



PRESS RELEASE: Monday 9 May 2022

Bridge emergency “deceit” exposed

Campaigners have revealed how National Highways was routinely attempting to exploit emergency development powers to force through the infilling of legacy rail bridges, most of which were in good condition.

The state-owned roads company manages the Historical Railways Estate (HRE) of 3,100 disused bridges, tunnels and viaducts on the Department for Transport’s behalf. A programme of infilling and demolition schemes was put on hold by the Government last summer after a masonry bridge at Great Musgrave, Cumbria was buried in 1,600 tonnes of aggregate and concrete despite being needed for a link between two heritage railways. Many civil engineers expressed shame and embarrassment at this act.

In September and October 2020, National Highways sent letters to local planning authorities informing them that 32 bridges would be infilled under permitted development powers - known in England as ‘Class Q’ - which allow temporary works to be undertaken in emergency situations and retained for up to 12 months.

One affected bridge near Saltash - engineered by Isambard Kingdom Brunel - had no meaningful defects and carried a little-used farm track, 200 metres from the nearest right of way. But National Highways told Cornwall Council that the structure was an “increasing risk to public safety” and must be infilled “to prevent an emergency arising”.

Now, an investigation by The HRE Group - an alliance of engineers, sustainable transport advocates and greenway developers - has revealed that, following the Great Musgrave controversy, the Brunel bridge and 14 others were removed from National Highways’ Major Works programme, whilst 16 more are still awaiting interventions at least 19 months after the Class Q letters were sent.

“There was no emergency at any of these structures and no prospect of one”, asserts Graeme Bickerdike, a member of The HRE Group. “National Highways redefined the English language to circumvent the need for planning permission, avoid scrutiny and impose its will.

“Class Q powers are intended for temporary measures - not permanent infilling - in situations presenting an imminent threat of death or injury, but National Highways was abusing them for planned asset management activities. How can ‘emergencies’ at 15 bridges have simply disappeared into the ether? Because they were perpetuated on the basis of deceit.”

Several local authorities rejected Class Q including Herefordshire Council where four structures on the route of a proposed greenway were threatened with infilling. National Highways was told to submit a planning application for the work which was then rejected.

“Herefordshire recognised the value of these historic feats as future assets from transport, heritage and ecology perspectives, and we trust others will do the same”, said Bickerdike.

Between November 2019 and March 2021, National Highways started four infill schemes under Class Q powers. Without written permission from the local planning authorities, all of them should since have been removed to comply with the 12-month time limit, but no such consents had been granted by mid-April and the infills remain in place.

At Great Musgrave, Eden District Council recommended that National Highways stop infilling whilst planning requirements were reviewed, but the company refused and invoked Class Q to continue the work. The bridge was in generally good condition, with a handful of minor defects; these had an estimated repair bill of £20K. Instead the structure was infilled for £124K and National Highways now claims that restoring it for rail use could cost as much as £431K.

The Council subsequently insisted that retrospective planning permission must be obtained and the application - published on 8 April - received almost 800 objections in three weeks.

Councillor Phil Dew, chair of the Upper Eden Railway Heritage Partnership, said: “This was a case of cultural vandalism and desecration of a highly-valued structure. Any issues would have been far better resolved by maintaining the bridge in a proper way.

“I guess when you’re a national organisation and you’re dealing with what appears to be a relatively small group of people, it’s easy to ignore them and act with total impunity. The two railways have been ridden roughshod over. Lessons must be learned; National Highways needs to reconsider its policy and act in a responsible and proper manner.”

The company has recently agreed to seek planning permission for all future infill schemes as part of a new approach to its management of the Historical Railways Estate. Ministerial approval will also be required.

“These are positive steps in a better direction”, says Graeme Bickerdike, “but National Highways must draw a line under its damage and dishonesty at Great Musgrave by removing the infill. However we note that the company’s engineer has already raised the possibility of an appeal to the Secretary of State if planning permission is refused.”

National Highways’ budget for maintaining its legacy structures has been slashed from £13.16M last year to £8.79M in 2022/23, representing a 15% real-terms cut on its 2017 level.

Consultation on the Great Musgrave planning application runs until 16 May and a determination is expected to be made by the Council’s planning committee in June.

