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25 January 2023

PMY2/76 – Congham Road Bridge Infill Works

Dear ██████████,

I tried to call today in advance of sending this letter to discuss it with you. I left a voicemail but would be very happy to discuss further once you have had a chance to read this letter. My call followed correspondence I have had with you recently in November and December 2022.

Following the call we had together on 29 November 2022, my letter to you of 2 December 2022 noted that we wrote to the Borough Council of King's Lynn and West Norfolk (KLWN) in 2019 to outline the proposed works and to which KLWN responded that they had no objections regarding the works. The highway authority (Norfolk County Council (NCC)) was also contacted at this time and informed us they also had no objections. We wrote again to KLWN in 2022 informing of works to check the settling of the material and top-up any remaining void. To that letter we received no response. Subsequently, KLWN have received a complaint resulting in KLWN reviewing your position and suggesting, on 18 January 2023, that a planning application should be submitted. We are writing to explain why we feel the submission of an application and/or enforcement action is not considered to be expedient or in the public interest.

Below I summarise the background to the situation. We are of the view that the works are in the public interest and ask KLWN to consider enabling the retention of these works through written approval as is permissible under the terms of the planning legislation.

For context, PMY2/76 is a single, square span bridge comprising seven concrete-cased steel beams with rivetted flanges, with precast concrete jack arches spanning between them. The abutments are constructed in concrete bricks. The wingwalls are brick construction. The bridge carries an unclassified road (St Andrew's Lane) over the former South Lynn to Yarmouth Railway Line, near the village of Congham, Norfolk. The bridge has no weight restriction applied to it by NCC.

Before and after pictures of the structure can be seen below:



Heritage value

Using our supply chain experts, Jacobs, a heritage assessment has been conducted of the structure (appended to this letter). This concluded that the structure is considered of overall low value:

Overall Value:

Low.

The bridge is an undesignated heritage asset of moderate communal value, and low historic and evidential value and negligible aesthetic value.

Historical value

The bridge has some historical interest as a remaining element of the former Great Yarmouth to South Bridge Railway Line. The Great Yarmouth to South Bridge Railway Line is associated with the renowned and innovative engineer, William Marriott, who developed a system of pre-cast concrete construction and other innovations. The bridge was re-built in Marriott's system in c.1923, before his retirement in 1924. However, given the bridge's late date, the historic value is more limited and the bridge is of low historical value.

Communal value

The bridge has some limited communal value as an active road bridge carrying St Andrew's Lane. William Marriott is today commemorated in the Marriott's Way footpath in Norfolk. In addition, a section of the M&GN railway has been preserved by volunteers as the North Norfolk Railway, popularly known as the "Poppy Line" and also runs the William Marriott Museum.

The bridge is not individually recorded on the Norfolk HER as a non-designated heritage asset, although the alignment of the former M&GN railway is recorded (HER reference 13581). Given the above, the bridge is considered of moderate communal value.

Evidential value

The bridge is of a relatively standardised concrete, steel and brick construction but does include elements of Marriott's innovative pre-cast concrete construction technique, in using pre-cast jack arches for the main span. However, pre-cast concrete was first developed by the British city engineer John Alexander Brodie (and soccer net inventor) just prior to WWI when he had patented a ground-breaking process for constructing precast panelled buildings. Marriott extended Brodie's ideas into railway architecture such as bridges, posts and signal boxes.

Historical inspection reports undertaken by HRE indicate the fabric of the bridge is in a deteriorating condition. There has been significant re-building of the abutments in new brickwork, eroding some of the evidential value. Given the above, the bridge is considered of low evidential value.

Aesthetic value

The bridge is largely a utilitarian design with little architectural detailing of significance. The majority of the structure is hidden from public view when traversing St Andrews Lane. The bridge is not considered to be a landmark or monumental structure. Therefore, the bridge is considered of negligible aesthetic value.

Engineering Details

According to the records, this structure has had issues with fractures since 1984. We have been responsible for the asset management of the bridge since 2013. As part of our assessment approach, we have seen the bridge showing further signs of movement and fracture widths increasing. This led us to infill the void beneath the bridge in February 2021. Prior to this, major repairs had been conducted between December 2009 and February 2010 involving propping, repairing the end abutment quoin and repairs to fractured / spalled areas of the structure requiring a road closure.

I provided in my last letter to you (2 December 2022) a timeline for the structure from the 1980s to the present day. In summary, mindful of the issue of fractures noted at the site over a number of decades and following close monitoring by us (since we took over the management of the bridge in 2013) that indicated increased movement of the structure, we sought to reduce the risk of further movement and to prevent risk to the public by progressing with a scheme to infill the void. During this scheme development, we consulted with NCC as the Local Highways Authority and KLWN as the Local Planning Authority.

We maintained significant communication with NCC across several departments to complete the infill works with as little disruption to the public as possible. Prior to commencing the works NCC confirmed that they had "*no objection to the infilling of the disused railway bridge PMY2/76, near Congham*" and also that, having checked with their Trails Team there was no objection as they believed there were more appropriate routes for cycling and walking. As far as we are aware, despite recent headlines in the media, there remain no future use proposals for the redundant track

bed. There is already an established route in place along the track bed, which diverts up onto the road immediately adjacent to the bridge.

As we discussed in our call of 29 November 2022, we approached KLWN before works had begun and received confirmation of no objection. Our letter of March 2022, sent in advance of phase 2 checks to assess settlement in the phase 1 works, received no response.

