.

Subject to satisfaction of the timing issue addressed at paragraphs 2.39 and 3.10, I recommend that the Order be confirmed without modification.

In their letter of 13 April 2026, Network Rail ask that, in light of the time since making their request for the Order in May 2025, a decision in this matter is expedited.

CHAPTER ONE : BACKGROUND

Background to the Stopping Up Order

1.1 Following the process described below, Network Rail Infrastructure Limited (“Network Rail”) on 17 March 2025 obtained planning permission through the securing of permitted development rights in relation to certain land in the local planning area of the City of Edinburgh Council. The affected land is at South Gyle Road Edinburgh in the vicinity of the South Gyle Railway Station. The development concerned was for the development of station facilities at South Gyle Railway Station associated with an electrification project, as included (a) the removal of an existing bridge there, to be replaced with a 3.5m wide active travel bridge, as will not accommodate vehicular access and (b) reconfiguration of car parks, so as only be accessible by vehicles via the existing junction to the south at South Gyle Road/South Gyle Mains, to allow access to all spaces from that junction. The development concerned is described in a letter of 14 March 2025 from Network Rail seeking prior approval, where necessary and as described below, with approval given by the Council on 17 March 2025. The Council is also the roads authority for the road concerned.

1.2 In consequence of the securing of planning permission under permitted development procedures, the Council, acting as the planning authority for the area affected, proceeded to agree and promote, in draft version, The City of Edinburgh Council (South Gyle Road, Edinburgh) (Stopping Up) Order 202_, bearing reference PO/25/18 (“the Order”). The Order is promoted and would be made under section 207 of the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”). The stopping up would be permanent.

1.3 Under section 207(1) of the 1997 Act, the Council may stop up a road “if they are satisfied that it is necessary to do so in order to enable the development to be carried out in accordance with planning permission granted under Part III” of the 1997 Act. Road has the same meaning as in the Roads (Scotland) Act 1984. The subject matter of the Order is an adopted road. Though stated as needed in relation to use as a cyclepath, the Order is not, in its terms, a redetermination order and is not examined as such.

1.4 In terms of the Order, the stretch of road proposed to be stopped up, extending to 74.5 square metres, is shown on the plan attached to the Order and is described as-

“All that part of the carriageway, footway and verge on the north-west and south-east sides of South Gyle Road from a point 82.2 metres or thereby south-west of the intersection of the extended south-west kerbline of Wester Broom Drive and the extended south-east kerbline of South Gyle Road, south-westwards for a distance of 15 metres or thereby and which has a width that varies from 0 metres or thereby to 7.7 metres or thereby”.

1.5 In relation to that roadway, it should be noted (a) that the road so far as comprising the bridge in its previous form (before work began in July 2025) was a single carriageway road, allowing traffic only in one direction at a time, along with a pedestrian pavement and (b) that, as explained on the second site visit, the existence of the bridge pre-dated by a significant number of years the residential house building now in place both north and south of the railway line. My understanding from what I was told on the second site visit is that the station at South Gyle opened for the first time in or around 1985.

1.6 The development under Part III of the 1997 Act (set out in more detail in Chapter 2) proceeds in comprising three elements of project work (or works) at this location and are

treated by me collectively for these purposes. These elements are the bridge replacement; the reconfiguration of the car park; and the formation of a temporary compound associated with bridge construction. While, in the strictest sense, only the bridge replacement directly engages an adopted road, I consider that all three elements (or at least the first two) fall to be assessed together in this examination.

1.7 The first element falls under Class 29 (Part 11) to Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, subject to the Council giving its Prior Approval to Network Rail's plans and specifications, as described in Chapter 2, flowing from rail functions and powers. The second element is included (by inference from those powers) as relating to the provision of a station car park. The permission is to be viewed in the round, notwithstanding that car park works are understood to be planned to be carried out by the Council. The third element falls under Class 14 (Part 4) to Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, but without the need for the Council giving its prior approval. Accordingly, taken together, the works permitted on the basis described are development as could, if considered necessary, permit the stopping up proposed under section 207 of the 1997 Act.

