

FAO (case Officer, Planning Inspectorate (submitted via online portal)

8 February 2024

Dear Mr

## Ref APP/V2635/C/24/3336603: Infilling of St Andrew's Lane bridge, Congham

This representation relates to National Highways' (NH) appeal against the Enforcement Notice that was issued following the refusal of its retrospective planning application (ref 23/00894/F) which sought permission to retain infill at the bridge carrying St Andrew's Lane over the dismantled Midland & Great Northern Joint Railway (M&GNJR) at Congham, Norfolk.

## Background

On 14 October 2019, Jacobs, consultants acting on behalf of Highways England (renamed National Highways in August 2021), notified the Borough Council of King's Lynn & West Norfolk (the Local Planning Authority (LPA)) and Norfolk County Council (NCC)(the Local Highway Authority (LHA)) that infilling work to St Andrew's Lane bridge (PMY2/76) - part of the Department for Transport's Historical Railways Estate (HRE) - was proposed under Schedule 2 Part 19 Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 (hereafter known as "Class Q").

These rights allow "development by the Crown relating to an emergency" and, for this purpose, 'emergency' is defined as "an event or situation which threatens serious damage to -

- a) human welfare in a place in the United Kingdom;
- b) the environment of a place in the United Kingdom; or
- c) the security of the United Kingdom."

Neither the LPA nor the LHA expressed any objections on the basis of the information provided.

Infilling started on 22 March 2021 - more than 17 months after the notification letters were sent - and was completed on 30 April 2021. The project cost £127K. The length of the delay clearly demonstrates that there was *no emergency*; this was a scheme that had been planned over a considerable period of time. It later emerged that the principal drivers were the perceived ease and cost benefits of infilling compared with other options.

By default, Class Q applies only to *temporary works* remaining in situ for no more than 12 months. If NH intended to retain the infill beyond this period, written consent was required from the LPA. Government guidance indicates that such consent should be sought through the submission of a retrospective planning application<sup>1</sup>.

The scheme at Congham was one of five infills carried out by NH under Class Q between autumn 2019 and spring 2021. In no case did the company seek consent for retention beyond the maximum permitted period, resulting in breaches of the rights. With regards to the Congham bridge, the LPA requested a retrospective planning application which was unanimously rejected by its Planning Committee on 2 October 2023.

At least 29 other infill schemes were the subject of Class Q notification letters dated 10 September 2020. However, despite the implied development of multiple emergencies, no infill works have yet taken place at any of the affected structures. It is clear that NH was systematically attempting to misapply Class Q for routine asset management works.

## Stakeholder consultation

In its *Guide to taking part in planning appeals proceeding by an inquiry - England* (September 2011), the Planning Inspectorate recognises that "Effective community involvement is a key element of planning during the planning appraisal process. During the planning application process local communities should have been given the opportunity to comment on the development proposals which are the subject of an appeal and members of the public would have been welcome to give their views."

As the original infilling of the bridge was carried out under Permitted Development rights, without planning permission, there was no opportunity for members of the local community or other invested stakeholders to scrutinise the plans and comment on them. Moreover, National Highways did not consult Congham Parish Council - who opposed the infilling of the bridge - and later apologised for this failure.

In July 2021, the Government stepped in to pause National Highways' infilling and demolition programme due to widely held concerns over its negative social impacts and conflicts with Government policy relating to the promotion of active travel, the associated investment in infrastructure, and investigations into the reopening of railways.

In October 2021, National Highways established its Stakeholder Advisory Forum (SAF) to review proposals for works to structures where infilling or demolition is an option. The forum comprises bodies/organisations with interests in the HRE, including The HRE Group. Proposals are communicated to SAF members through 'lens reviews' which are documents that describe each structure's value with regards to heritage, ecology, active travel, rail, landscape, community and other relevant factors. The conclusion of the SAF is communicated to the responsible NH engineer for consideration in decision-making.

<sup>&</sup>lt;sup>1</sup> https://www.gov.uk/guidance/crown-development (Paragraph: 008 Reference ID: 44-008-20140306)

As St Andrew's Lane bridge was an innovative and unusual structure, with clear historical value, and the Parish Council opposed its infilling, it is likely that the structure would have been earmarked for repair - not infilling - if it had been subject to SAF review.

## The bridge's condition and load-bearing capacity

In February 2019, Jacobs carried out a BD21 assessment on behalf of National Highways, calculating that the edge girders supporting the parapets had a capacity of just 7.5t under an accidental situation where a vehicle mounts the grass verge. The east abutment was considered to be inadequate for 40/44t vehicles due to cracks at its ends. However, the jack arches and five girders supporting the carriageway were assessed as having a capacity of 40/44t.

Jacobs recommended that the bridge should be infilled, but acknowledged that it could remain serviceable if effective repairs were carried out to the abutment and barriers were provided to prevent vehicle incursions onto the verges.

In the Planning Statement (PS) submitted to the LPA as part of the retrospective planning application, it was stated that "the eastern abutment exhibited indications of movement, resulting in numerous cracks appearing beneath the edge girders and along the abutment faces. The faces of the longitudinal girders were also showing defects with some beam exposure in some instances. The wingwall coping courses and the south west newel were also demonstrating minor failure."

These defects are typical of those recorded on legacy structures and can be managed through general 'housekeeping' repairs. It should be noted that the concrete beam encasement was not deemed to be structural. Many bridges suffer movement of their abutments, generally due to long-term consolidation of ground beneath the foundation toe, but this is rarely critical to overall stability.

