

Borough Council of King's Lynn & West Norfolk: Planning  
(by email: borough.planning@west-norfolk.gov.uk)

7 June 2023

Dear Sir/Madam

**Ref 23/00894/F: Infilling of St Andrew's Lane bridge, Congham**

We are writing to object to the above planning application which seeks 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.

On 14 October 2019, Jacobs, acting on behalf of Highways England (renamed National Highways (NH) 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 - part of the 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' - indicating that an emergency situation had arisen which required immediate intervention.

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 planned scheme, carried out for liability reduction purposes.

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. The scheme at Congham was one of five infills carried out by NH under Class Q between autumn 2019 and spring 2021. In all cases, the company failed to seek consent for retention beyond the maximum permitted period, resulting in breaches of the rights and, in the case of the Congham bridge, the LPA's request for a retrospective planning application.

At least 29 other infill schemes were the subject of Class Q notification letters dated 10 September 2020. However, despite the supposed 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 to progress routine asset management works.

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

As a result of National Highways' effective ban on Freedom of Information requests relating to HRE infilling and demolition schemes, we have been unable to obtain past inspection reports for St Andrew's Lane bridge or a capacity assessment produced by Jacobs in 2019.

In December 2003, Norfolk County Council carried out a BD21 assessment on behalf of the British Rail Property Board, calculating that the structure had a live load capacity of only 7.5 tonnes due to its edge girders having to carry the weight of the parapets. The jack arches and five girders supporting the carriageway were assessed as having a capacity of 40 tonnes, as were the substructure and foundations.

In its notification letter of 14 October 2019, Jacobs also asserted that the bridge's edge girders had a capacity of 7.5 tonnes - based on the 2019 assessment - but made no mention of the girders supporting the carriageway. We assume therefore that these girders still had an assessed capacity of 40 tonnes, i.e. had not been identified as understrength.

In the Planning Statement (PS), it is 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. Even collectively, they do not constitute an emergency.