1.8 As the Order is proposed to be made under section 207 of the 1997 Act, paragraphs 4 to 6 and 8 to 9 of Schedule 16 to that Act applies. Under paragraph 6 of Schedule 16, notice was required to be given in prescribed form. The requirements of paragraph 6(2) were satisfied by the giving of notice by newspaper advert and giving until 10 October 2025 to lodge objections. The terms of that newspaper notice and a copy of the relevant entry in the Scotsman newspaper and in the Edinburgh Gazette are produced to me. A site notice was placed at the Order subjects, the terms of which are produced to me, with that same date to object. Notice was given to Network Rail as planning permission holders and who in addition participated in this examination.

1.9 Following the giving of that notice, four objections were submitted to the Council, within the time period specified in accordance with paragraph 6(1)(c). One of those objections was subsequently advised to me as having been withdrawn earlier. In light of the objections (with one subsequent remaining objection, which, as at the date of this Report, remains unwithdrawn), the matter was referred by the Council to Scottish Ministers based on a proposal to remit the matters outstanding set out in a Council Report dated 5 January 2026. In those circumstances and following being so remitted, paragraph 8 of Schedule 16 to the 1997 Act applies. That paragraph makes procedural provision for the examination of such objections. Unless waived, this includes the right to outstanding objectors to a Hearing, as set out under paragraph 8(3)(b) of that Schedule. Paragraph 5(2) requires Scottish Ministers to be satisfied as to every matter of which the authority making the order are required under section 207 to be satisfied before proceeding to confirm any such Order.

Procedures adopted by the Reporter

1.10 On 10 March 2026, I wrote to the Council as promoting authority, Network Rail as holders of the related planning permission and each the two objectors as known to me, setting out my proposals for consideration of the matters before me and addressed a range of procedural matters. The Council advised me that initially a holding objection from Virgin Media was lodged but they have produced an email of withdrawal by them dated 20 March 2026. They fell within the potential to be statutory undertakers with rights under paragraph 9 of Schedule 16 to the 1997 Act as having electronic communications apparatus located within the road proposed to be stopped up. I treat that email of withdrawal as a consent for the part

of Virgin Media. One other objector (Beth Spence), on 22 March 2026, withdrew her objection. Based on responses to that letter and in light of those developments, the parties with an interest in the matters before me are the Council, Network Rail and the one outstanding objector (whose objection is addressed in Chapter 2 of this Report).

1.11 In that letter from me, I gave an opportunity to all such parties to either to rest on documents already submitted or provide supplementary Statements of Case amplifying their position or their objections. I asked Network Rail to specifically respond to certain outstanding points from one objector (Mr Mooney). I sought any indication of whether any other persons had an interest in the examination, though none were identified or advised to me in response. I wrote on 24 March to each of the emergency services giving the opportunity to participate in this examination and seeking their views. No substantive responses were received from them.

1.12 I initially invited comments on the form of examination, including whether it should be a hearing or an inquiry and whether it should be In Person or virtual, but as it transpired, the one remaining objector on 1 April 2026 waived his right to a Hearing. Neither the Council nor Network Rail sought a hearing and I did not consider it necessary, at my own initiative, to hold one. I therefore report on the basis of written representations and my two site visits.

1.13 I attended the site on an unaccompanied basis on 17 April 2026. I held a site visit on an accompanied basis on 22 April 2026, attended by representatives of Network Rail and by the outstanding objector. I agreed that the Council need not be represented at that site visit.

Statutory undertakers

1.14 As part of my initial examination of the matters before me, I considered the potential rights of statutory undertakers, whose consent would be required under paragraph 9 of Schedule 16 to the 1997 Act. Section 214 of the 1997 Act defines “statutory undertakers”. Other than in relation to the position of Virgin Media (described above) and an objection from Vodafone (withdrawn before my appointment), no statutory undertakers holding apparatus for the purposes of their undertakings at the Order land objected. The need for reconfiguration of equipment of statutory undertakers to their satisfaction is stated as being recognised. Paragraph 9 is accordingly not otherwise engaged. Notice had been given to relevant statutory undertakers of the Order, by letter of 12 September 2025.

EIA Screening

1.15 As confirmed in the Network Rail email of 30 June 2025 under reference to EIA Screening (and consistent with the application for prior approval dated 14 March 2025), an EIA for the project relating to the line as a whole was not required. The replacement bridge at this location is part of that overall project. It was stated there-

“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 the erection of free-standing and attached OLE (referred to then as “OHL” meaning “Overhead Lines”). 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”.

Documents

1.16 The documents provided to me by the Council and by Network Rail in relation to the matters under examination by me are listed in the Annex to this Report. I have had regard to the one outstanding letter of objection and associated correspondence from the objector.