Removing the infill and reverting the site back to its original condition would reintroduce the original existing unsafe conditions for the bridge, namely that the bridge fails a BE4 assessment (meaning it cannot carry more than 7.5t) and shows signs of cyclical movement. To be clear, completing the infill of the structure has enabled the cyclical movement of the structure to be dealt with, and it has also ensured the road can remain unrestricted and open to all traffic.

In our view removal of the infill shall only be in the public interest and should only be considered if an approved and viable plan for future use beneath the bridge is established. As far as we are aware, there are no such plans for this disused line and NCC confirmed no future use of the line when contacted in 2019.

The Land Use Planning Position

In our view the “no objection” response received from KLWN in 2019 and no response in 2022 meant that planning permission was not required for the works, and hence why they were implemented without the benefit of planning permission.

Without knowledge of the reasoning behind KLWN’s “no objection”, it may be that KLWN formed the view that the scheme does not constitute development as defined within the Town and Country Planning 1990 or may even be considered ‘de minimis’ works.

As you know, we sought to rely on Schedule 2, Part 19 Class Q rights contained within The Town and Country Planning (General Permitted Development) (England) Order 2015 (“Class Q”) when undertaking the infilling works. Class Q requires that on or before the expiry of 12 months: “*the land is restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer*”. This does not mean that a planning application would be necessary, only that retention of the works should be agreed in writing with the Local Planning Authority. In our view KLWN being notified of the infilling works before the works commenced at both phase 1 and 2 of the scheme and advising us that it had no objection to the infilling works, satisfied the requirements of Class Q such that the infilling could remain and/or the fact that the works were considered minor by KLWN. As such the need for submission of a planning application falls away. Furthermore, we are not of the view that the submission of a retrospective planning application at this stage is proportionate or in the public interest. Nonetheless, we would be content in agreeing removal of the infill in this instance should an approved and viable future use for the track bed beneath the structure be forthcoming. We believe this is a proportionate way forward and in the public interest.

I provide in the table below an example selection of schemes that have involved infill or top-up infill works and where a planning application was not requested by the Local Planning Authority. In these examples, the corresponding Local Planning Authorities confirmed no objections and, in certain instances, that the works were considered to be permitted development or did not actually constitute 'development'.

	Former HRE Scheme	Work completed	Local Planning Authority
1	WAB/8 – Chadwell, Melton Mowbray	Nov 2020	Melton District Council
2	CML/2248 – Fordham Moor Bridge, Fordham, Cambridgeshire	Jun 2019	East Cambridgeshire District Council
3	BJS/12 - 'Southfield Road' Kirkmuirhill	Mar 2018	South Lanarkshire Council
4	NCL/70 - 'Dunnaquarry Bridge' Tremaine, Cornwall	Aug 2018	Cornwall Council

In addition, another other recent infill scheme that you may be aware of is EDE/25 - Great Musgrave Bridge in the district of Eden Valley. This scheme was presented to the Local Planning Authority prior to the works being undertaken and they informed us that the works were permitted development and that planning permission was not necessary. It was only after works were finished (some 14 months later) that the Local Planning Authority, following representations from a member of the public, reviewed their advice and asked for a planning application to be submitted. After due consideration, we did not challenge the request for a planning application in this instance and submitted an application to the Local Planning Authority. The application was refused on heritage grounds. The context of that scheme was quite different from PMY2/76, for example, that there was a desire for the local heritage railway company to extend its line toward the bridge (although with no designed, funded or approved plan to do so). We therefore challenge the need for a planning application in this situation.

In conclusion, for the following reasons we feel that the scheme as built is appropriate and necessary, and that a full planning application is not required in this instance and, instead, agreement in writing from KLWN to retain the works would be a proportionate approach and in the public interest:

- Removing the infill and reverting the site back to its original condition would reintroduce the original existing unsafe conditions for the bridge, something we would be unable to do given the terms of our protocol agreement with the Department for Transport to ensure safety of the public and HRE assets. It would also require the Local Highway Authority to implement a weight restriction for the road/bridge.
- The undesignated structure has been assessed as having negligible historical, evidential and aesthetic value. Indeed, we believe the aesthetics of the site are improved following the works and reduce the likelihood of future fly-tipping and graffiti as was seen at the site previously:

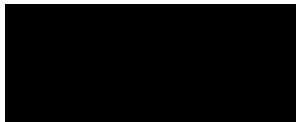


Images from 2016 showing evidence of fly-tipping and graffiti,

- No alternative uses of the former railway line are currently in existence, there are no active travel routes beneath the structure, and no planning policies to safeguard this former railway line at Congham Road Bridge. Therefore, removal of the works is not presently required nor in the public interest. However, we can commit that should an agreed and approved alternative use requiring re-opening of the line be forthcoming, we would work with the relevant organisation(s) to enable their plans for re-purposing this part of the route and would assist these plans by paying for the removal of the infill material placed in 2021.
- KLWN's previous letter confirming "no objections" has been understood as reflecting the 'minor' nature of the works.
- There are a good number of previous cases where Local Planning Authorities have confirmed "no objection" and have not required a planning application for reasons including that Class Q requirements being satisfied.

I look forward to hearing from you shortly and am keen to work with you to ensure this matter is resolved expediently and in the public interest. Should you require any further information please do let me know.

Yours sincerely,



Historical Railways Estate
National Highways