Even collectively, the defects recorded at Congham bridge did not constitute an emergency.

In media statements and supplementary information provided to the LPA, National Highways claimed that St Andrew's Lane bridge was in "very poor condition". However, an inspection carried out by Jacobs to inform its 2019 capacity assessment (appended) recorded 14 of the bridge's 15 structural elements as being in 'Fair' condition and, overall, the bridge was recorded as being in 'Fair' condition. Thus, it is clear that National Highways misrepresented its own formal engineering evidence.

It is noted that the PS offered no evidence to suggest that an emergency situation had arisen or that the recorded defects were worsening. When challenged by the LPA over its unauthorised retention of the infill beyond the maximum period allowed under Class Q, we believe National Highways overstated the risks associated with St Andrew's Lane bridge.

NH does not routinely carry out traffic surveys to inform decision-making regarding its management of HRE structures and has made no reference to one in this case.

St Andrew's Lane is narrow, with overhanging trees and a bend at the west end of the bridge. Vehicles approaching from either direction are prevented from seeing traffic on the road beyond the bridge by its 'hump' which typically restricts speeds to 20-25mph. The area is rural and traffic levels are light. During an hour-long visit on the afternoon of Friday 25 November 2022, we observed two vehicles passing over the structure. It is accepted that heavy vehicles such as refuse lorries and agricultural machinery will use the bridge; however, if they remain on the carriageway, there is no meaningful prospect of overloading. The vast majority of vehicles crossing the bridge will be well under its 7.5t assessed capacity.

Prior to infilling, any *proportionate* risk assessment - taking into consideration the *likelihood* of occurrence - would have determined that the risks presented by the bridge were low. Infilling was an asset management choice, based on perceived long-term cost savings and the ease of delivery compared with repairs.

As was recognised in the PS, alternative and more sympathetic methods of maintaining the bridge in a safe condition - without infilling - were available, including stitching and spot/patch replacement of the concrete bricks/blocks.

It should be noted that infilling has created a collection of hidden critical elements which can no longer be inspected. This is undesirable from an asset management perspective, increasing the possibility of undiscovered deterioration of structural elements that still support the road.

## Heritage value

St Andrew's Lane bridge was originally constructed with a timber span as part of the Lynn & Fakenham Railway which opened in 1879. However, it was fully reconstructed as an innovative modular concrete structure in 1926. Contrary to the claim in the Heritage Statement (HS) provided to the LPA as part of the retrospective planning application, this work did *not* just involve the "span".

In 1916, pioneering engineer William Marriott brought together his previous work on block casting and concrete reinforcement to create a system of bridge building for the M&GNJR. His use of precast concrete pre-dated similar developments by the Southern, Great Western and London Midland Scottish railways. It is accepted that Marriott's wider collection of concrete products were applied widely on the M&GNJR, as stated in the HS; however, only six applications of his innovative *bridge system* are recorded.

It should be noted that the M&GNJR - which includes St Andrew's Lane bridge - is identified on the Norfolk Historic Environment Record as asset number 13581.

The superstructure of the bridge comprised seven concrete-encased girders and precast jack arches, whilst the abutments and wing walls were built in concrete brick and cast concrete blocks. The extant parapets are also concrete brick. As such, it was the most elaborate and complete of the six bridges, incorporating newel posts, curved wing walls and some attractive architectural detailing.

As a result of the infilling, only two of the six Marriott system bridges remain. National Highways claims that these are better examples, but evidence contradicts this.

Whilst Green Lane bridge (PMY2/80) near East Rudham (8.7 miles east of St Andrew's Lane bridge) has two skewed asymmetric spans each incorporating six Marriott girders and jack arches, its abutments and wing walls are mostly built from traditional masonry. It is located 400m from the nearest road; neither elevation can be easily appreciated as the trackbed beneath the span is private property and obstructed by trees/vegetation.

The Street bridge (RNW2/350) at Knapton (38.3 miles east of St Andrew's Lane bridge) comprises four Marriott girders and jack arches, with parapets constructed in concrete brick. However, the traditional brick abutments and wing walls from the pre-existing bridge were retained.



Photographs of PMY2/80 (left) and RNW2/350 (right).

The other three Marriott bridges have been demolished. Prior to its infilling, St Andrew's Lane bridge was the only surviving *complete* example of a Marriott bridge.

The PS claimed that "infilling *barely alters*...the perception and enjoyment of the bridge...". However, infilling buried all traces of the superstructure and substructure; only the parapets now remain. As such, it is no longer possible to visually appreciate any substantive aspect of the bridge's form which, in part, would require access beneath the span. The assertion in the HS that the structure is now "preserved within the infilling for posterity" is regarded as absurd by those familiar with best-practice preservation principles.



An early photograph of the bridge carrying St Andrew's Lane (M&GN Trust) and a similar view captured in 2022.

The HS stated that "The infilling works have not resulted in the loss of any of the historic fabric (evidential value) of the bridge and its historical interest is unaffected by the works". However, the as-built plan 5367071 indicates that "Top courses of wingwalls and newels to be removed to allow for infilling to be level with surrounding embankments". It can therefore be assumed that parts of the structure have been dismantled.

It is accepted that infilling has reduced the opportunity for fly-tipping and graffiti at this site, as claimed by National Highways. However, this does not justify the almost complete loss of a non-designated heritage asset without any consultation with the local community. In any case, such antisocial behaviour is not a valid planning issue and has, most likely, simply been pushed away to other locations, not eliminated.

