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Planning  
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Edinburgh  
EH8 8BG

Network Rail  
Town Planning  
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Glasgow  
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Evie Porat  
Town Planning Technician

Planning reference: 22/04639/FUL  
Case Officer: Seán Fallon

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Network Rail ref: 326 2022  
28/02/2023

Dear Mr. Fallon,

**Town and Country Planning (Scotland) Act 1997 (as amended)**  
**Re: Temporary use of the Waverley Market roof top for pop-up festival village, including erection of structures and provision of café, bars, food and drink uses, retail kiosks, toilets, seating and ancillary facilities and works at Roof terrace, Waverley Mall, 3 Waverley Bridge, Edinburgh.**

### **Review Consultation**

Thank you for consulting Network Rail regarding the above development.

Whilst Network Rail do not object to the principle of the temporary Festival Village development, aspects of the siting, layout and management of the temporary Festival Village are considered likely to adversely affect the safe and efficient operation of Edinburgh Waverley and the amenity of its users. As stated in the previous consultation response (dated 9<sup>th</sup> December 2022), while Network Rail would be happy to engage positively with the applicants to resolve the issues laid out in this letter, we currently **object** to the application.

The walkway on the roof of Waverley Mall (shown on drawings 031801-02-03 Waverly [sic] Mall Roof – Site Plan – Existing Temporary Uses and 031801-02-04 Waverly [sic] Mall Roof – Proposed Temporary Uses submitted by the applicant in support of the application, and on the enclosed Waverley Mall Walkway Indicative Plan provided by Network Rail) provides a key accessible route to and from the station between Princes Street and the station.

Planters currently line the east side of the walkway (it should be noted that 031801-02-03 Waverly [sic] Mall Roof – Site Plan – Existing Temporary Uses is inaccurate in this regard; the current arrangement comprising planters and footpath is not depicted

and instead the proposed layout comprising kiosks and tables and chairs is shown as already being in place).

The current layout of the walkway provides a safe and accessible point of access to the station, allowing sustainable travel for a substantial number of visitors to Edinburgh and those who live and work in the city. The proposed plans show that the planters to the east of this walkway would be removed and the proposed alternative arrangement, comprising kiosks on the west and south sides of the walkway, and tables and chairs lining the east side, is considered by Network Rail highly likely to negatively impact the safe and efficient operation of the station.

### **Safety**

The first point on which Network Rail object is regarding the safety risk that the development poses to railway infrastructure and the users of the station. Network Rail's status as a statutory consultee reflects the necessity of protecting the safety of the railway, and planning policy further underlines this concern, with the **National Transport Strategy 2** placing particular emphasis on 'maintaining and safely operating existing assets'.

The planters to the east side of the walkway currently provide a buffer between the walkway and the station roof. Antisocial behaviour has resulted in damage to the roof and blocking of drainage, which in turn has posed a threat to the safety of users of the station. The removal of the buffer provided by the planters, as well as the siting of tables and chairs adjacent to the edge of the walkway, would increase the likelihood of objects being thrown onto the glass station roof and thus exacerbate the safety risk; as such, Network Rail is opposed to the removal of the planters. Further safety risks, comprising litter/bins and fire hazards have been identified; however, it is considered that these can be dealt with by way of conditions (see below).

### **Access**

The second point of objection concerns access to the station. Edinburgh Waverley is a key gateway to the city, transiting a significant proportion of the city's visitors, residents, and commuters every day; a transport share that is anticipated to increase in line with the increased policy emphasis on decarbonised travel as set out in NPF4. Network Rail contend that the proposal would result in an unacceptable risk to the safe access of the station, particularly given the high volume of users of the walkway and does not have sufficient regard for the needs of people with limited mobility, luggage or buggies.

**Policy Des 7 Layout Design of Edinburgh Local Development Plan 2016 (LDP 2016)** justifies these recommended standards with reference to the imperative for accessibility, with emphasis on the need to protect public transport provision: 'Planning permission will be granted for development where: [...] the layout will encourage walking and cycling, cater for the requirements of public transport if required [...] e) safe and convenient access and movement in and around the development will be promoted, having regard especially to the needs of people with limited mobility or special needs [...]'. The importance of accessibility and inclusivity in the design of public places is highlighted in **Edinburgh Street Design Guidance : Part C – Detailed Design Manual P3 Use of Tables and Chairs on Footways** notes that '[o]n footways with high pedestrian flows, the clear width may be increased

to 3m or more, at the Council's discretion and in relation to pedestrian comfort levels, to avoid overcrowding.'

Moreover, the emerging local policy context upholds the importance of accessibility in Edinburgh's city centre. **Place 1 – Edinburgh City Centre Policy of City Plan 2030**, which was submitted for examination on Friday 9<sup>th</sup> December 2022 and as such constitutes a material consideration in the determination of the Review, states that: 'Planning permission will be granted for development which lies within the area of the City Centre as defined on the Proposals Map which retains and enhances its character, attractiveness, vitality and accessibility [...]. Particular value is placed on accessibility in the location of the proposal: '[...] City Plan will ensure residents, workers and visitors continue to experience a vibrant city centre by establishing the right mix of land uses, including: [...] c. by managing change and improving access within the outstanding urban landscape of the Waverley Valley [...].' National planning policy also places emphasis on the accessibility of tourism-related development. **Policy 30 Tourism of National Planning Framework 4 (NPF4)** requires developers of tourism-related development to take into account '[a]ccessibility for disabled people'.