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Attachments

GreatMusgraveBridgeBefore©TheHREGroup: The bridge at Great Musgrave was an attractive addition to the local landscape. (Credit: The HRE Group)

GreatMusgraveBridgeAfter©TheHREGroup: National Highways' contractor buried the bridge in more than 1,600 tonnes of aggregate and concrete. (Credit: The HRE Group)

BrunelBridgeDeck©TheHREGroup: Cornwall Council was told that a Brunel-built bridge carrying a little-used farm track had to be infilled "to prevent an emergency arising". (Credit: The HRE Group)

HerefordshireBridge©TheHREGroup: Herefordshire Council refused to accept the emergency infilling of four bridges on the route of a proposed greenway. (Credit: The HRE Group)

RudgateBridge©TheHREGroup: A bridge near Tadcaster was infilled under Class Q powers, but no consent has been given for its retention beyond the 12-month time limit. (Credit: The HRE Group)

(Higher resolution versions of the above photographs are available on request)

SupportingDocuments (PDF): Class Q powers; letter to Cornwall Council re Brunel bridge; response of Herefordshire Council to Class Q letter; four recent Class Q infill schemes; costings for Great Musgrave bridge; National Highways email exchange with Eden District Council; extract from Minutes to Stakeholder Advisory Forum; NH/HRE budgets since 2017/18.

The planning application for the retention of the infill at Great Musgrave bridge is available via this link to Eden District Council's planning portal:

<https://tiny.cc/GreatMusgrave>

To link to a video about the Great Musgrave planning application or embed it on your webpage:

(Link) <https://youtu.be/2O-u8wwRkOM>

(Embed) `<iframe width="560" height="315" src="https://www.youtube.com/embed/2O-u8wwRkOM" title="YouTube video player" frameborder="0" allow="accelerometer; autoplay; clipboard-write; encrypted-media; gyroscope; picture-in-picture" allowfullscreen></iframe>`

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Notes for editors

"Class Q" is shorthand for Schedule 2, Part 19, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 which allows the Crown to

undertake temporary works - without planning permission - in emergency situations and retain them for up to 12 months.

The Historical Railways Estate (HRE) is owned by the Department for Transport (DfT) and managed on its behalf by National Highways (NH). NH is responsible for inspecting, maintaining and limiting the liability associated with around 3,100 disused railway bridges, abutments, tunnels, culverts and viaducts.

Although transport policy is largely a matter for the devolved administrations, around 19% of the HRE structures are in Scotland and 11% in Wales. These remain under HE's management.

National Highways operates under a Protocol Agreement with the Department for Transport which sets out its obligations in relation to the safety, inspection, maintenance, disposal of the structures, the maximisation of rental income and reduction of risk. Its remit was formerly fulfilled by BRB (Residuary) until its abolition on 30 September 2013.

In 2020, National Highways awarded framework contracts to six companies for works on HRE structures with a headline value of £254M over seven years. It also agreed a professional services contract with Jacobs, worth £31.9M over ten years, and two contracts for inspections/examinations with a value of £18M over ten years.

In January 2021, it was revealed that 134 structures are at risk of demolition or infilling. These are located in East Anglia (12), East Midlands (4), London and the Home Counties (8), Northern England (16), Northern Scotland (8), North-West England (3), South-East England (11), Central/Southern Scotland (19), South-West England (24), Wales (5), West Midlands (16) and Yorkshire & Lincolnshire (8).

National Highways now claims that only 68 structures will be infilled or demolished in the short term, but hundreds remain at risk in the longer term.

A map showing the broader threat to HRE structures - including those that have failed assessments - is available via this link...

https://www.google.com/maps/d/u/0/edit?mid=1LVvKXUS_a66LGzG8mPNLZaRpz2hw3ioe

The HRE Group is an alliance of walking, cycling and heritage campaigners, engineers and greenway developers who regard the Historical Railways Estate's structures to be strategically valuable in the context of future rail and active travel provision.

The following local authorities have told National Highways that planning permission is required for their infilling schemes: Aberdeenshire, Angus, Cheshire West & Chester, Essex, Glasgow, Gloucestershire, Herefordshire, Hertfordshire, Leicestershire, North Ayrshire, North Yorkshire, Northumberland, Perth & Kinross, Powys, Shropshire and Stratford-upon-Avon. Others have raised objections or imposed specific constraints.