It should be noted that of the 3,208 structures comprising the Historical Railways Estate on 10 October 2017 (most recent available data - the current total is ~3,100 structures), only 20 (0.62%) were recorded as having the same "Steel & Concrete" construction form as St Andrew's Lane bridge. Of these, only 11 (0.34%) were overbridges.

St Andrew's Lane bridge was an unusual and noteworthy legacy structure.

## **Repurposing potential**

In response to Jacobs' Class Q notification letter of 14 October 2019, an officer from Norfolk County Council stated "I have also checked with our Trails Team and they also have no objection as they believe there are more appropriate routes for cycling and walking."

In January 2023, since that comment was made, it was announced that the former M&GNJR could be converted into an active travel route as part of NCC's plans to encourage walking and cycling in the area.

On 6 February 2024, NCC told The HRE Group that "it is confirmed that the County Council has not yet commissioned a specific study looking at active travel connectivity between Fakenham to King's Lynn. The potential for a feasibility study scheme for this route is anticipated to be captured within the Countywide Local Cycling and Walking Infrastructure Plan currently being developed, which should be approved and published later this year."

Whilst we suspect any preferred alignment is unlikely to pass beneath St Andrew's Lane bridge, we believe the option to do so should remain open in case of deliverability difficulties, changes in circumstances or the requirement to develop other active travel schemes in the future as our transition to more sustainable forms of transport continues.

The PS made reference to the shallow railway cutting south of the bridge having been infilled to the level of the adjacent field. This has little practical impact from an active travel perspective. Such infilling has commonly taken place on dismantled railways nationally over many decades, but it is rarely problematic in terms of route development. There are many examples of paths being laid on infilled cuttings, following the *alignment* of a former railway rather than specifically occupying its former trackbed.

In the case of a future route at Congham, a path could cross the field south of St Andrew's Lane, ramp down to trackbed level on its approach to the excavated bridge at a maximum 1:20 gradient, before ramping back up on the north side. Alternatively, infill could be retained/replaced beneath the span to the level of the ground on both sides.

## Ecological, environmental and landscape impacts

It should be noted that both Section 1.2 and Section 3.2.1 of the Ecology Survey (ES) provided to the LPA as part of the retrospective planning application stated that "The structure is a single-span, *brick-arch bridge* with brick abutments, featuring *spandrels*, parapets and wingwalls...". This statement is wrong and suggests reference to a different structure.

Whilst the route beneath St Andrew's Lane bridge has no statutory designation, it is possible that the dismantled railway serves as a corridor for wildlife dispersal and foraging. Many scientific papers describe the importance of 'set-aside railway infrastructure', highlighting the improved connectivity offered by these linear features.

A recent European study made clear that lineside land and points of connection have a key function in connecting green areas (see Braschler etal., 2020). The potential fragmentation of a natural habitat system by the infilling of railway infrastructure was identified as having likely significance and all mitigation should be explored. The importance of green bridges and other forms of wildlife passage have been documented repeatedly over the past 30 years (see Canters etal., 1997; van der Grift 1997; Clevenger, 2005).

We note that -

- the ES found no evidence of mammals, reptiles or amphibians within 50m of the bridge, located in a rural area
- no trail cameras, or similar, were installed to record any use of the bridge for wildlife passage over a prolonged period
- pre-works plan 5367059 suggests that at least five mature trees were felled as part of the infill scheme.

Infilling typically involves the quarrying, processing and transportation of more than 1,500t of stone and concrete which are then used to bury the relevant structure within the landscape. This inevitably results in habitat loss and a greater level of carbon emissions than sympathetic repair techniques. Infilling does not represent a sustainable approach to the management of legacy assets.

The bridge was the only substantive built feature in the otherwise natural/agricultural landscape in a 300m radius. Its north elevation and structural features could be appreciated at close quarters from the 'restricted byway' which diverges from St Andrew's Lane west of the bridge, whilst distant (>250m) and partly obscured views of its south elevation could be gleaned from the footpath which heads east from Station Road in Roydon. These opportunities are now lost, with the parapets being the only indicator of the bridge's former presence in the landscape.

## The Summary Report

Our specific observations on Jacobs' Summary Report, provided as part of the appeal documentation, are as follows.

## Section 2.1 (p7) Introduction

It is stated that "In 2019, following a letter from NH to the Council (appended), which outlined the proposed bridge infilling works ('the Scheme'), the Council confirmed that they had no objections regarding the proposed works."

This statement is misleading. The LPA expressed no objection to the works in the context of the proposal set out in Jacobs' letter, i.e. infilling of the bridge under the conditions set out in Class Q. This implied the need to "prevent an emergency" and that the infill material would be removed within six months (noting that the maximum retention period under Class Q was increased to 12 months in December 2020).

The letter did not include any indication that NH/Jacobs wanted to retain the infill permanently and no written consent to do so was either sought or given.

Class Q is intended for unilateral application by the developer. As such, it was for National Highways to determine whether the conditions set out in Class Q were met. It is not clear on what basis the LPA could reasonably have objected. When NH exploited Class Q to infill a ventilation shaft at Queensbury Tunnel in October 2019, Bradford Council issued a Planning Contravention Notice and asked for the work to stop, but NH ignored the Notice and continued with the work to completion.

## Section 2.2 (p7) The Infilling Scheme

It is stated that "Major repairs were conducted between December 2009 and February 2010 involving propping, repairing the end abutment quoin and to fractured/spalled areas of the bridge structure. The Eastern abutment of the bridge however, continued to deteriorate notably despite these repairs."

