

PRESS RELEASE: Monday 25 March 2024

## **Council to decide future of Yorkshire's historic infilled bridge**

National Highways (NH) has submitted a retrospective planning application after council officers found it had breached permitted development rights to infill a bridge dating from the 1840s.

The skewed masonry arch on Rudgate near Tadcaster was designed by pioneering railway engineer John Cass Birkinshaw for the Church Fenton to Harrogate line, opening in 1847. But the state-owned roads company - which manages 3,100 disused railway bridges, viaducts and tunnels on the Department for Transport's behalf - buried the structure in hundreds of tonnes of stone and concrete as part of a programme to reduce liabilities.

In a letter to the now-defunct Selby District Council on 6 October 2020, National Highways claimed that Rudgate bridge "represents an ongoing and increasing risk to public safety" and would be infilled under rights known as Class Q, "to prevent an emergency arising". A contractor arrived on site five months later, with the scheme costing £133K.

By default, Class Q works must be removed within 12 months of their start date and NH's failure to obtain consent for permanent retention prompted the Council to take enforcement action.

In its Planning Statement, National Highways claims that the bridge was in "Poor" condition, but formal engineering reports record it as being "Fair". When it was last inspected two years prior to infilling, the examiner's only recommendation was to repair a nearby fence.

NH's engineer decided that "Infilling [was] preferable to repairs" despite the bridge being conservatively assessed to have capacity for 32-tonne vehicles. The lane passing over it is narrow and lightly trafficked, with HGVs discouraged from using it by a sign prohibiting vehicles weighing over 3 tons unladen. The assessment involved a method that is no longer permitted for heavily-skewed arch bridges and a specialist engineer believes that greater capacity would have been shown by more precise calculations.

It has emerged that, to gain access to the site, National Highways' contractor felled and pruned trees within an area protected by a Tree Preservation Order without authority. The infilling took place in designated Green Belt where, according to the National Planning Policy Framework, development "should not be approved except in very special circumstances".

"This is what happens when an organisation focused only on its own narrow interests is allowed to act without appropriate scrutiny", says Graeme Bickerdike, a member of The HRE Group which campaigns to recognise the heritage, ecology and sustainable transport value of legacy railway structures.

“Rudgate was a historic and aesthetically attractive bridge, designed by an engineer who was at the forefront of the railway revolution in the 1840s - supposedly the first articulated pupil of Robert Stephenson, with whom he worked on several Yorkshire railways. But National Highways shows no respect for such endeavours. It forced through this liability reduction scheme by misapplying emergency permitted development rights and damaged protected trees in doing so.

“Now, as it seeks approval for its actions, the company is misrepresenting its own engineering evidence. The bridge presented low levels of risk and should have been subject to sympathetic repairs as part of NH’s routine maintenance programme. We cannot keep losing historic assets to the destructive culture of some public bodies.”

Comments on the planning application have to be received by 2 April 2024. They can be submitted through North Yorkshire Council’s planning portal, searching for reference ZG2024/0183/FUL.

--ENDS--

### **Attachments**

RudgateBridgeArchive©TransportTreasury: A steam train passes under Rudgate bridge in 1957, heading towards Tadcaster. (Credit: The Transport Treasury Ltd (MM292))

RudgateBridgeBefore©RobertMatley: Rudgate bridge captured shortly before its infilling. (Credit: Robert Matley)

RudgateBridgeAfter©TheHREGroup: The infilled bridge looks out onto cutting slopes protected by Tree Preservation Orders. (Credit: The HRE Group)

RudgateBridgeRoad©TheHREGroup: A narrow lane crosses the bridge, with a weight restriction of ‘3 tons unladen’ posted at its junction with the A659. (Credit: The HRE Group)

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

SupportingDocumentsRUD (PDF): Infill notification letter to Selby District Council; Class Q permitted development rights; extract from spreadsheet of bridges infilled by NH; extract from NH’s planning statement; extract from NH’s 2018 inspection report; extract from 2018 capacity assessment.

### **Contact details**

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## Notes for editors

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 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.

Since assuming responsibility for the HRE, NH has infilled 51 bridges at a cost of £8.01M. Queensbury Tunnel in West Yorkshire was infilled below two shafts, and strengthened at other locations, at a cost of £7.2M.

A map showing the location of the infilled bridges, together with the cost of each scheme, is available via this link...

<https://www.google.com/maps/d/u/1/edit?mid=1owQSnow1Yj5taYxkzBybTFvnHyxlwWc>

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 intended to progress most of the schemes under permitted development rights, but the following local authorities told the company 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.

The programme was paused by the government in July 2021 due to concerns over its impact on the future development of active travel routes.

National Highways now claims that the threat of infill or demolition has been lifted from all the under-threat structures and any future proposed schemes will be the subject of review and consultation with its Stakeholder Advisory Forum, established in October 2021.