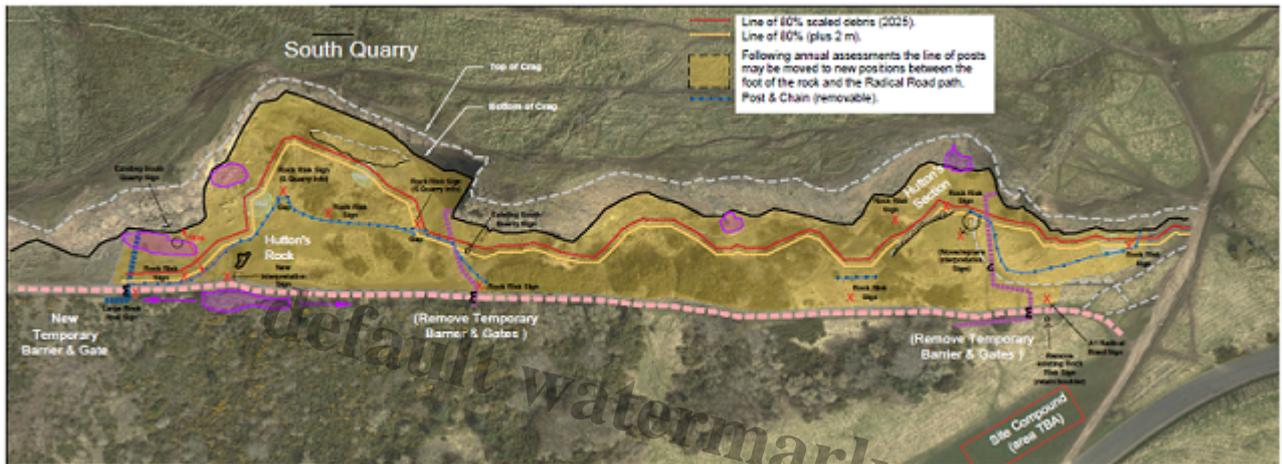


HES's attempt to use the planning system to legitimise the closure of the Radical Rd could rebound

Description



The site of the planning application. The black line shows the base of the crags. Nowhere is the application does it explain what the red line, '80% scaled debris', or the yellow line '80% (plus 2 m)', means or its significance. Map credit planning application

On 3rd December Historic Environment Scotland (HES) submitted a planning application ([see here](#)) to the City of Edinburgh Council which includes a proposal to erect a new 'temporary' barrier across the Radical Road below Salisbury Crags in Edinburgh. The closing date for comments ([see here](#)) is Tuesday 13th January. There have apparently been seven comments to date, all objections, although none are visible at present on the planning portal. This post explains why there is every reason to object.

Issues with the planning application

The rationale for the application has not been explained. HES never submitted a planning application when it originally erected 'temporary' barriers across the Radical Rd to stop access in 2018 ([see here](#)) and has done nothing to legitimise their presence since then. If such 'temporary' barriers require planning permission it begs the question why the City of Edinburgh Council (CEC) has failed to take any enforcement action against HES in the last seven years?

While the map accompanying the application (above) shows the creation of a 'New Temporary Barrier and Gate' and the removal of two other barriers, this is very misleading as the description of the proposal in the planning application says something rather different:

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed route in Holyrood Park via the Radical Road from the Hawse to South Quarry including Hutton's Section Rock, as indicated with the placement of post and chain sections and signage between the toe of Salisbury Crags and Road, and the placement of weighted mesh panels at the far side of South Quarry where the Radical Road path is on rockface. Setting out is based on geotechnical assessment of the rock slopes; to be considered as ongoing assessment.

Is this a temporary permission? * Y

Extract from planning application form

Note how the application is for permanent planning permission. If approved this would enable HES to retain the new access barrier permanently and close the Radical Rd for all time. The description of the proposal is very dangerous. If the CEC was to approve the application to create a "route" along part of what has been a famous "route" for over 200 years, the implication would be that the rest of the Radical Road is not a "route" at all. That would be another major step towards enabling HES to close the rest of the Radical Rd permanently, an option the Ferret revealed their board had been considering two years ago ([see here](#)).