This statement is misleading. The abutment defects were limited to localised cracking of the brickwork beneath the edge girders where the 2009/2010 repairs were undertaken. It is possible that the cracking resulted from the use of inappropriate materials and/or poor bonding into the existing. These defects were repairable.

It is stated that "In addition, ongoing fractures/spalling to the deck beams had left them in a very poor condition."

This statement is misleading. It refers to the localised separation of non-structural encasement concrete around the steel beams' bottom flanges, which would not affect capacity and was repairable.

It should be noted that Jacobs' 2019 capacity assessment included an inspection of the structure (appended) which specifically recorded all seven of the deck girders as being in "Fair" condition, despite the spalling/cracking.

It is stated that "Given the potential negative impact of a weight restriction and the poor condition of the bridge, NH and Jacobs formed the view that substantial works were required to safeguard the bridge and that refurbishment would be uneconomical given that it would also not address the substandard vehicle capacity."

This statement contradicts the condition and capacity evidence in Jacobs' 2019 assessment. The bridge was in "Fair" condition and the recorded defects were repairable at a modest cost. The carriageway had an assessed capacity of 40/44t. Concerns around accidental vehicle incursion onto the verges - thus loading the edge girders - could have been resolved through the installation of crash barriers.

## Section 3.1 (p8) Scheme Description

It is stated that "The Scheme sought to strengthen the bridge structure and prevent its further decline...".

It should be noted that this statement relies on the assumption that the infill would be effective in stabilising the bridge long-term. However, unless the material was fully rigid, in permanent contact with the bridge soffit and supported by unyielding ground, this aim could not be guaranteed.

## Section 3.2 (p8) Planning Application Representations

It is stated that "Public in support of the application claimed that most objections were not from local people, the bridge has little architectural/heritage merit, it was not identified by respondents in the Neighbourhood Plan survey, there are no planned routes under the bridge, the bridge infilling has stopped anti-social behaviour and that the works needed to be done, as the bridge was in a very poor condition."

It should be noted that the addresses of those who commented on the planning application via the LPA's online portal were not publicly recorded. Therefore this 'claim' is entirely based on assumption. At the Planning Committee meeting on 2 October 2023, the case officer stated that comments were submitted from "a wide mix of addresses", including "local and regional". The 'wide mix' would reflect the fact that the Congham scheme was part of a national programme of infilling works that prompted widespread concern and criticism, culminating in the Government intervening to pause the programme in July 2021.

For context, it should be noted that only six members of the public submitted supporting comments and one of these people clearly did so in error, intending to object. 361 objections were submitted.

## Section 4.2 (p9) National Planning Policy Considerations (paragraph 195)

It is stated that "Although the infill does obscure the visual appreciation (aesthetic value) of part of the structure, there has been no permanent loss of the bridge's communal, evidential or historic heritage values (with other better examples available), and the addition of the infill material is considered removeable, if necessary."

It should be noted that the infill is *intended* to be permanent and the communal, evidential and heritage loss is therefore effectively permanent. Furthermore, the upper parts of the wing walls and newels were dismantled during the infill scheme, according to the as-built plan.

Removal of the stone and concrete infill from Great Musgrave bridge in Cumbria cost £352K, without any strengthening or disposal costs being incurred. In the context of active travel route development, finding such a sum to overcome a single blockage would likely render the scheme unviable. It is therefore vital that the bridge is returned to its pre-infill state to prevent any perceived financial obstructions to its future repurposing.

## Section 4.2 (p9) National Planning Policy Considerations (paragraph 207)

It is stated that "It is the Appellant's position that the less than substantial harm is outweighed by the benefits to the public."

It should be noted that the same benefits to the public could have been achieved through a sympathetic form of repair and strengthening.

## Section 4.4.2 (p11) Specific Heritage Responses

It is stated that "The bridge structure is built using a system pioneered by William Marriott. However the design for the bridge structure cannot be directly ascribed to Marriott as it was built after he retired in 1924. Therefore, the association of the bridge structure directly with William Marriott must, at best, be considered tenuous."

It is not clear how NH knows that the bridge "cannot be directly ascribed to Marriott" without records identifying when the design for the bridge was produced. Marriott retired on 31 December 1924; it is entirely possible that he designed the structure at Congham prior to that date, but construction took place when funds became available.

It is stated that "The bridge structure is not a unique survival [sic] for bridges using Marriott's modular system and is not unique locally. Within Norfolk there are better examples such as Green Lane (PMY2/80) bridge, which can be reliably dated to between 1920 and 1921, a time when Marriot was actively working."

It is not clear on what basis NH describes Green Lane bridge as "better". It is certainly *different*, being predominately built from traditional masonry, whereas St Andrew's Lane bridge entirely comprised Marriott concrete products.

In *The Stations and Structures of the Midland & Great Northern Joint Railway'* by Nigel J L Digby, it is stated of the Congham bridge that "Although the general arrangement of the bridge was the same [as Bridge No.158], in that the MRC concrete-coated girders and precast jackarches were used, the main masonry was concrete brick, dressed with smooth-faced concrete blocks. It was also more elaborate in plan, having curved wing walls with pillars at their extremities. A self-coloured number block 18in x 9in was incorporated in the abutments."

## Section 4.4.3 (p11/12) Heritage Summary

It is stated that "The railway line is no longer extant, but the bridge structure's historic function as a road bridge still persists..."

It should be noted that a bridge is defined by the Collins Dictionary as "a structure that is built over a railway, river, or road so that people or vehicles can cross from one side to the other." Since infilling, St Andrew's Lane bridge spans nothing and is now buried within an embankment.