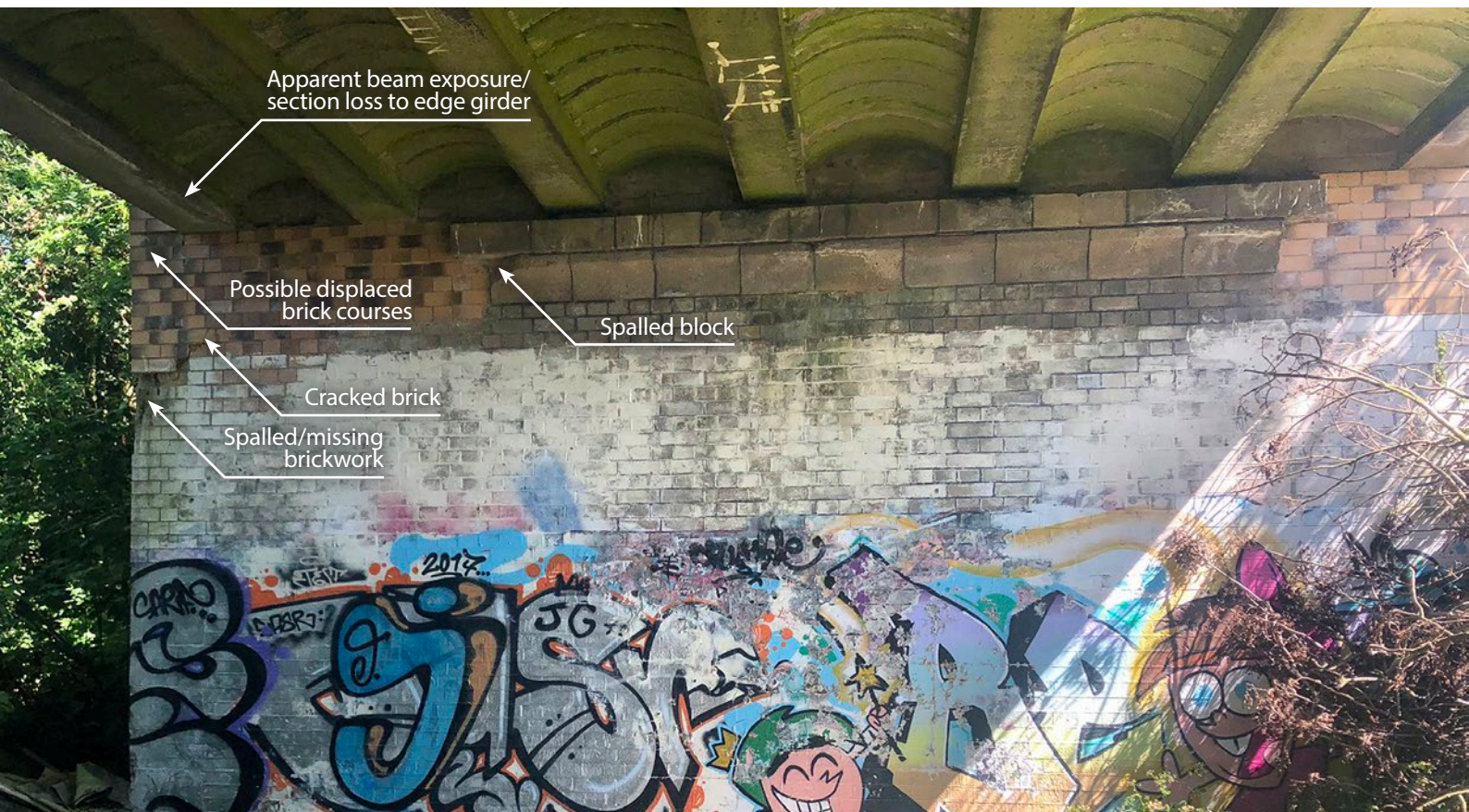
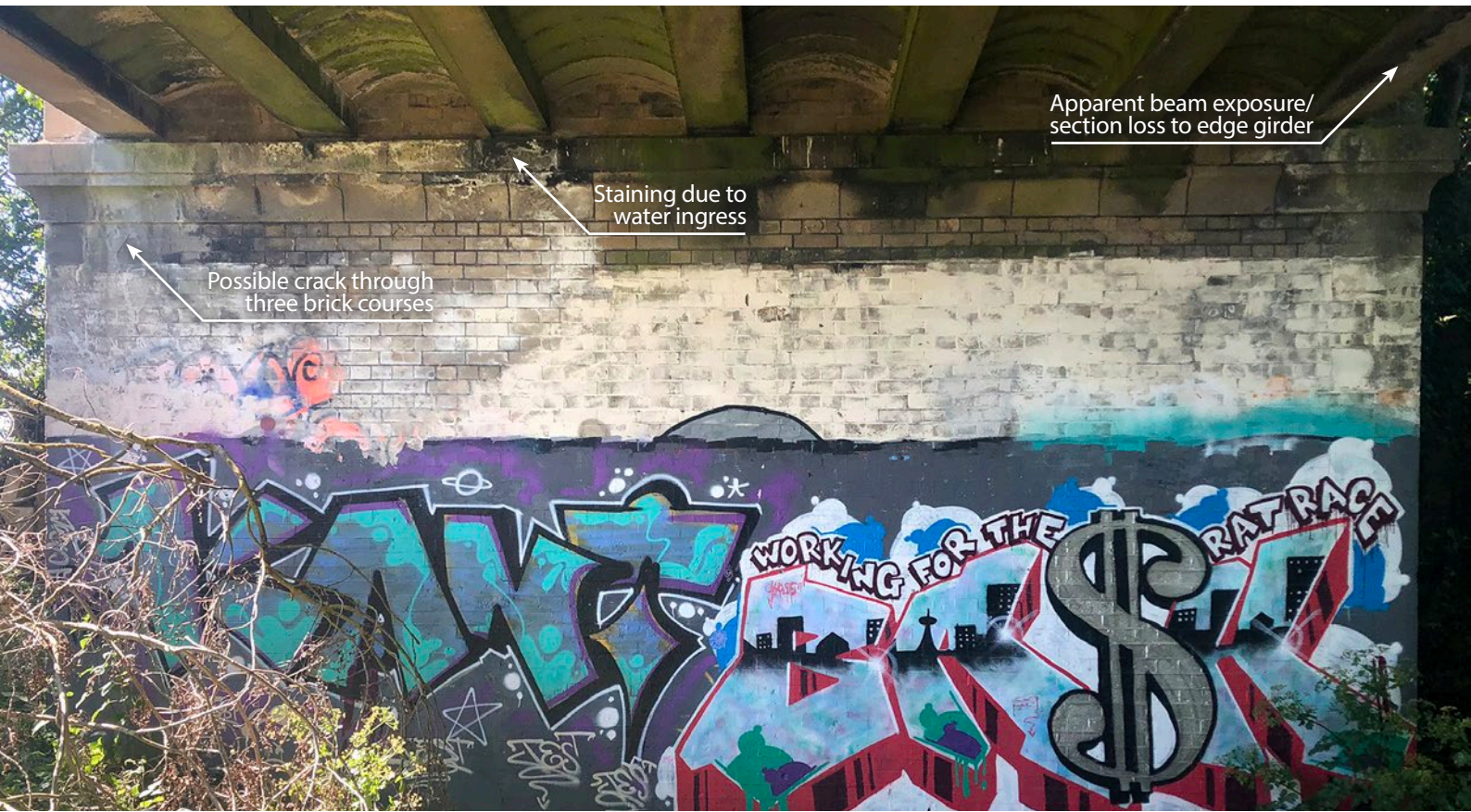
We have obtained high-resolution photographs showing both abutment faces in May 2020. These are reproduced on the following page. There is no sign of "numerous cracks" to either abutment face, although photos 3 & 4 in the Ecology Survey (ES) do show stepped/diagonal fractures through patch brickwork repairs on both ends of the east abutment, as well as a small number of spalled bricks. These fractures may have resulted from the use of repair material of dissimilar strength to the original, resulting in stiffer or weaker anomalies which adversely altered load paths within the otherwise homogenous structure.