The planning application is piss-poor, as you can see from the excellent objection submitted by Ben Tindall (who wrote a post on the Radical Road on Parkswatch last year [see here](#)):

RADICAL ROAD, HOLYROOD PARK

Ref. 25/06329/FUL

Dear Sirs,

I object to this application to restrict access to the Radical Road. It is the culmination of 7 years of unnecessary and unauthorised closure of one of the City's most important and iconic walks and it should be refused for many reasons.

1 LANDSCAPE VALUE

The importance of Holyrood Park in terms of landscape can hardly be overstated, and HES have published much on this. The character varies throughout the Park but for the Salisbury Crags it is very much geological and elemental, in a way that is rare to find in the centre of a City. These qualities have to be preserved so the proposed intrusive barriers and signage are completely inappropriate in this location.

2 USE/S

The application form says the site's "Existing Use" is "a unique landscape in the heart of Edinburgh"; this is a description not a use. The uses are, or were until the track was closed, recreation, exercise and education. No "Change of Use" is being applied for and these previous/existing uses should continue. Obviously the whole track needs to be continuous for its uses

to be effective.

3 ACCESS

The unconsented closure of the road has been extraordinary; I know no section of the public who are happy with the closure of the Radical Road. The application form says the proposals do not affect access; the very opposite is the truth, the proposals are for blocking off access. The Right to Roam exists for the rest of Scotland but it seems HES, who manage the place of behalf of the public, considers it doesn't apply at Parliament's doorstep. The whole track needs to be opened up, not just one quarter. The social and health benefits to the community of proper access and exercise are known to all.

4 SAFETY

The reasons of safety are not credible. In no other country would rocks falling off cliffs become the issue it has become here, and nor is it accepted good practice in the UK [1]. It is clear to all that the danger is at the top of the cliffs and not the bottom. Reasonable warnings and maintenance is what the law requires [2].

5 FENCES

The "suburban" design of the post and chain fences is completely out of character with the landscape, more suited to a parkland perhaps. No such fences have been needed in the past and they are inappropriate now. This part of the park is not a manicured garden needing fences to keep people off beds. The natural rock faces merit inspection in their own right and are home to rare plants. In addition, climbers need to access the rock, as they have had for generations and cannot be prevented from accessing anyhow. No ugly barriers or mesh panels should be in place anywhere.

6 SAFETY SIGNAGE

The original cast aluminum metal simple signage, properly maintained, is all that is required

7 INTERPRETATIVE SIGNAGE

The indicative proposed signage, like the post and chain fencing, is excessive and also out of character. Walkers, climbers and other users do not want to be assaulted with information; they will find it if they want it. One or two carefully designed and subtly placed boards, perhaps with QR codes, would be sufficient.

8 REMOVAL OF EXISTING (UNAUTHORISED) BARRIERS

The removal of these brutal and ugly "Cold War" style barriers is welcome and should have been done long ago. The removal of the remaining unauthorised "temporary" barriers, to the north, on the slopes and by Parliament should be enforced.

9 CULTURAL & NATURAL HERITAGE

In the application the balance of natural and human history is unequal. Though Hutton's significance is very rightly acknowledged, nothing is given to the importance of the Radical Road and

the incredibly beauty of the views of Edinburgh from it. The unauthorised closure of the Radical Road has been having the unfortunate effect of increasing the erosion of other paths and areas in the park, some of which are now in a very poor condition.

10 ECONOMICS

The cost of recent unauthorised works and consultancies has clearly been considerable; funds which could have been used to benefit the public and the park. The economic damage the closure of the road will have had on the City and wider afield should be considered too.

11 SUMMARY

For all these reasons these proposals should be refused and enforcement taken so once again the entire Radical Road is open to all communities of interest as one of the City's and indeed the Country's most remarkable attractions.

[1] *Managing Visitor Safety in the Countryside, Visitor Safety Group, Principles and Practice, 3rd Edition.*

[2] *A brief guide to occupier's legal liabilities in relation to public outdoor access. Nature Scot. www.outdooraccess-scotland.com*

It is worth adding a couple of more detailed points to Ben's objection. The Design Statement, the only document purporting to explain the proposal is just one page long but it is accompanied by an Ecological Impact Assessment which is almost 40 pages with appendices. There is no explanation in either about the meaning or significance of the scaled debris zone shown on the maps.