It is stated that "These are genuine public benefits, as the restrictions to the road's load bearing capacity which would be necessary following the removal of the infill material, would naturally restrict public use of the bridge structure."

It is not accepted that removal of the infill would inevitably result in a capacity restriction. Barriers could be installed adjacent to the parapets to prevent accidental loading of the edge girders or a sympathetic form of strengthening could be designed/delivered. Either approach would achieve a capacity of 40/44t, obviating the need for a weight restriction.

## Section 5.1 (p14) Introduction

It is stated that "Should the bridge structure be returned to its original condition without any remedial strengthening works, it is likely that the road would have to be closed to traffic..."

It is not clear on what basis NH makes this statement. The bridge had been open to traffic without restriction for 95 years prior to infilling. Without evidence of an anticipated increase in the number/weight of vehicles using St Andrew's Lane, it is likely that the structure would continue to perform as it had historically.

It is stated in Jacobs' 2019 capacity assessment (PDF p16, Conclusions & Recommendations) that "Should the abutment be effectively repaired, safety kerbs or effective barriers will be necessary to prevent accidental vehicle incursion onto the verges." This implies that the bridge could remain open for 40/44t vehicle loading without strengthening.

## Section 5.3 (p14) Conclusion

It is stated that "Based on the tasks identified in Section 5.2, with some tasks running concurrently, removing the infill and providing alternative strengthening solution for the bridge structure is likely to take approximately 24 months."

It is not accepted that any such timescale would be necessary. The removal of infill from Great Musgrave bridge in Cumbria (also required as a result of an Enforcement Notice) occurred during months 9-12 of a 12-month enforcement period, prior to which the necessary preparatory works/activities were undertaken. It is asserted by locals that the start of physical works was delayed by lambing in adjacent fields, but NH has not commented on this.

A 12-month compliance period should be sufficient to complete the necessary works.

## Section 6.1 (p15) Similar Planning Case Studies - Introduction

It is stated that "NH and their predecessors BRB (Residuary) Ltd, have a long history of safeguarding former railway bridges using the infill method of construction, and over the past 10 years NH have secured planning permissions for 38 such infills around the UK."

It should be noted that National Highways was moving away from planning applications for infill schemes as it intended to increase the number being undertaken annually from typically six to 23. Throughout 2020, it wrote to LPAs seeking consent to undertake dozens of infills under Class Q or other unspecified permitted development rights.

The Congham scheme was one of three that were opportunistically progressed under Class Q in the first half of 2021, where the LPA had previously expressed consent or no objection to permitted development.

## Section 6.2/6.3 (p15) Similar Planning Case Studies

It should be noted that the most recent of these appeals dates from 2016. The value of dismantled railways - and the structures that carry or span them - is being increasingly recognised as we transition to more sustainable forms of transport.

## Recent planning applications for bridge infill schemes

The retrospective planning application to retain the infill at Congham bridge (23/00894/F) was unanimously (14-0) rejected by the LPA's Planning Committee on 2 October 2023. The Decision Notice states that this was due to conflicts with the following policies -

- CS06 (Core Strategy 2011): Development in Rural Areas
- CS08 (Core Strategy 2011): Sustainable Development
- CS12 (Core Strategy 2011): Environmental Assets (Green Infrastructure, Historic Environment, Landscape Character, Biodiversity and Geodiversity)
- DM15 (Site Allocations and Development Management Policies Plan 2016): Environment, Design and Amenity
- Paragraph 130 (NPPF July 2021): Planning policies and decisions for sympathetic and attractive development
- Paragraph 189 (NPPF July 2021): Heritage asset conservation
- Paragraph 203 (NPPF July 2021): Significance of non-designated heritage assets

The retrospective planning application to retain infill at Great Musgrave bridge, Cumbria (Eden District Council reference 22/0254) was unanimously rejected by the LPA's Planning Committee on 16 June 2022. An Enforcement Notice was issued on 9 September 2022, requiring removal of the infill by 11 October 2023, 12 months after the date on which the Notice took effect. National Highways chose not to appeal.

The Decision Notice states that refusal of the planning application was due to conflicts with the following policies -

- DEV3 (adopted Local Plan): Transport, Accessibility and Rights of Way
- ENV2 (adopted Local Plan): Protection and Enhancement of Landscapes and Trees
- ENV10 (adopted Local Plan): The Historic Environment

The planning application to infill Gough bridge, Herefordshire (Herefordshire Council reference 203945) was rejected by the LPA on 13 April 2021. The Decision Notice states that refusal was due to conflicts with the following policies -

- LD1 (Local Plan Core Strategy): Landscape and townscape
- LD2 (Local Plan Core Strategy): Biodiversity and geodiversity
- LD4 (Local Plan Core Strategy): Historic environment and heritage assets
- SD3 (Local Plan Core Strategy): Sustainable water management and water resources
- SS1 (Local Plan Core Strategy): Presumption in favour of sustainable development
- SS6 (Local Plan Core Strategy): Environmental quality and local distinctiveness
- Paragraph 174-177 (NPPF July 2021): Conserving/enhancing the natural environment
- Paragraph 197 (NPPF July 2021): Significance/conservation of heritage assets

The planning application to infill Hurstley bridge, Herefordshire (Herefordshire Council reference 203943) was also rejected by the LPA on 13 April 2021, the proposed development having been considered concurrently with Gough bridge. The same reasons for refusal were given.