CHAPTER TWO : CASES OF PARTIES

Case for Network Rail

2.1 Though the promoters of the Order are the Council (under the 1997 Act), Network Rail have the strongest interest in it and I address their representations first.

2.2 The reasons for carrying out the works comprising development are set out in the Network Rail request for Prior Approval. In that, the background is described as-

“Network Rail needs to replace the road bridge over the railway at South Gyle Railway Station 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 for electric trains to pass under the bridge.

The single carriageway, bi-directional road traffic bridge - with a single public footway on the west side - carries South Gyle Road over the East Coast Northern railway line. The bridge is located at British National Grid coordinates X: 318975.47201, Y: 672239.89966 and is within the EH12 7XH postcode area.

The bridge connects a discrete section of South Gyle Station Car Park (west of the structure), with a residential estate, a Primary School and eventually meets Broomhall Drive, all to the east. The road effectively terminates for vehicle traffic within South Gyle Station car park, as there is no through-road beyond to the west. This means the sole westward vehicle function of the bridge is for access to the station car park”.

2.3 Accordingly, sitting beneath the Haymarket to Dalmeny Electrification Project (authorised for planning purposes under Class 34 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992) are the works to the bridge adjacent to South Gyle Station, which bridge is part of South Gyle Road (an adopted road) and include related matters.

2.4 Network Rail in their letter seeking Prior Approval dated 14 March 2025 narrate why the bridge works (and by inference the car park works) fall within Class 29 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. This explanation is under reference to the historical authorisation for the railway itself, under the functions and powers of, and now vest in, Network Rail. Under that class, refusal of prior approval is only open where the development ought to be and could reasonably be carried out elsewhere on the land; or where the design or external appearance of any bridge would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury. In giving approval on 17 March 2025, the Council were so satisfied (or can be taken as so satisfied). These are matters relevant to Class 29 rather than section 207 of the 1997 Act. The car park works are to be carried out by the Council, who own the car park (notwithstanding that it serves the station), as was explained to me at the site visit on 22 April.

2.5 The Council, in their Statement of Reasons in relation to the Order, state that they propose to make the Order as “The replacement of the bridge is part of Network Rail’s electrification of the rail line”.

2.6 In this examination, I sought views from parties on the implications of the Network Rail case (R (on the application of Network Rail Infrastructure Ltd) v Secretary of State for Environment Food and Rural Affairs) Affairs [2017] P.T.S.R. 1662) on the issues before me. I had drawn the attention of parties to that case, as appeared to me to be relevant, on 10 March 2026.

2.7 Only Network Rail themselves made representations in that regard as set out in a Note of Legal Implications, submitted to me on 13 April. In that case under particular reference to paragraph 25 (read with paragraphs 48 to 50), it is indicated at first instance (and I adopt as correct) that, in assessing the need for the Order, the word “necessary” (as stated as the applicable test in the matter before me in section 207(1) of the 1997 Act) does not mean “essential” or “indispensable” but instead means “required in the circumstances of the case”. That view is upheld by the majority on appeal, at paragraph 57. Though the Network Rail case in an English authority, it appears to me to be applicable in Scotland where the words in the legislation are in effect the same. I apply that test, so interpreted, in considering my conclusions below.

2.8 That Note also makes representations on matters relating to the inter-action with completion of the works under reference to *Ashby v Secretary of State for the Environment* (1980) 40 P & CR 362 and a Report of a Reporter (SUO-PAK-001), on which see below.

2.9 In that Legal Note, Network Rail make representations on the necessity test and the “merits” test. On the former, it is notable (and I agree) that the necessity of bridge modification (and indeed replacement) as described there is clear and established. It is notable too however, by its absence, is a detailed assessment of why bridge replacement necessitates the stopping up of the road across the bridge (within the meaning of the Roads (Scotland) Act 1984, applied to the 1997 Act as above).

2.10 The information placed before me by Network Rail on the choices open to them on bridge replacement from the perspective of bridge use as a road is accordingly relatively limited. Figures in respect of costs (whether of replacing the bridge with an equivalent or expanding to two way simultaneous car use) are not provided, though it can be reasonably assumed that the latter would be more expensive. Consideration of matters of cost (no doubt linked with the need for efficient use by them of Network Rail funds) were indicated to me on the second site visit.

