

branch connecting Hartley Quarry (east of Kirkby Stephen), until its closure in 1975, ending the bridge's role as an operational railway structure.

An assessment of the bridge's condition was undertaken in 1998 and found the structure suitable only for up to 17 tonne vehicles and recommended repointing of the arch barrel to safeguard the bridge. In 2012, the arch barrel was repointed to increase its structural capacity, but that repair lasted only 5 years with traffic loading believed to have accelerated the defects beyond the point at which repointing alone would suffice (the local highway authority was also not willing to apply a weight restriction to this route). **A subsequent survey in 2017 reported that the joints between the masonry in the arch had again opened up (to 170mm) and that the crown of the arch had dropped (by 15mm).** A further survey in February 2020 then reported a further drop of the bridge's arch.

To prevent further deterioration of the bridge from occurring and remove the possible risk of structural collapse, and to enable unrestricted use of the bridge by traffic (conforming to the Road Vehicles (Authorised Weight) Regulations 1998 (as amended), it was considered necessary to undertake works to support the bridge.

A letter dated 23rd April 2020 was sent to Eden District Council confirming the intention of infilling the bridge with structural fill and foamed concrete to ensure its long-term stability, and avoid the risk of future collapse. The Local Planning Authority responded by email on 24th April 2020 stating that the works would constitute permitted development and that a planning application was not required for the proposed works. On this basis, the main works were commenced in May 2021 and were completed in June 2021 (see section 2.1).

Following representations, the Council then reassessed its original advice and in an email of 23rd June 2021, the Eden Planning Authority stated that the works:

"would constitute permitted development under either Part 9 – Development relating to roads, Class B – development by the Secretary of State or a strategic highways company under the Highways Act 1980 or Part 19 Development by the Crown for national security purposes Class Q – development by the Crown relating to an emergency. and it has been clarified that the works were only 'temporarily' permitted under General Permitted Development Order: Schedule 2, Part 19, Class Q – development by the Crown relating to an emergency of the Town and Country (General Permitted Development) Order 2015 and therefore a planning application must be made within the 12 month period beginning from the date of commencement; under condition.1 (b) (ii)."

The in-house National Highways Team subsequently advised that it was not possible to rely on under Part 9 Class B, but that Part 19 Class Q would apply. Class Q only applies for 12 months. This planning application is therefore being made to obtain planning permission in accordance with the Town and Country Planning Act 1990.

1.4 Status of the Former Railway Line

In 1995, following the phased closure of the Eden Valley railway in the 1960's and 1970's, the Eden Valley Railway Project (EVRP) was formed to reopen a section of the former line from Appleby East to Kirkby Stephen East; this project was included in the 2008 Upper Eden Community Plan. Two separate groups of volunteers, The Eden Valley Railway Company at Warcop and the Stainmore Railway Company at Kirkby Stephen East have between reopened two independent sections of the line between Warcop and Southfields, and at Kirkby Station East Station. We understand that the EVRP has drawn up plans to reopen the line and replace the missing structures – including reinstatement of the viaduct over the River Eden Site of Special Scientific Interest (SSSI) that was dismantled in the 1980's.

More recently however, these two groups have acknowledged that expansion of their operations will only occur as and when resources permit, and also depending upon favourable planning outcomes. They are not currently able to offer a timescale as to when works to ultimately link-up the railway lines will occur, and are aware of the significant amount of work/expense required to reopen sections of the railway including the preparation and submission of an order under the Transport and Works Act 1992.