Whilst Great Musgrave (1861) and the two Herefordshire (1863) bridges were older than Congham bridge (1926), they were typical of railway structures from that era. Overbridges specifically built with "masonry" only - like Great Musgrave - comprised 10.8% of the HRE in 2017 (most recent available data - 346 in number), whilst masonry/brick arch bridges generally comprised 34.7% (1,113 in number). The Congham overbridge was more noteworthy due to its innovative "Steel & Concrete" construction form (11 in number, 0.34% of the HRE). Contrary to the impression given by National Highways, age is not the single determining factor when establishing heritage value.

## Summary

St Andrew's Lane bridge was infilled for liability reduction purposes, involving months of design and project development. The PS described the work as "necessary", but then set out other options which could have been adopted instead.

It is clear that there was no imperative to infill on either condition or capacity grounds; a more sympathetic approach to repairing the structure could have been taken, thus retaining it as a heritage asset with clear presence within the landscape. No account was taken in decision-making of the Council's policy objectives of protecting and enhancing heritage assets.

There was no consultation with Congham Parish Council who objected to the retrospective planning application and the exploitation of Class Q emergency permitted development rights prevented public scrutiny of the plans.

National Highways claims that long-term cost savings will accrue from infilling, but has offered no evidence to support this or provided the cost of any alternative repair solutions for comparison purposes.

St Andrew's Lane bridge was a rare-surviving example of an early modular concrete structure; infilling therefore fails to protect and enhance a non-designated heritage asset. The Borough Council of King's Lynn & West Norfolk recognises that dismantled railways should be protected against adverse development; however, infilling establishes a significant physical and financial barrier to any future development of a sustainable transport route via the former railway alignment. The asserted public benefit in terms of reduced long-term maintenance costs does not outweigh these harms.

We trust the Planning Inspectorate will refuse the appeal.

Yours sincerely

Bakertike

Graeme Bickerdike on behalf of The HRE Group

The HRE Group is an alliance of walking, cycling and heritage campaigners, engineers and greenway developers who regard the Historical Railways Estate's 3,000+ structures to be strategically valuable in the context of future rail and active travel provision.



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Our Ref: 0450893-DA-EC-PMY2/76

Monday, 14 October 2019

Borough Council of King's Lynn & West Norfolk Kings Court Chapel Street King's Lynn Norfolk PE30 1EX

#### Historical Railways Estate on behalf of the DfT, Disused Railway Bridge, PMY2/76 Congham Railway Bridge– Strengthening works.

Dear Sir/Madam

I am writing to you on behalf of our client, Historical Railways Estate (HRE), formerly BRB (Residuary) Ltd, to inform you of planned strengthening works to the structure PMY2/76 via a structural infill. HRE is responsible for the historical railways estate following the abolishment of BRB (Residuary). This responsibility is undertaken on behalf of the Department for Transport, who own the structures. Therefore, the structures are classed as crown property.

**PMY2/76 – 'Congham Railway Bridge'** is located approximately 10km north east of King's Lynn, Norfolk and is a single span bridge which carries an unclassified public road (St. Andrew's Lane) over the former South Lynn to Yarmouth railway line at OS grid reference TF 703 238. A location map is enclosed for you information.

The single span square overbridge, believed to have been constructed in 1923, comprises of 7 longitudinal girders which consist of BSB 23 14" x 6" encased in concrete. The space between the longitudinal girders is infilled with concrete jack arches. There are a total of 6 jack arches. Wingwalls are located in each corner which extend approximately 5.5m from the bridge parapets. There is a soft verge on each side of the carriageway over the structure. The square span is 7490mm and the average clearance through the structure is 3.84m. The wingwalls, abutments and parapets are constructed from concrete blockwork.



#### Image 1 - View of south elevation access below structure

The bridge has been subject to a series of structural assessments. The most recent was in 2019 which was undertaken by Jacobs on behalf of HRE. The assessment concluded that the edge girders are restricted to a 7.5 Gross Vehicle Weight (GVW). Furthermore, the eastern abutment is exhibiting indications of movement, resulting in numerous cracks appearing beneath the edge girders and along the abutment faces. The faces of the longitudinal girders are also showing defects with some beam exposure in some instances. The wingwall coping courses and the



south west newel are demonstrating minor failure and collapse, which could be caused by the dense vegetation present on all embankments.

To prevent the further decline of the structure and to maintain future vehicular movements along the carriageway, the proposal is that the bridge is subject to structural infill.

Historical conveyance documents show that HRE retain development rights either side of the structure. The land directly under the bridge span was not included within the historical sale of the land and is therefore assumed to be owned by HRE. The proposed infill works are expected to be within the extents of the land to which HRE has development rights.

The Norfolk Council Walking and Cycling Strategy states an ambition to recycle disused railways and incorporate them in to the cycling and walking routes in the region. The figure provided in section 6.10 of the strategy and shown below would suggest that one of the possible routes is along the former Yarmouth to South Lynn railway line, and thus interfaces with the proposals for the structural infill of this structure.



Figure 1 - Extract from Norfolk County Council Publication - Norfolk Cycling and Walking Strategy

The land either side of the bridge has been raised to the surrounding ground levels, including to the south which now compromises a large agricultural field, with little or no evidence that it was formerly a railway line. A photograph of this land is shown below, which was taken during a site visit in August 2019. The current usage of the disused railway land to the south of the bridge means that it is considered unlikely to be appropriate for a section of cycle of walking route. Access to the existing restricted byway to the north of the structure will not be compromised by the proposed works.