2.11 It appears to me that there were two alternatives to the road stopping up proposed – replacement with a bridge allowing car access on the same basis as before; or replacement with a bridge allowing car access to a more modern standard in an area now residential in nature allowing for two way traffic.

2.12 Mindful that the road has no through access generally (because of a long standing traffic management measure through erection of bollards outside the station car park) and that the access at present is (or at least until July 2025 was) only to permit parking in the 16 spaces dedicated to car travellers approaching from the north, neither alternative appears reasonable to me, despite the limited evidence of costs. In an area now significantly built up with residential properties, single track access over the bridge in this area (albeit bi-directional) is no longer a satisfactory solution. Enhancement to full two-way traffic, simply to serve 16 car parking spaces is disproportionate in my view.

Case for the Council

2.13 The case for the Council is set out in the Delegated Powers Report of 26 June 2025 relating to the “Proposed Stopping Up and Redetermination Order for Parts of South Gyle Road, Edinburgh”; the Report to Committee by the Council to Scottish Ministers based on a proposal to remit the matters outstanding, as set out in a Council Report dated 5 January 2026; and the Council Statement of Reasons.

Case for Mr Mooney (objector)

2.14 The outstanding objector (Kevin Mooney) first lodged his objection on 22 September 2025 saying-

“Whilst I am not opposed to an increase in traffic flow, I would like to make a representation to query if any analysis will be undertaken to model this increase in traffic flow from the south side of the railway line through residential estates and/or any mitigation to be employed as a result. I understand that this route is currently an active school route (Gylemuir Primary School) and is at the end of a section of dedicated cycle route (Quiet Route 9).

In particular I would like to highlight existing traffic issues - primarily related to speed – in and around the Gogarloch Road/South Gyle Road areas. If there is to be an increase in traffic flow as a result in these permanent access restrictions to South Gyle Station this has the potential to exacerbate this issue. The applicant and/or council should investigate mitigation through the form of traffic calming measures in order to reduce the impact on local residents/pedestrians etc”.

2.15 Remaining dis-satisfied with the Network Rail response to his email, Mr Mooney maintained his objection (repeating the above regarding traffic calming measures), described in his response to Network Rail on 27 March 2026 as-

- “Has there been any analysis to model any increase in traffic flow from the south side of the railway line through residential estates? (as a result of the Stopping Up Order)
- If there is an increase in traffic flow from the south side of the railway line through residential estates, will any mitigation be employed as a result?”

2.16 That response expands on these questions by flagging up gaps in data; questioning the accuracy of the description of numbers of current car parking spaces; suggesting that Network Rail are conflating numbers of parking spaces with traffic generation; stressing the impacts of an increase in “traffic generation filtered through a single access to the station car park at South Gyle Road/South Gyle Mains”; questioning the implied assumption that 16 spaces equates to 16 traffic movements; and suggesting that Network Rail have failed “to acknowledge or address the result of impacts routing all traffic to a single entry point which was previously serviced by two access points”.

2.17 Mr Mooney concludes-

“5.2 Conclusions

The transport assessment conclusions state: -

‘The closure of the northern access into South Gyle Station car park will have a negligible impact on traffic in the area.’

This is incorrect given that all traffic will now be routed to the single entrance at South Gyle Road/South Gyle Mains and result in an increase in traffic generation.

‘The small car park only has 16 vehicle spaces and therefore generates a nominal amount of traffic.’

This is incorrect given that it appears to equate a single parking space will be in use by a single vehicle for a 24 hour period. It fails to acknowledge the traffic generated from pick up/drop off events to the station for the 78 trains that service the station over a 24 hour period (Mon – Fri)”.

2.18 At the second site visit, he expressed the view that during weekdays, the car park is rarely used as a park and ride and that most station users live locally and walk there. The position is different on days where major events such as rugby internationals take place when the station is used then for park and ride purposes. That was not disputed by Network Rail officials present.

2.19 On 20 April 2026, he states by email-

“I disagree with the statement that 'No technical evidence has been produced to challenge the conclusions of the TS' (Written Statement on Behalf of Network Rail Infrastructure Limited - Paragraph 4.3). I would also argue that given CECs' confirmation..., that no technical evidence has in fact been supplied within the Transport Statement (TS) to support its conclusions. The broad and speculative statements (Paragraphs 4.2.1 - 4.2.7), have been repeated from the TS and remain tenuous and unsubstantiated”.