8 - barrier after Hutton's Rock, access control with rock slope risk management



Photo-montage credit planning application

Nor does the Design Statement explain the purpose of the posts and chains, all 210m of them. The EIA, however, suggests that as well as "guiding" the public away from rock faces safety reasons, they are also to keep people away from "identified features of ecological value within the site". This follows "A Phase I Habitat Survey". The public have walked, climbed (off and on), picnicked, botanised etc below and on Salisbury Crags for over 200 years so HES' sudden interest in the "nature value" of the site suggests they are looking for another reason to try and keep the rest of the Radical Road closed.

Included in the EIA appendices are pages of information about the conservation value of the Firth of Forth Special Protection Area and Duddingston Lochs Site of Special Scientific Interest neither of which have anything to do with this site. Why would any public body want to call in nature conservation designations that apply somewhere else?

The posts and chains of course will do nothing to stop those who wish to do so from approaching the base of the crags. While not stated in the application, HES presumably now believe this basic fencing along with some signs will be sufficient to protect them from any future liability claims from natural rockfall. If that is the case it begs the question why HES has taken seven years to come up with this solution to allow access again to Hutton's Section and Hutton's Rock? The the risk of rockfall reaching either of these locations, separated away from the main cliff, was always negligible:

Holyrood Park – Radical Road – proposed access to Hutton's Section and Hutton's Rock

annotated images

1 - approaching Radical Road from the Hawes (southeast)



The risk of rockfall at the start of the Radical Rd was always negligible. Photo-montage credit planning application

The risk, however, is that if CEC approves the posts and chains as a safety measure on the section of the Radical Rd which is well away from rockfall danger, it will be used by HES as a justification to continue to block off access to the rest of the Radical Rd which is much closer to crags and where such fencing would do nothing to reduce risks

The City of Edinburgh Council and Access Rights

The CEC has a legal duty to uphold access rights as well as specific obligations in respect of Rights of Way. Both include taking action to remove barriers to access. HES's purported legal justification for closing off the Radical Rd is complicated but rests on a shoddy peg which CEC has never challenged ([see here](#)).

Normally for a planning application which affects access one would expect planners to consult their local access team. Unfortunately, according to the latest list of access officers published by NatureScot ([see here](#)) the Edinburgh Access officer post has been vacant since 2023. They therefore employ no-one whose job is to protect access rights.

The Land Reform (Scotland) Act 2003 also created Local Access Forum (LAF)s to advise on the exercise of access rights. The LAF should have had a key role to play in advising CEC on what to do on the Radical Rd over the last seven years and also on advising on this planning application. Unfortunately the LAF appears to have been completely undermined by CEC senior management despite the efforts of certain councillors as illustrated by its recent history.

On 16 March 2023, the CEC agreed to combine the Transport Forum, the Local Access Forum and the Active Travel Forum into a single working group. It then took ten months for officers to propose the terms of reference for the new Forum to its Transport and Environment Committee in January 2024 ([see here](#)) and then another whole year until the new forum first met on 31st January 2025. The new forum is supposed to meet twice a year but details of who is on it, meeting dates and what is discussed do not appear to be published on the CEC website ([see here](#)). Instead, brief reports are given to the Transport and Environment Committee.

There is a short paragraph on the Radical Rd in a 284 page report to the May 2025 meeting of the Committee but this fails to report what advice was given by the new LAF at their first meeting in January

Radical Road

- 4.12. Information on the Radical Road is referred to under the 'Current and Emerging Challenges' section of HES's Strategic Plan. The reopening of parts of the Radical Road is dependent on the outcome of the ongoing rock risk assessment in that area and the implementation of any necessary mitigating measures. While HES is working to expedite this process, the safety of visitors and staff remains a top priority.
- 4.13. HES is currently progressing with works to improve access to the Radical Road at the southern end from the Hawse to the northern end of South Quarry. This area includes Hutton's Section and Hutton's Rock, together with the quarry in which climbing is permitted. While HES has no exact timeline for the completion of these works, they have indicated they will provide regular updates on the progress of this project.
- 4.14. The Council does not have access to any costs for HES works relating to the Radical Road.