Image 2 - Land to the south of the bridge, view from the structure looking south

As the structure represents an ongoing and increasing risk to public safety and is owned by the Secretary of State for Transport, so is deemed 'Crown property', we propose to (undertake repairs/demolish/infill) as 'permitted development' in line with the 'Town & Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 19, Class Q.

We trust that the above proposal is acceptable. We would like to obtain any general comments the council may have, or details of any constraints that may be imposed on the works by the local authority. I have also sent a copy of this letter to Norfolk County Council for any comments they may have.

Can you please confirm receipt of this letter either by return letter or email: joel.wilson@jacobs.com.

Please do not hesitate to contact me should you require any further information.

Yours faithfully,





# **Location Details** OS Ref OS X (Eastings)

OS Y (Northings)

Nearest Post Code

3<sup>rd</sup> Floor 20 George Hudson Street York, UK YO1 6WR +44.(0)1904.559 900

TF 703 238 570309 323839 **PE32 1AW** 



Good Morning,

I have picked this enquiry up from Helen Morris. From the information provided we will not have objections the works proposed.

Kind Regards,

Assistant Planner (North Area)

Borough Council of King's Lynn and West Norfolk



and is without prejudice to any decision subsequently made by the local planning authority in relation to any query or planning application.

- This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager.

https://www.west-norfolk.gov.uk/info/20147/about\_our\_website/470/disclaimer



3<sup>rd</sup> Floor 20 George Hudson Street York, UK YO1 6WR +44.(

Our Ref: 0450894-DA-EC-PMY2/76

Monday, 14 October 2019

Norfolk County Council County Hall Martineau Lane Norwich Norfolk NR1 2DH

#### Historical Railways Estate on behalf of the DfT, Disused Railway Bridge, PMY2/76 Congham Railway Bridge– Strengthening works.

Dear Sir/Madam

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We trust that the above proposal is acceptable. We would like to obtain any general comments the council may have, or details of any constraints that may be imposed on the works by the local authority. I have also sent a copy of this letter to the Borough Council of King's Lynn & West Norfolk for any comments they may have.

Can you please confirm receipt of this letter either by return letter or email: joel.wilson@jacobs.com.

Please do not hesitate to contact me should you require any further information.

Yours faithfully,





# **Location Details** OS Ref OS X (Eastings) OS Y (Northings)

Nearest Post Code

3<sup>rd</sup> Floor 20 George Hudson Street York, UK YO1 6WR +44.(0)1904.559 900

TF 703 238 570309 323839 **PE32 1AW** 



I can confirm that we have no objection to the infilling of the disused railway bridge PMY2/76, near Congham. I have also checked with our Trails Team and they also have no objection as they believe there are more appropriate routes for cycling and walking.

#### Regards





From: Highways - CSC Sent: 17 October 2019 10:00 To: ETD Streetworks<ahref="mailto:streetworks@norfolk.gov.uk">streetworks@norfolk.gov.uk</a> Subject: FW: Online Form - Contact Type 'ONLINE' - General enquiry (reference number: OLE150206102)

From: Online forms <<u>noreply@norfolk.gov.uk</u>> Sent: 14 October 2019 12:29 To: Information <<u>information@norfolk.gov.uk</u>> Subject: Online Form – Contact Type 'ONLINE' - General enquiry (reference number: OLE150206102)

Online Form – Contact Type 'ONLINE' You have received a new general enquiry. Please find details below. Submission date: 2019-10-14 Submission time: 12:28:38 Subject of enquiry: General enquiry Enquiry details: Dear Norfolk County Council

Please find attached a letter relating to proposed works at the disused railway bridge PMY2/76, near Congham.

I would appreciate if this could be passed to the relevant departments.

Kind regards



Post code: YO1 6WR Any attached files were uploaded by the customer.

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works at the disused railway bridge PMY2/76, near Congham' - General enquiry (reference number: OLE150206102)

#### was passed to me for response.

We have considered the proposal in relation to our Walking and Cycling strategy which involves repurposing disused railways.and have no objection. With regards to PROW (Public Rights of Way) there is a restricted byway running to the north alongside the route of the old railway but this is again would be unaffected by the proposal.

TTROs (temporary Traffic Regulation Orders) will be required to deliver the proposals which would require the involvement of our streetworks team in processing, this is not anticipated to be a major issue

The proposal affects a bridge which carries a public road. We have no objection to the bridge being infilled but will require detailed proposals, and involvement in the Technical Approval process. There is some reference to the possibility of demolition; if that option were to become an alternative we would again need to review our overall response

#### Regards Paul

From:





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From: Online forms <<u>noreply@norfolk.gov.uk</u>>

Sent: 14 October 2019 12:29

To: Information <<u>information@norfolk.gov.uk</u>>

Subject: Online Form – Contact Type 'ONLINE' - General enquiry (reference number: OLE150206102)
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## **Executive Summary**

### **Key Facts**

Structure Type: Single span overbridge

Superstructure Form: Longitudinal cased girders, pre-cast concrete jack arches.

Substructure Form: Concrete block and brick abutments and wingwalls.

**Span:** Clear square span 8.23m (27' - 0'').

Assessment Code: BD21/01

Live load capacity (carriageway): 40T ALL (subject to acceptance of minor deficiency in jack arches)

Critical Element: Jack arches

**Overall Bridge Restriction:** 7.5T AVL

Critical Load Effect: Edge girder bending quarter span / Substructure

Condition: Fair

Local Authority: Norfolk

OS Reference: TF 703 238

This report presents the load carrying capacity for the bridge and identifies the data used to derive the assessment. It has been prepared by Jacobs for the exclusive use by HRE and should not be relied on by third parties. It has been based on site measurements and investigation by Jacobs or historical information provided by HRE, as appropriate.

