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Council acts as rights breached on 'emergency' Norfolk bridge infill

National Highways' strategy of using permitted development rights to carry out destructive works to historic railway structures is "unravelling", say campaigners, after a third local authority told it to apply for retrospective planning permission for an infilling scheme.

The state-owned roads company - which manages 3,100 legacy structures on the Department for Transport's behalf - blocked a bridge at Congham, Norfolk with hundreds of tonnes of aggregate and concrete, but failed to seek written consent for the material to remain beyond the maximum 12-month period allowed under powers known as 'Class Q'. The Borough Council of King's Lynn & West Norfolk expects submission of a planning application by mid-March.

Congham bridge - one of only three surviving examples of its kind - spanned the dismantled Midland & Great Northern Joint Railway which was recently earmarked as the proposed route of an ambitious walking and cycling connection between King's Lynn and Fakenham.

On 14 October 2019, consultants acting for National Highways told the Council that Congham bridge represented "an ongoing and increasing risk to public safety" and was proposed for infilling under permitted development rights that apply only to temporary measures in emergency situations. Costing £127K, the five-week project got underway on 22 March 2021, 17 months after the notification letter was sent.

The bridge is crossed by a narrow and little-used country lane. According to Jacobs, National Highways' consultants, the girders supporting its parapets and verges had a reduced capacity of 7.5 tonnes, but a 2003 assessment by Norfolk County Council found that the five girders beneath the carriageway could carry 40 tonnes. Cracks and other minor defects were recorded - typical of structures of this age - some of which were possibly caused by National Highways' failure to tackle vegetation growth.

Graeme Bickerdike, representing The HRE Group of civil engineers, sustainable transport advocates and greenway developers, said: "National Highways has used the same permitted development rights to infill at least six structures in the expectation that nobody would notice or care about its breaches of the statutory obligations therein. But three local planning authorities have now asked for retrospective planning applications whilst another vigorously opposed the work from the outset."

In September 2020 alone, National Highways sent out 28 template letters seeking to exploit Class Q permitted development rights for infill schemes, asserting that action was needed "to prevent an emergency arising". However, in many cases, the councils pushed back because no evidence was provided to support the claims and most of the affected structures have since disappeared from the company's works programme without any interventions.

“The strategy was intended to avoid the difficulties that come with public scrutiny”, says Graeme Bickerdike, “but that’s clearly unravelling. These rights were never appropriate for permanent works to structures that were fundamentally fine. Permitted development empowered National Highways to impose its preferred method of managing these assets, whether or not they had historical, ecological or potential transport value. The culture was destructive - straight out of the 1970s.”

The line passing beneath Congham bridge opened in 1879, but the original structure was replaced in 1926 - one of six similar projects to benefit from an innovative system of reinforced concrete components and blockwork, developed by pioneering railway engineer William Marriott.

Bridge specialist Alan Hayward - co-founder of Cass Hayward, a firm of consulting engineers - said: “Marriott was the engineer, locomotive superintendent and eventually general manager of the Midland & Great Northern Joint Railway. There was probably no other engineer to combine such multiple roles, except for the renowned Robert Stephenson.

“His achievements included the design of locomotives, station architecture and bridges, as well as the early development of precast reinforced concrete. A concrete works was established within the company’s workshops at Melton Constable, predating the facilities of railways such as the Southern and Great Western.

“The Congham bridge used precast jack arches, precast casings to the main beams, precast wall units, copings, bedstones and bricks. It was impressive and more elaborate than the other five he rebuilt, featuring elegant curved wing walls. The infilling leaves only two of its type to survive, both under National Highways’ custodianship.”

By October, the company is required to remove 1,600 tonnes of infill from a bridge at Great Musgrave, Cumbria after Eden District Council rejected a planning application for its retention. Meanwhile Selby District Council is expecting submission of a retrospective planning application this week relating to the infilling of a structure near Tadcaster. Both schemes were carried out under Class Q.