Other photographs show minor, localised beam exposure. However, it should be noted that the concrete encasement of the beams is not structural.

Many legacy bridges suffer from movement of their abutments, generally due to long-term consolidation of ground beneath the foundation toe, but this is rarely critical to overall stability.

There is no evidence to support National Highways' claim - reported by several media outlets - that the bridge was in "very poor condition". Based on available photographic evidence, the structure's condition appears to have been Fair, with some of its defects caused by a failure to manage adjacent vegetation/tree growth appropriately.

It is noted that the PS offers no evidence to suggest that an emergency situation had arisen or that the recorded defects were worsening. We believe National Highways continues to overstate the risks associated with this bridge in order to make the case for infilling.



Photos (Norfolk's Disused Railways) showing the west (top) and east (bottom) abutment faces, with defects indicated. There is no evidence of "numerous cracks" as suggested in the Planning Statement.

St Andrew's Lane is narrow, with overhanging trees and a bend at the west end of the bridge. The area is rural and traffic levels are light. During an hour-long visit on the afternoon of Friday 25 November 2022, two vehicles were observed passing over the structure. We recognise 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 7.5 tonnes.

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, rather than safety.

As is 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 is not clear that remedial works to prevent further movement of the east abutment was necessary; it would partly depend on the extent of the movement and whether it was ongoing. It is not known whether inspection frequency had been increased or monitoring equipment installed. These would have been appropriate first steps to inform decision-making.

We suspect that other infrastructure owners with less generous budgets would have struggled to justify *any* expenditure on this structure given the minor nature of the stated defects in 2019 and the low levels of associated risk.

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 reinforced-concrete structure in 1926. This work did *not* just involve the "span", as suggested in the Heritage Statement (HS).

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.

The superstructure of St Andrew's Lane bridge comprised concrete-encased girders and precast jack arches, whilst the substructure was built in concrete brick and dressed concrete blocks. As such, it was the most elaborate and complete of the six bridges, incorporating newel posts, curved wingwalls and some attractive architectural detailing.

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. As a result of the infilling, only two of the six Marriott system bridges survive.

Principle 1.3 from English Heritage's *Conservation Principles - Policy & Guidance* (2008) asserts that "Each generation should...shape and sustain the historic environment in ways that allow people to use, enjoy and benefit from it, without compromising the ability of future generations to do the same".

The PS claims that "infilling *barely alters*...the perception and enjoyment of the bridge...". However, infilling has 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 conservation/preservation principles.



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

The HS states 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 is accepted that infilling has reduced the opportunity for fly-tipping and graffiti at this site. However, this does not justify the almost complete loss of a heritage asset. In any case, such antisocial behaviour has, most likely, been pushed away to other locations, not eliminated.

### **Repurposing potential**

In response to Jacobs' Class Q notification letter of 14 October 2019, a Norfolk County Council official 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."

Since that comment was made, a feasibility study has been commissioned into active travel provision through the King's Lynn-Fakenham corridor. In January 2023, 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 17 February 2023, NCC told The HRE Group that “The feasibility is in the course of completion. High level details will be incorporated in the consultation in March 2023 and the final information contained in a future report due to be issued in late spring/early summer 2023.”

Whilst we suspect the preferred alignment for the active travel route is unlikely to propose passing 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 schemes in the future as our transition to greener forms of transport continues.

The PS makes reference to the shallow railway cutting south of the bridge having been infilled to the level of the adjacent field. This has no meaningful 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 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 replaced beneath the span to the level of the ground on both sides.

### **Ecological, environmental and landscape impacts**

It should be noted that Section 1.2 and Section 3.2.1 of the Ecology Survey both state that “The structure is a single-span, *brick-arch bridge* with brick abutments, featuring *spandrels*, *parapets* and *wingwalls*...”. This is wrong and suggests reference to a different structure.

Whilst the route beneath St Andrew’s Lane bridge has no statutory designation, it is likely 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 et al., 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 et al., 1997; van der Grift 1997; Clevenger, 2005).

We note that -

- the ES found no evidence whatsoever of mammals, reptiles or amphibians within 50 metres 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 and transportation of around 1,500 tonnes of aggregate 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.