Reading this report one would never know CEC has a legal duty to uphold access rights.

The Committee's business bulletin for September did contain another short item on the Radical Rd under the heading 'access rights' but the meagre content only referred to the Council's powers to restrict those rights:

Access Rights - Radical Road - Holyrood Park

Historic Environment Scotland (HES) provided an update on the continuing works on the Radical Road in Holyrood Park in July 2025, which can be found at:

<https://www.historicenvironment.scot/about-us/news/radical-road-update-july-2025>.

The matter was discussed at the Transport and Local Access Forum in January 2025.

The Land Reform (Scotland) Act 2003 s 15(1)(a) allows for the local authority to take such steps (which may include the putting up and maintenance of notices and fences) as appropriate to warn the public of and protect the public from danger on any land in respect of which access rights are exercisable. The local authority also has the power to exempt particular land from access rights by legal order for a particular purpose for a period of six days or more (for the period of two years from the date the order takes effect).

Public access will be reinstated to parts of the Radical Road, from the Hawse to the Northern end of the South Quarry, in early 2026. Officers are in dialogue with Historic Environment Scotland (HES) and will update Committee on progress.

Extract from Business Bulletin September 2025

https://democracy.edinburgh.gov.uk/documents/s87913/6.1%20-%20Business%20Bulletin_September%202025.pdf

This is highly misleading. The primary duties of access authorities under the Land Reform (Scotland) Act 2003, which are not referred to above, are set out in Sections 13:

13 (1) It is the duty of the local authority to assert, protect and keep open and free from obstruction or encroachment any route, waterway or other means by which access rights may reasonably be

exercised.â?•

CEC officers have completely ignored this and Section 14 of the 2003 Act which gives local authorities powers to deal with â??Prohibition signs, obstructions, dangerous impediments etc.â?• Instead, CEC officers refer to Section 15 which is NOT a legal duty but a permissive power. In effect this is an attempt to legitimise the actions taken by HES to close the Radical Road WITHOUT considering if this was justified under access laws.

Two months later officers recommended to the November 2025 meeting of the Transport and Environment Committee that the item on the closure of the Radical Rd, which a councillor had asked them to consider, be closed

17	02.08.24 Council	Motion by Councillor Burgess – Closure of Radical Road – Holyrood Park – see Agenda Frontsheet	Requests that the Transport and Local Access Forum considers this matter at the earliest opportunity, including whether access rights under the Land Reform (Scotland) Act 2003 apply to Holyrood Park and what actions the Council and Scottish Government could take on the matter, and that it reports its findings to the Council’s Transport Environment Committee	Corporate Director of Plac Lead officers: Andy William andy.williams@edinburgh
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Officers have, as far as I can find from searching dozens of pages of Committee reports, never informed councillors on the Transport and Environment Committee whether the LAF thought access rights â??apply to Holyrood Park and what actions the Council and the Scottish Government could take on this matterâ?•let alone given councillors the opportunity to discuss this.

Where now is Scotlandâ??s world class access legislation?

The Land Reform (Scotland) Act 2003 is often referred to as one of the finest achievements of the Scottish Government. The impact of that legislation depended in large part on public authorities across Scotland taking action to uphold its provisions. Much of the infrastructure that was created to do so has now either collapsed or is being ignored as is evidenced by the failures of the CEC and HES in respect of the Radical Road. Those failures are taking place in view of the Scottish Parliament.

While HESâ??s planning application to erect a new barrier on the Radical Rd has very dangerous implications, it also presents an opportunity for the public and recreational organisations to force both HES and CEC to take action. The way to do that is by lodging objections which ask the planning department to determine the application within the legal framework provided by access rights and rights

of way law, for example::

1) by asking the CECâ??s Transport and Local Access Forum for their advice on the legality of the closure, the implications for access rights and appropriate ways of making the public aware of safety risks;

2) by requiring HES to remove the two temporary access barriers, which have never had planning permission, with immediate effect;

3) by providing temporary planning permission to HES for the new barrier for a limited period of six months but only on condition that by the end of that period they have come up with plans to re-open the rest of the Radical Rd within a year.

Category

1. Access rights
2. Other parts Scotland

Tags

1. access rights
2. Governance
3. planning
4. Scottish Government
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