Council and Network Rail representations on traffic and traffic generation

2.20 The Network Rail Traffic Statement of May 2025 was produced to me in this examination. After describing the proposals at section 2.2, that Statement describes the traffic generation and traffic routing plans, referencing directional signage and the use of satellite navigational tools. Section 4 describes signage plans and requirements.

2.21 On 18 March 2026 a response was submitted by Network Rail to the points raised, describing access arrangements to the station (under reference in particular to those users with accessibility needs).

2.22 That response indicated as follows in respect of wider impacts-

“The [Transport Statement] has concluded that the closure of the northern access into South Gyle Station car park will have a negligible impact on traffic in the area. The small car park only has 16 vehicle spaces and therefore generates a nominal amount of traffic.

The route which vehicles would take to access the station car park from the south is a short diversion on Meadow Place Road to Broomhouse Road where the signed route to the large car park can be followed.

The low traffic generation has been evidenced through the course of the works to date, while access to the car park from the north has been blocked. The contractor has not reported any inconsiderate parking to date. Further to this, the main car park has never been full indicating that there is not an issue with the capacity of the car park and resultantly, no issue with overflow parking on the street which could cause potential issues for nearby residents.

St. Augustine's HS (to the southwest) is off South Gyle Access which is part of the diversion route – the transport statement notes the change to traffic will be negligible. Gylemuir Primary School is to the northeast and will not be impacted as it is anticipated that there would be a marginal reduction in traffic movements to this side of the railway. As noted above, there does not appear to be an increase in inconsiderate parking to

the north of the bridge to have a knock on impact on school traffic at Gylemuir PS [Primary School].

In light of the conclusions of the transport statement – that there will be a negligible impact on traffic in the area – no traffic calming measures are proposed”.

2.23 The Council in their response on 6 April to the points made by Mr Mooney, face his points more directly. Of most direct significance, they confirm that no analysis to model any increase in traffic flow has been carried out and agree that this is the correct approach in their view. They refer me to Transport Scotland Guidance (2012) called Transport Assessment Guidance which states that “an early indication of the scale of any potential transport impact arising from a development will influence the level and type of assessment required” (paragraph 3.1) and that “In the case of local developments or changes of use where transport impacts are likely to be insignificant, a detailed assessment will not be necessary. At the next level, a simple Transport Statement can help inform decision makers.” (paragraph 3.2).

2.24 The Guidance also suggests that more detail may be required where developments exceed 100 or more vehicle movements per day. The Council indicate that-

“There are estimated to be in excess of 1100 residential properties in the area immediately southwest of the rail line accessed by two roads, South Gyle Wynd and Gogarloch Road. Peak hour residential car trips in that area are likely to be around 40%, i.e. 440 total cars, ignoring those associated with the station car park spaces. The removal of the bridge affects 16 car spaces giving approximately a 3.5% increase in traffic, assuming that all these latter trips are made in the peak hour. The normal threshold for investigating junctions is at 5% with more detailed analysis at 10%, depending on the location. On the basis of the above, it was agreed with the applicant’s agents that a Transport Statement was appropriate”.

2.25 Although I do not disagree with Mr Mooney that it is possible to underestimate the traffic generated from 16 spaces used for transient purposes such as station parking, I have no reason to doubt the figures stated there for numbers of houses and numbers of car trips. No contrary indications of numbers of houses were given to me. Nothing in the information before me points to usage levels approaching those described or create exceptional circumstances pointing to going beyond the steps taken by Network Rail.

2.26 On the substance of the question of traffic generation, I am conscious that there are general implications and more localised implications from the points made by Mr Mooney. The diversion route for traffic from the north for those wishing to park at the station involves a vehicle diversion of 6 minutes from the junction of Broomhall Drive and Westerbroom Avenue shown on the route map on page 5 of the response of 18 March 2026. That is a not insignificant degree of diversion, but – at the same time – is materially diluted by its length in terms of impacts on the road system. By the time traffic approaches the station from the south, the intensity will be greater but – notwithstanding Mr Mooney’s point of objection in principle – there is no evidence indicating a materially adverse impact or reason to think that there will be, based on the likely additional traffic generation (however interpreted), to the south.

