

PRESS RELEASE: Wednesday 10 July 2024

National Highways “get away with” damaging bridge scheme

An old railway bridge near King’s Lynn will remain buried in stone and concrete after the Planning Inspectorate upheld an appeal against an Enforcement Notice requiring the material to be removed from around the historic structure.

St Andrew’s Lane bridge at Congham, Norfolk was infilled by National Highways as part of an asset management programme which, if completed, would have seen more than 100 legacy railway structures infilled or demolished over five years. The Government intervened to stop it in 2021 following concerns over the programme’s potential impact on the development of new active travel routes.

The bridge was a rare-surviving example of a modular concrete structure dating from 1926, built to a system developed by pioneering engineer William Marriott. The state-owned roads company unlawfully exploited ‘Class Q’ permitted development rights - which only apply to temporary works in emergency situations - to undertake the permanent infill scheme without scrutiny from statutory consultees or the local Parish Council.

Retrospective planning permission for the work was refused last October, prompting the Borough Council of King’s Lynn & West Norfolk to issue an Enforcement Notice for the infill’s removal. But National Highways appealed - taking the matter to a public inquiry - asserting that “Decisions we made at this site were driven first and foremost by safety.”

However, more than 3,000 pages of statements and evidence demonstrated that the scheme was undertaken primarily because of perceived long-term costs savings. NH had no particular concerns about the safety of the bridge or its capacity.

The Local Planning Authority told the inquiry that the scheme had caused substantial harm to the structure as it was now encapsulated within an embankment, unable to be appreciated. A National Highways document described infilling as “a similar outcome” to demolition.

Laura Renaudon, the Inspector who considered the appeal, described the case as “finely balanced” and indicated that the exploitation of Class Q rights was “rather misguided”, noting that “It is an unfortunate sequence of events that has resulted in this appeal seeking retrospective planning permission”.

She acknowledged that “The harm to the value of the heritage asset is regrettable but needs to be balanced against the asset’s overall low significance, the fact that the bridge is preserved, albeit buried, and the other factors in the case.” She went on to conclude that “Accordingly I find that the development complies with the development plan for the area.”

Graeme Bickerdike, a member of The HRE Group of engineers, heritage campaigners and greenway developers, said: "We're obviously disappointed that the infill is to remain. This was an unnecessary and destructive scheme that has resulted in the loss of a noteworthy heritage asset of regional significance.

"National Highways misrepresented its own formal engineering evidence in an attempt to justify its actions, undermining trust and confidence in how it operates. In that context, to get away with it is rather troubling.

"As we transition to more sustainable forms of transport, legacy railway structures have the potential to play an increasingly important role and their value must be recognised by those responsible for their custodianship. The loss of this one - simply to reduce liabilities - was short-sighted and indicative of cultural issues."

Plans to convert the former Lynn-Fakenham railway - which passed under St Andrew's Lane bridge - into a greenway have emerged since the infill scheme was completed. The local Neighbourhood Plan "strongly supports" the proposal as surrounding villages could become gateways into King's Lynn.

--ENDS--

Attachments

ConghamArchive©M&GNTrust: An archive view of the bridge shortly after its reconstruction. (Credit: M&GN Trust)

ConghamAfter©TheHREGroup: The bridge was infilled by National Highways under emergency permitted development rights in 2021. (Credit: The HRE Group)

ConghamRoad©TheHREGroup: The structure carries St Andrew's Lane - a narrow and lightly-trafficked road passing through Congham village. (Credit: The HRE Group)

ConghamInquiry©TheHREGroup: A public inquiry was established to consider evidence about the bridge's infilling. (Credit: The HRE Group)

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

SupportingDocumentsCNG (PDF): Planning Inspectorate's Decision Notice, initial Enforcement Notice, initial refusal of planning permission, condition summary from 2018 Detailed Examination, condition summary from Jacobs' 2019 capacity assessment, Jacobs' letter of 14/10/19 citing application of Class Q.

Statements and evidence submitted to the inquiry can be downloaded via this link...

<https://online.west-norfolk.gov.uk/online-applications/enforcementDetails.do?activeTab=documents&keyVal=RKRTJMIV0JD00>

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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=1owQSnow1Yj5taYxkzBybTFvnHyxIwWc>

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.