## **Planning**

Policies relevant to this application from the Borough Council's Local Plan 2011 include:

- *CS01 Spatial Strategy* which states that "Development priorities for the borough will be to:
  - protect and enhance the heritage, cultural and environmental assets..."
- *CS06 Development in Rural Areas* which states that "Beyond the villages and in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife..."
- *CS08 Sustainable Development* which states that "All new development in the borough should be of high quality design. New development will be required to demonstrate its ability to:
  - protect and enhance the historic environment
  - achieve high standards of sustainable design."

"To promote and encourage opportunities to achieve high standards of sustainability and energy efficiency, measures should include:

- construction techniques
- innovative use of re-used or recycled materials of local and traditional materials to decrease waste and maintain local character
- provision of green space to safeguard wildlife, provide recreation opportunities and improve the quality of life for people living in the area
- good access links for walking and cycling."

- *CS11 Transport: Strategic issues* which states that “Priority will be given to...improving accessibility and connections between (and within) towns and villages; so helping to reduce social exclusion, isolation and rural deprivation. To do this the Council and its partners will seek to:

- provide integrated and safe routes for pedestrians and cyclists.”

“Development proposals should demonstrate that they have been designed to:

- promote sustainable forms of transport appropriate to their particular location.”

- *CS12 Environmental Assets: Green Infrastructure, Historic Environment, Landscape Character, Biodiversity and Geodiversity* which states that “Proposals to protect and enhance our historic environment and landscape character, biodiversity and geodiversity will be encouraged and supported.”

“The historic and built environment play a crucial role in delivering environmental quality and well-being. Therefore the Council will preserve and where appropriate enhance its qualities and characteristics.”

“Development should seek to avoid, mitigate or compensate for any adverse impacts on biodiversity, geodiversity and heritage as well as seeking to enhance sites through the creation of features of new biodiversity, geodiversity and heritage interest. The design of new development should be sensitive to the surrounding area.”

“Development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area (including its historical, biodiversity and cultural character), gaps between settlements, landscape setting, distinctive settlement character, landscape features and ecological networks.”

- *CS13 Community & Culture: Creating sustainable communities through the provision of community infrastructure* which states that “Promoting healthy and active lifestyles is a priority. To ensure that people have the opportunity to exercise and improve their health the Borough Council will support proposals that protect, retain or enhance sports, leisure and recreation facilities...”

Policies relevant to this application from the Site Allocations and Development Management Policies Plan 2016 include:

- *C.14 DM13 - Railway Trackways* which states that “Disused railway trackways and routes can be a valuable resource, such as, providing future routes for footpaths or cycleways. It is therefore important to protect them from adverse development which might otherwise compromise their future as alternative economic or recreational transport routes.”

However, it is recognised that the specifically protected section of the King’s Lynn-Fakenham railway ends 3.25 miles south-west of St Andrew’s Lane bridge.



Provisions relevant to this application from the National Planning Policy Framework include:

- *Paragraph 130(c)* which states that “Planning policies and decisions should ensure that developments ...are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).”
- *Paragraph 174* which states that “Planning policies and decisions should contribute to and enhance the natural and local environment by...protecting and enhancing valued landscapes, sites of biodiversity or geological value...recognising the intrinsic character and beauty of the countryside...minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.”
- *Paragraph 190* which states that “Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account...the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation...the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring...the desirability of new development making a positive contribution to local character and distinctiveness...and opportunities to draw on the contribution made by the historic environment to the character of a place.”
- *Paragraph 196* which states that “Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.”
- *Paragraph 197* which states that “In determining applications, local planning authorities should take account of:
  - a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c. the desirability of new development making a positive contribution to local character and distinctiveness.
- *Paragraph 203* which states that “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

## Summary

St Andrew's Lane bridge was infilled for liability reduction purposes, involving months of design and project development. The Planning Statement describes the work as "necessary", but then sets 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 objective of protecting and enhancing heritage assets.

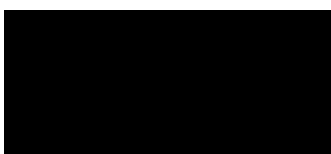
National Highways claims that long-term cost savings will accrue, but offers no evidence to support this or any comparison with alternative repair solutions.

National Highways pursued the scheme under Class Q permitted development rights which facilitate immediate, temporary interventions in the event of an emergency, and then failed to seek consent for the infill's intended retention. These rights were being systematically misapplied as part of a nationwide programme of infilling works, undermining trust and confidence in public bodies.

The 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 Council 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. Even if true, the asserted public benefit in terms of reduced long-term maintenance costs does not outweigh these harms.

Policies adopted by the Council (particularly CS01, CS08, CS12 and DM13), as well as provisions within the National Planning Policy Framework, provide clear grounds to reject the planning application and we trust the Council will do so.

Yours sincerely



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.