2.27 I accept the evidence of the Council, in pointing out that the bridge has been closed under a temporary order since July 2025, but that there have not been “any particular concerns regarding traffic, safety or other impacts ... reported”. That is consistent with the Network Rail response of 18 March 2026 quoted at paragraph 2.22 above. No contrary

indications are given to me (on these matters of fact), in relation to impacts on the road system close to the station to the south.

2.28 The Council add that-

- “Traffic calming measures were not investigated and would be considered both unnecessary and inappropriate. The roads are already subject to a 20mph speed limit. Any issues relating to speeding or other road safety issues should be reported to Police and / or the Council”; and
- “Pick up and drop off is unlikely to be particularly impacted by the closure of the bridge. This type of trip is more dependent on which platform is being used and the direction of the inbound and outbound travel. It is therefore not agreed that all traffic will be rerouted”.

2.29 Though Mr Mooney was commendably clear at the second site visit that parking to the north of the bridge was not part of his objection, the risk of inconsiderate parking in that area – and specifically in the vicinity of the Gylemuir Primary School – appeared to me to be a matter necessary to explore. The risk, as appears to me, is that with a reasonably significant diversionary route required to be taken by car in order to access station parking from the south, the possibility exists (perhaps where passengers are late for their train) that they might – on finding that the parking spaces dedicated at present to traffic from the north no longer accessibly existing – park on public roads to the north and perhaps close to the school. I had timed my second site visit at school leaving time, to consider that point. This parking might be done in inconsiderate ways or more generally add to congestion and adverse impact on amenity. That risk is implicitly acknowledged in bullet 2 of paragraph 2.28 above.

2.30 This appears most likely to be a transitional issue until arrangements are better known (and may be countered by signing proposals of Network Rail). Having seen the area on my site visits, having noted the distance from the school and having noted the opportunity and degree already of on-street parking, I conclude that the risks arising are tolerably low. The Network Rail contractor has not reported any inconsiderate parking to date. The impacts relate to the loss of a car park for only 16 vehicles, from the north.

Emergency Services

2.31 In the Network Rail Traffic Assessment, matters relevant to the position of the emergency services are addressed at section 3.2.3. The nearest police station (Corstorphine High Street) is to the north of the railway line and the nearest fire station (at Sighthill) is to the south. I understand that Police Scotland (but only them) were alerted to the proposal. I however wrote to all three services on 24 March 2026 giving the opportunity to make representations and/or participate in this examination, but none made any substantive response. I do not conclude that any concerns arise in relation to the interests of the emergency services. It will be recalled that there is at present no through access on South Gyle Road, due to pre-existing permanent bollards.

Works done in advance of confirmation

2.32 As indicated to me in writing and as was obvious on both site visits, the closure of the road in practice occurred some time ago and indeed related work was, by the time of my site visits, coming to a completion, at least to the extent that re-opening for pedestrian and cycle use was indicated as having occurred shortly before my site visits. It was indicated that closure had been effected in July 2025 (which was after the planning process was complete

but before the Order under examination was advertised for objection). That closure presumably was to allow for construction works now completed or, as still ongoing to a degree (from what I saw on my site visits), close to completion.

2.33 It is possibly for that reason that matters relating to redetermination of the cycle way (understood to be necessary for the temporary period only of the construction works concerned) played no part in the case put to me nor in the Order itself.

2.34 Notwithstanding all of that, it does not appear to me that proceeding in advance or in anticipation of stopping up (ill-advised though that may be in presuming an outcome) is a relevant matter on consideration of the test in section 207 of the 1997 Act. That view is consistent with the Ashby case referred to below.

2.35 As at the date of this Report, a major component of the works (as described in the Legal Note provided by Network Rail) comprising the replacement of the bridge to a form compatible with the needs for the electrification works is largely complete. The significance of this is set out under reference to the case of *Ashby v Secretary of State for the Environment* (1980) 40 P & CR 362 in the Network Rail Legal Note.

2.36 Network Rail confirm however that significant further work on site is still needed. This extends, as stated by them, “to the Electrification Works are ongoing and are not substantially complete. Onsite, the Bridge is partially open to pedestrians but there are remaining works to be carried out consisting of installation of a foundation and overhead line mast; reinstating public utilities; backfill, kerbing and surfacing works; bollards and lighting installation. For the OHL [overhead line] Works, sections of electric cables along the route have yet to be installed. Network Rail estimates that the Electrification Works will be substantially complete by the end of November 2026”.

