Roads Directorate

Fred O'Hara
177 Bothwell Street, Glasgow, G2 7ER fred.o'hara@transport.gov.scot

TRANSPORT SCOTLAND
CÒMHDHAIL ALBA

Karl Ivanov
City of Edinburgh Council
By Email: Karl.Ivanov@edinburgh.gov.uk

Date:
15 October
2026

Dear Mr Ivanov

THE CITY OF EDINBURGH COUNCIL (BENHAR ROAD AND BAULD DRIVE) (REDETERMINATION OF MEANS OF EXERCISE OF PUBLIC RIGHT OF PASSAGE) ORDER 2026

1. I refer to your email of 16 September 2026 seeking confirmation from the Scottish Ministers of the above Redetermination Order (RSO) and to subsequent correspondence received.

2. Following careful consideration of all of the evidence available, including the objection to the Order received by the Council and the Councils responses to this objection, the Scottish Ministers have decided to confirm the Order without modification.

Background

3. The Order proposes the redetermination of small sections of footway, carriageway and cycle track at Benhar Road, Bauld Drive, Newcraighall Road and RCC ED/22/0011 Road 58 to facilitate a revised road layout associated with an approved residential development.

4. The Council's Statement of Reasons states that planning permission for development approved under planning application 22/03946/AMC requires new access points from Bauld Drive and Benhar Road. The Order is required to accommodate these access arrangements and associated alterations to the cycle track and road layout.

5. The proposed Order was advertised between 7 November 2025 and 5 December 2025. One objection was received during the objection period and remains unresolved. In accordance with the Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986, the Council remitted the Order to Scottish Ministers for determination.

6. The objection raises concerns relating to increased traffic, road safety, environmental impacts and the opening of routes through the development. The Council considers these matters were addressed through the planning process and do not relate directly to the proposed redeterminations.

7. Scottish Ministers have considered the terms of the Order, the objection received, the Council's response and the Council's compliance with the procedural requirements contained within the 1986 Regulations. Ministers have also considered whether the proposed redeterminations are necessary to facilitate the approved road layout associated with the development.

8. Ministers note that the objection primarily relates to the wider development and its perceived impacts rather than the specific changes to the means of exercise of public rights of passage proposed by the Order. Ministers are satisfied that the proposed redeterminations are necessary to facilitate the approved development and associated road layout.

Conclusion

9. Given all of the above evidence, the Scottish Ministers have concluded that The City of Edinburgh Council (Benhar Road and Bauld Drive Area, Edinburgh) (Redetermination of Means of Exercise of Public Right of Passage) Order 2026 should be confirmed without modification.

10. A copy of this decision letter will also be sent to the objector to the Order.

11. It is now the responsibility of City of Edinburgh Council to publish notice of the confirmation of this Order and to comply with the provisions of service and display of a notice in the manner prescribed by regulation 7 of the 1986 Regulations.

Yours sincerely



Fred O'Hara
Head of Road Policy

www.transport.gov.scot

Scottish Government
Riaghaltas na h-Alba
gov.scot

www.transport.gov.scot



Scottish Government
Riaghaltas na h-Alba
gov.scot