The description of condition does not represent a principal inspection; nor should it be relied on for the development of maintenance works. Close inspection of members was limited by the constraints of safe access possible within a single site visit.

Identification of defects is principally based on ground level observation of visible members. The structural arrangement of the bridge meant that the following elements were not examined as part of the inspection for assessment:

 Concrete Encased Steel Beams - Only the exposed beam bottom flange plates in areas of spalling concrete and top flange plates within trial pit were visible for inspection. The webs and angles are considered as built-in parts not amenable for inspection.



## 3. Structure Condition

## 3.1 General

The survey and inspection for BD21/01 assessment were undertaken on Wednesday 15th August 2018. Weather conditions were sunny with a temperature of 19°C.

Parking was available within an adjacent field accessed via a track to the north west of the structure.

Access to the formation was gained via a slope at the north face down to the old formation level.

## 3.2 Structure Condition

#### 3.2.1 Edge beams

The north edge beam (Beam No.1) is in fair condition with the following visible defects noted during the deck soffit inspection:



Figure 3. Plan View of Beam No.1 Defects (Photograph 7)

PMY2/76 BD21 Assessment and Inspection Report



6

The south edge beam (Beam No.7) is in fair condition with the following visible defects noted during the deck soffit inspection:



Figure 4. Plan View of Beam No.7 Defects (Photograph 13)

PMY2/76 BD21 Assessment and Inspection Report

# **JACOBS**

#### 3.2.2 Internal beams

The internal beams are in fair condition with the following visible defects noted during the deck soffit inspection:



Figure 6. Plan View of Beam No.3 Defects (Photograph 9)

![](_page_29_Picture_1.jpeg)

![](_page_29_Figure_2.jpeg)

#### Figure 7. Plan View of Beam No.4 Defects (Photograph 10)

![](_page_29_Figure_4.jpeg)

#### Figure 8. Plan View of Beam No.5 Defects (Photograph 11)

![](_page_29_Figure_6.jpeg)

#### Figure 9. Plan View of Beam No.6 Defects (Photograph 12)

![](_page_30_Picture_1.jpeg)

All areas of exposed flange plates exhibit up to 2mm section loss due to corrosion to the underside of the bottom plate. These areas are situated within areas of damp visible across the underside of the concrete encasement. Cracking through the concrete encasement is evident along each beam with spalling to the surrounding concrete occurring when tapped with a hammer.

#### 3.2.3 Concrete Jack Arches

The concrete jack arches are in fair condition with widespread algal staining and isolated damp patches around the western third of the span (Photograph 6).

#### 3.2.4 Abutments

The west abutment is in fair condition with graffiti across the bottom half of the face (Photograph 15). A vertical fracture through brick and mortar is visible below the corbelling blocks on the southern face, 1.0m in length and open up to 2mm.

The east abutment is in poor condition. Sections of concrete corbelling have been replaced in the outer thirds with concrete brick (Photograph 14). Both areas sound hollow when tapped with a hammer with significant cracking and movement visible below each edge beam. De-bonding of brickwork repairs is suspected. The following defects were noted on site:

- A section of brickwork beneath the north east edge beam is exhibiting outward movement up to 25mm from the face of the wall with fracturing visible at the northern face of the abutment.
- An area of spalled brickwork, 465mm x 330mm, is visible beneath the moving section of brick typically to a depth of 25mm with a maximum depth of 65mm.
- Heavy spalling is evident to the existing brickwork underneath the north east jack arch to a depth of 50mm.
- A section of brickwork beneath the south east edge beam is exhibiting outward movement up to 20mm from the face of the wall with fracturing visible at the southern face of the abutment.

It is possible that the defects to the east abutment brick cladding are caused by thermal movement of the edge beams. No allowance for thermal expansion between the beams and cladding appears to have been incorporated into the recent repairs. The point of bearing for the beams is not apparent. It is assumed to be behind the cladding on the concrete abutment core. If any live load is transferred directly onto the cladding it could be another contributory cause of the fracturing.

No signs of settlement to the east abutment were evident during the inspection.

#### 3.2.5 Wingwalls

The north east wingwall is in fair condition with algal staining and weathering visible across the face. Graffiti partially covers the face of the wall and sapling growth is visible at the base of the wall (Photograph 21).

The north west wingwall is in fair condition with tree growth at the base of the wall and graffiti across the face. Isolated fractured blocks, vegetation growth within the mortar bed and leachate staining are visible across the face (Photograph 20).

The south east wingwall is in fair condition with graffiti and minor vegetation growth across the face. A horizontal fracture is visible through the mortar in the top third of the wall (Photograph 22).

The south west wingwall is in fair condition with algal staining and graffiti across the face. The bottom third of coping blocks have collapsed and fallen to the base of the wall (Photograph 23). Tree growth is evident adjacent to the end of the wall.

![](_page_31_Picture_1.jpeg)

#### 3.2.6 Parapets

Both parapets are in fair condition with weathering across all faces (Photographs 24 & 25).

#### 3.2.7 Formation

The formation to the south is incorporated into agricultural land used for crops (Photograph 29). The formation to the north is an overgrown access track to other fields surrounding the structure (Photograph 30).

#### 3.2.8 Road Surface

The road surface shows signs of superficial cracking; therefore, due to the rural nature and unlikely regular road maintenance, a 'poor' road surface category (BD21/01 Clause 5.22) is considered appropriate (Photographs 3-5).