2.37 In addition, the use of the works compound (under a planning permission authorised by virtue of Class 14) continues, as seen as at the date of my second site visit, in implementation of certain of those works.

2.38 More importantly in my view, as at that date, work on the reconfiguration of the car park had not commenced (not least because the 16 space component of the existing parking arrangements remains fully utilised as the works compound). While the various parts of the permission or permissions are treated by me in the round, nevertheless it is that reconfiguration that is most closely associated with the stopping up of the road, as such. It cannot be considered that completion or substantial completion of the car park reconfiguration has arisen, as at the date of this Report. See in that regard Class 14(3)(b) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. On that basis, analogous circumstances to those in the case of *Ashby* do not arise in the current context.

2.39 Provided that a decision is made by Scottish Ministers by November 2026 (on the basis described above)¹ and consistent with that case, the development will not have been completed by the date of their decision. Mindful of the terms of paragraph 5(3)(c) of Schedule 16 to the 1997 Act (time specified for stopping up), the risk of the stopping up being “fully retrospective” would accordingly not arise.

¹ Or such earlier date of substantial completion of the works under the relevant components of the permission.

Need for reconfiguration of car park

2.40 I should also record a down stream but important matter in relation to the car park reconfiguration, for completeness, to assist a fuller understanding of the context of the works. At present, the car park configuration separates into two the parking spaces for vehicles approaching from the north and for vehicles approaching from the south. With through access along South Gyle Road blocked by bollards, this is necessary to avoid use of the car park as a rat run. But it creates a highly unsatisfactory and complex car park configuration designed to stop that. The Network Rail proposals allow for elimination of that.

CHAPTER THREE : CONCLUSIONS AND RECOMMENDATION

3.1 The statutory framework under the 1997 Act and the planning history is set out at Chapter One of this Report. The intimation and other requirements have been met, including as to statutory undertakers (paragraphs 1.8 and 1.14). In examining the matters before me, it is not my function (nor that of Scottish Ministers on receipt of this Report) to review or re-assess the planning permission secured by Network Rail (or its merits).

3.2 The test under section 207 is narrated at paragraph 1.3 above. I adopt the conclusions from the Network Rail case, so far as relevant to the matters before me, in terms of paragraphs 2.6 and 2.7 above. The statutory test requires to be applied fully and separately in considering the test of necessity (as there interpreted). While I am not re-considering the planning merits, equally the existence of a planning permission is not, of itself, enough to meet the test of necessity.

3.3 There appears to me no difference in principle in applying section 207 of the 1997 Act based on the planning permission deriving from being a permitted development. I do note though that scrutiny of detail by the local planning authority (and other aspects of public participation in planning matters) is inevitably less in consequence, as was a point made by the second original objector in her letter of withdrawal.

3.4 With those factors in mind, it might be considered that, as a corollary to that "lighter touch" permitted development process, it should be harder in practice to establish necessity under section 207, for similar reasons. But this is only true in my view to a limited extent. The tests for prior approval (applicable here under Class 29) still require to be met. Those tests are cited above. And the implementation requires to be in accordance with and consistent with the submitted plans. These matters constrain the flexibility to consider alternatives (being a factor relevant to the necessity test). The difference from where a full planning application is needed, in this context, is not materially marked.

3.5 On the basis of the planning permission granted (and described at paragraphs 1.1, 1.6 and 1.7 above), the loss of access to the full parking area (so far as relating to an adopted road) follows from the terms of the grant. The permission, in order to be fully implemented as granted, involves the area of the Order no longer being an adopted road. In that respect, I consider that the stopping up necessarily follows for flows from the planning permission, in order to allow for implementation.

3.6 I have considered all of the points raised in, or arising from, the outstanding objection and the responses from the Council and from Network Rail, all in the context of the statutory test as set out in section 207 of the 1997 Act, as interpreted and applied to the Order subjects as described above.

3.7 For the reasons set out at paragraphs 2.23 to 2.25 above, I do not consider that a fuller traffic assessment was necessary, required or justified, in the circumstances. The levels of low traffic generation do not require this, in order to inform decision making. On the facts (so far as known), the traffic impacts, both north and south appear to me to be minimal, as set out at paragraphs 2.26 to 2.30 above.

