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Campaigners challenge ‘emergency’ bridge work

Schemes to infill four historic bridges now have “questionable legal status”, according to campaigners, as the emergency development powers used to undertake them have expired.

For the past nine years, National Highways has managed the Historical Railways Estate (HRE) of 3,100 legacy railway structures on behalf of the Department for Transport. During that time the state-owned roads company has spent £8.01M infilling 51 bridges, but the programme was halted by the Government in July 2021 over concerns that National Highways was failing to consider environmental, heritage and transport impacts, or consult with stakeholders.

In June, Eden District Council rejected a retrospective planning application for the infilling of a bridge in Cumbria, finding that it conflicted with three Local Plan policies. Around 1,600 tonnes of aggregate and concrete will have to be removed by 11 October 2023.

The structure, at Great Musgrave, was infilled under powers known as ‘Class Q’ which apply to temporary works carried out in emergency situations. However the material was intended to be permanent and a report by Bill Harvey Associates, masonry arch specialists, found the structure to be in Fair condition, with National Highways’ own inspections recording few defects and no deterioration.

It has now emerged that four other infill schemes were undertaken using Class Q powers before the Government’s intervention.

The dismantled railway under Congham Road bridge near King’s Lynn was one of several identified in Norfolk County Council’s Walking and Cycling Strategy as having the potential for reuse as part of a network of active travel paths, but National Highways blocked the route by infilling the structure during March and April 2021 at a cost of £127K, claiming that it presented “an ongoing and increasing risk to public safety”.

A cycle path has already been laid along a section of the former Wetherby-Tadcaster railway in West Yorkshire and an ambition to complete a link between the two towns is still being pursued. However £133K was spent infilling Rudgate Road bridge - close to the current end of the path - in the spring of 2021. Jacobs, acting as National Highways’ consultants, told Selby District Council that the structure was “suitable only for 32 tonnes” and infill was needed “to prevent an emergency arising”, but no specific defects were mentioned.

Near South Woodham Ferrers, Essex and in Ilford, north-east London, National Highways used Class Q powers to infill two bridges in 2018/19 and 2020 at a total cost of £312K.

Under the terms of Class Q, the infill should have been removed from these structures within 12 months of work starting unless written consent to retain it had been granted by the local

planning authorities. This interpretation was supported by solicitors acting for The HRE Group - an alliance of engineers, sustainable transport advocates and greenway developers - and was the basis upon which Eden District Council required National Highways to seek retrospective planning permission for the Great Musgrave scheme.

In February, the group asked National Highways for copies of the consents, but none was provided, and has since written to the four councils requesting confirmation of their positions. Selby District Council has appointed an enforcement officer to consider the Rudgate Road infill.

Graeme Bickerdike, a member of The HRE Group, said: "There was no prospect of an emergency developing at these bridges - certainly not by any reasonable definition of the word - and National Highways had no plans to remove the infill within a year as it was obliged to do, by default, under Class Q.

"The company's exploitation of these powers meant that the four infills were not exposed to scrutiny through normal democratic process which, in the case of Congham Road and Rudgate Road, could have identified issues around potential future active travel use. And as Great Musgrave demonstrated, the heritage and environmental harm caused by infilling far outweighs any marginal long-term maintenance cost savings.

"It is not sustainable for a Government-owned company to carry out works that now have questionable legal status so we have asked the councils to investigate and decide whether consent should be granted for retention of the infill or enforcement action taken with a view to its removal."

National Highways has established a Stakeholder Advisory Forum to review all future major works to HRE structures, but confirmed outcomes for 68 bridges and tunnels previously threatened with infilling or demolition are still awaited.

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Attachments

GreatMusgraveBridgeBefore©TheHREGroup: The bridge at Great Musgrave was built in 1861 and was a valued addition to the local landscape. (Credit: The HRE Group)

GreatMusgraveBridgeAfter©TheHREGroup: Around 1,600 tonnes of aggregate and concrete were used to bury Great Musgrave bridge in May/June 2021. (Credit: The HRE Group)

ConghamRoadBridgeBefore©RichardHumphrey: Congham Road bridge near King's Lynn comprised a steel and concrete superstructure dating from around 1923. (Credit: Richard Humphrey)

ConghamRoadBridgeAfter: Congham Road bridge was infilled under emergency development powers that have now expired.

RudgateRoadBridgeBefore©RobertMatley: The site of Newton Kyme Station - immediately north of Rudgate Road bridge - had already been infilled, but the stone-arched structure served as a reminder of the former Wetherby-Tadcaster railway. (Credit: Robert Matley)

RudgateRoadBridgeAfter©TheHREGroup: Rudgate Road bridge had few defects and an assessed capacity of 32 tonnes, but National Highways infilled it under emergency development powers to “prevent an emergency arising”.

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

SupportingDocuments (PDF): a list provided by National Highways of recent infilling/ demolition schemes, together with the powers under which they were carried out; the letters sent by Jacobs, National Highways’ consultants, to the local planning authorities in relation to Congham Road and Rudgate Road bridges; Eden District Council’s Decision Notice for the Great Musgrave bridge retrospective planning application; the Class Q powers.

Bill Harvey Associates’ report about Great Musgrave bridge can be downloaded via this link: <http://thehregroup.org/structures/pdf/2022-006-Great-Musgrave-review.pdf>

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Notes for editors

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 NH’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 were at risk of demolition or infilling. These were 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 the threat of infill or demolition has been lifted from all these structures and any future major works will be the subject of review and consultation with its Stakeholder Advisory Forum, established in October 2021.

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 bridge 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.