Since 2013, National Highways’ programme of infilling legacy railway bridges has seen 51 of them lost at a cost to the taxpayer £8.01M. Work to infill six short sections of the 1.4-mile long Queensbury Tunnel in West Yorkshire was budgeted at just over £3M, but the figure had soared to £7.3M before the project ended with only two sections completed, one of which is in breach of Class Q rights.

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Attachments

ConghamBridgeArchive©M&GNTrust: An archive photograph showing the bridge shortly after its construction. (Credit: M&GN Trust)

ConghamBridgeAfter©TheHREGroup: The structure was infilled with hundreds of tonnes of aggregate and concrete between 22 March 2021 and 30 April 2021. (Credit: The HRE Group)

ConghamRoad©TheHREGroup: The bridge carries a narrow and little-used country lane. (Credit: The HRE Group)

ConghamAerial©TheHREGroup: An aerial view showing the bridge and route of the old railway to its north-east. (Credit: The HRE Group)

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

SupportingDocuments (PDF): Jacobs' letter to Borough Council of King's Lynn & West Norfolk on 6 October 2020; Class Q emergency development powers; Council email confirming planning breach and planning permission requirement.

The 2003 assessment of Congham bridge's capacity is available via this link.

https://hre.s3.eu-west-2.amazonaws.com/pmy2_76_Congham+Road_7.5+tonnes.pdf

A map showing the 51 structures infilled by National Highways is available via this link. The cost of each scheme and the planning requirements can be found by clicking the icons.

https://www.google.com/maps/d/u/1/edit?mid=1owQSnow1Yj5taYxkzBybTFvnHyxlwWc

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Notes for editors

The Historical Railways Estate (HRE) is owned by the Department for Transport (DfT) and managed on its behalf by National Highways (NH). NH is responsible for inspecting, maintaining and limiting the liability associated with around 3,100 disused railway bridges, abutments, tunnels, culverts and viaducts.

Although transport policy is largely a matter for the devolved administrations, around 19% of the HRE structures are in Scotland and 11% in Wales. These remain under NH's management.

National Highways operates under a Protocol Agreement with the Department for Transport which sets out its obligations in relation to the safety, inspection, maintenance, disposal of the structures, the maximisation of rental income and reduction of risk. Its remit was formerly fulfilled by BRB (Residuary) until its abolition on 30 September 2013.

Since assuming responsibility for the HRE, NH has infilled 51 bridges at a cost of £8.01M. The programme was paused by the government in July 2021. A map showing the infilled structures, together with the cost of each scheme, is available via this link…

https://www.google.com/maps/d/u/1/edit?mid=1owQSnow1Yj5taYxkzBybTFvnHyxlwWc

In 2020, National Highways awarded framework contracts to six companies for works on HRE structures with a headline value of £254M over seven years. It also agreed a professional services contract with Jacobs, worth £31.9M over ten years, and two contracts for inspections/examinations with a value of £18M over ten years.

In January 2021, it was revealed that 134 structures were at risk of demolition or infilling. These were located in East Anglia (12), East Midlands (4), London and the Home Counties (8), Northern England (16), Northern Scotland (8), North-West England (3), South-East England (11), Central/Southern Scotland (19), South-West England (24), Wales (5), West Midlands (16) and Yorkshire & Lincolnshire (8).

National Highways now claims that the threat of infill or demolition has been lifted from all these structures and any future major works will be the subject of review and consultation with its Stakeholder Advisory Forum, established in October 2021.

A map showing the broader threat to HRE structures - including those that have failed assessments - is available via this link…

https://www.google.com/maps/d/u/0/edit?mid=1LVvKXUS_a66LGzG8mPNLZaRpz2hw3ioe

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

The following local authorities have told National Highways that planning permission is required for bridge infilling schemes: Aberdeenshire, Angus, Cheshire West & Chester, Essex, Glasgow, Gloucestershire, Herefordshire, Hertfordshire, Leicestershire, North Ayrshire, North Yorkshire, Northumberland, Perth & Kinross, Powys, Shropshire and Stratford-upon-Avon. Others have raised objections or imposed specific constraints.