3.8 In summary, in consideration of the test of necessity for the purposes of section 207 of the 1997 Act (as interpreted in case law), I have had regard to the purpose of the stopping up, the purpose of the planning position and the inter-relationship of the stopping up with it,

the pre-existing position and rights enjoyed, the consequences of the change from that (including traffic generation), the costs or likely relative costs of alternatives (mindful of the need for efficient use by them of Network Rail funds), the reason for vehicle access over the bridge that the pre-existing road already involved in having no through access and in that the road over the bridge only served 16 car parking spaces, the fact that the proposals allows or facilitates regularisation of complex and inconvenient car park arrangements at the station and the inconveniencing factors of closing the road of creating a less convenient diverted route for traffic from the north, the risk of inconsiderate parking to the north in the vicinity of the local primary school and specifically the position regarding the emergency services (described by Network Rail), but where no substantive response was made by the emergency services. Although a road, the Order subjects have a very limited current purpose (as such), serving only the 16 vehicle station car park (with no through access on South Gyle Road). This appears to me to be an important consideration.

3.9 In conclusion it appears to me that Scottish Ministers can be satisfied, in the circumstances, that it is necessary to confirm the Order in order to enable the development to be carried out in accordance with the planning permission obtained on the basis of paragraphs 1.1, 1.6 and 1.7 above, being a permission under Part III of the 1997 Act. Paragraph 5(2) of Schedule 16 to the 1997 Act requires Scottish Ministers to be satisfied as to every matter of which the authority making the order are required under section 207 to be satisfied before proceeding to confirm any such Order. No possibilities in relation to modification in practice arise (or were raised).

3.10 In so concluding, I have had regard to the legal representations made to me and the implications arising from works done and partly completed in advance (see paragraphs 2.32 to 2.39 above). The attention of Ministers is drawn to the potential timings issue at paragraph 2.39 above. The factual position described in this Report prevails only as at the date of this Report.

3.11 For the reasons set out in this Report, I recommend that they can be satisfied on the matters at paragraph 3.9 above (subject to paragraph 3.10). Subject to that, the test under section 207 of the 1997 Act is met. I recommend that the Order be confirmed without modification.

Paul Cackette
Reporter

ANNEX : DOCUMENTS PRODUCED OR CONSIDERED IN THE EXAMINATION

The City of Edinburgh Council (South Gyle Road, Edinburgh) (Stopping Up) Order 202_ (draft)

Letter from Network Rail of 14 March 2025 seeking prior approval for the works

Letter from the Council of 17 March 2025 granting prior approval for the works

Section 207 of the Town and Country Planning (Scotland) Act 1997

Town and Country Planning (General Permitted Development) (Scotland) Order 1992

Newspaper advert in Scotsman and Edinburgh Gazette

Site Notice

Objection by Kevin Mooney dated 22 September 2025

Objection by Beth Spence withdrawn on 22 March 2026

Objection by Virgin Media, withdrawn on 20 March 2026

Objection by Vodafone, withdrawn prior to appointment

Relevant Notice Letter of 10 March 2026

Emails to emergency services of 24 March 2026

Waiver of right to a Hearing (Mr Mooney) dated 1 April 2026

Network Rail email of 30 June 2025 to Edinburgh Council (correspondence relating to the permitted development rights for the overhead line works)

Network Rail Traffic Statement of May 2025

Delegated Powers Report of 26 June 2025 relating to the "Proposed Stopping Up and Redetermination Order for Parts of South Gyle Road, Edinburgh"

Report to Committee by the Council to Scottish Ministers based on a proposal to remit the matters outstanding, as set out in a Council Report dated 5 January 2026

Statement of Reasons for the Order (Edinburgh Council)

R (on the application of Network Rail Infrastructure Ltd) v Secretary of State for Environment Food and Rural Affairs [2017] P.T.S.R. 1662

Reporter's Report in relation to the stopping up order at Panholes, Blackford (DPEA Reference SUO PAK-001)

Ashby v Secretary of State for the Environment (1980) 40 P & CR 362

Transport Scotland's 'Rail Services Decarbonisation Action Plan' (2020)

National Planning Framework 4 (2023)

Note of Legal Implications from matters arising submitted by Network Rail on 13 April 2026

Response by Mr Mooney to Network Rail of 27 March 2026

Response by Mr Mooney to the Network Rail Note of Legal Implications dated 20 April 2026
Council response on traffic matters of 6 April 2026

Transport Scotland Guidance (2012) : Transport Assessment Guidance

Network Rail response on traffic matters of 18 March 2026