Network Rail posits that the proposed development would not be sufficiently accessible as to be consistent with the planning policies detailed above. The operation of the market would likely result in stationary pedestrians on the walkway due to queuing at kiosks, which would limit the clear walking zone and obstruct access to the station. The proposed layout of the walkway would allow for a footpath of 4m width at its narrowest point according to the submitted plans; however, this does not take into consideration the space likely needed for queuing and servicing tables. Moreover, and most importantly, this minimum width is predicated upon the proposed removal of the existing planters, which are crucial to ensuring the protection of the railway infrastructure and the users of the station, as noted above. Given that the planters should not be removed, the remaining space on the walkway (a width of 4.5m at its narrowest point) would not be sufficient to facilitate both the kiosks and associated seating and a clear walking zone sufficient to allow for users of the walkway. As such, the proposals do not result in safe and convenient access and movement and do not have regard to the needs of people with limited mobility or special needs, thus failing to comply with existing and emerging planning policy.

Moreover, it is the view of Network Rail that that the walkway affords all passengers the ability to safely enter and exit the station from the walkway. Local planning policy seeks to ensure that public rights of way are not obstructed: **Policy Tra 9 of LDP 2016** relates to the footpath network and states that 'planning permission will not be granted for development which would obstruct or adversely affect a public right of way or other route with access rights unless satisfactory provision is made for its replacement'. Network Rail contend that the development would likely obstruct this key route to and from the station, with no satisfactory provision made for its replacement. The proposals do not, therefore, meet the requirements of Policy Tra 9.

**NPF4** advocates consideration of the impact of development upon infrastructure provision, as detailed in **Policy 18 Infrastructure First**: '[...] b) The impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure [...].' Network Rail contend that the risk

posed to the safety and operation of Waverley Station by the proposed development demonstrates that it is in contravention of this policy.

**Notwithstanding the above, Network Rail has further concerns regarding the proposal; however, it is considered that these can be dealt with by way of conditions.**

**Litter/Bins**

We are experiencing ongoing issues with litter and mess on the walkway. It is likely that introduction of food and drink kiosks will increase the volume of rubbish and debris being discarded on the walkway. Introducing bins as a solution is not acceptable in certain locations as we cannot allow bins on the walkway (due to proximity to the Station and the potential terrorism/explosives risk of having bins in this area). We would therefore request that a condition be placed on any consent requiring a suitable management regime for litter and recycling to be approved prior to the Village being brought into use and thereafter adhered to for the duration of the consent. This management regime should set out the provisions for the management of waste from the site including the frequency and method of waste and litter collection with any proposed bin locations being agreed by the Planning Authority in consultation with Network Rail. We are currently in separate discussions with the applicant around cleaning of the walkway generally (i.e. not in connection with the proposed market) and Network Rail's contribution to the costs of same, and would confirm that Network Rail's willingness to contribute in that regard remains unchanged.

**Fire Risk**

Although the walkway/Mall roof isn't within the Station, given the proximity there is a concern around imported fire safety risk if there's a possibility that the kiosks will use canisters for cooking. Network Rail also consider there to be a potential fire risk regarding the fire exit from the market discharging onto the walkway (potentially blocking access to/from the Station). These matters should be the subject of formal risk assessments by suitably qualified professionals to consider potential fire safety risk and to inform any suitable mitigation required to keep users of the station safe from increased fire risk.

We trust full cognisance will be taken of these comments. We would be grateful if Local Planning Authorities would provide a copy of the Decision Notice.

Yours sincerely,



**Evie Porat  
Town Planning Technician**



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24<sup>th</sup> August 2022

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Prevention, Interventions & Partnerships  
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3-5 Torphichen Place  
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EH3 8DY

Dear Lynne,

**Festival Village**

I am one of the Architectural liaison officers in Edinburgh and have been approached by Keasim Events Ltd in relation to the above planning permissions. I have looked at the planning application for the current operation pop up stalls on the roof at Waverley Mall.

Anecdotally the roof of Waverley Mall has been a problem area for anti-social behaviour, mainly youth disorder, for Police Scotland due to it's design and accessibility. An environmental visual audit has previously been carried out which I have attached. Some points raised in the audit may have been resolved since.

In recent years the presence of the pop up bars have generated a greater footfall in this area and that along with the presence of security staff has greatly reduced the opportunity for anti-social behaviour and the need for police intervention. Continuous trading of the operation will only enhance those benefits and further displace any youths still congregating in that area. Every care has been taken to incorporate and highlight viewing points when designing the pop up bars, thereby enhancing visitor experience.

Please let me know if you have any questions in relation to this.

Yours sincerely

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