

AGENDA ITEM NO. 9/1(a)

Parish:	Congham	
Proposal:	Retrospective structural infilling of former railway bridge using engineering fill and foam concrete with embankments formed on either side	
Location:	Congham Bridge Midland & Great Northern Joint Railway Dismantled St Andrews Lane Congham Norfolk	
Applicant:	Historical Railways Estate	
Case No:	23/00894/F (Full Application)	
Case Officer:	Connor Smalls	Date for Determination: 23 June 2023 Extension of Time Expiry Date: 6 October 2023

Reason for Referral to Planning Committee – Called in By Councillor de-Whalley and also referred by the Assistant Director.

Neighbourhood Plan: No

Case Summary

The application site relates to Congham Bridge which is a historic railway bridge structure built circa 1926 carrying St Andrews Lane over the former railway line. The setting of the bridge is rural in nature with open fields to the south of St Andrews Lane, Congham. To the north, a restricted byway extends northeast following the line of the former track. This restricted byway is mostly tree lined with fields and small pockets of trees beyond.

The works this application seeks consent for relate to the infilling of the underside of the bridge structure described in supporting documentation as structural infill using engineering fill and foam concrete with embankments formed on either side.

Key Issues

Principle of development
Form, Character and Impact on Heritage
Impact on Neighbour Amenity
Active Travel and Highway Safety
Ecology and Arboricultural Impact
Any other matters requiring consideration prior to determination of the application

Recommendation

REFUSE

THE APPLICATION

The application site relates to Congham Bridge which is a historic railway bridge structure built circa 1926 which carries an unclassified public road (St Andrew's Lane) over the track bed of the former Midland and Great Northern Joint Railway. The bridge was designed on the principles of James Marriott, a well-known Norfolk railway engineer commemorated with the long-distance path from Norwich which still contains some evidence of his bridge design. The bridge can be described, prior to works, as "constructed of seven longitudinal steel girders encased in concrete. The space between the longitudinal girders is infilled with six pre-cast concrete jack arches. Wingwalls are located in each corner and extend approximately 5.5m from the bridge parapets. There is a soft verge on each side of the carriageway over the structure. The wingwalls, abutments and parapets are constructed from concrete blockwork and engineering brick. The land either side of the bridge has been raised to the surrounding ground level" (taken from applicant supporting documentation).

The setting of the bridge is rural in nature with open, agricultural fields to the south of St Andrews Lane. The road itself is bounded by thick vegetation; tree lined with various hedgerows. To the north, a restricted byway extends northeast, following the line of the former track, meeting St Andrews Lane to the west of the bridge. This restricted byway forms part of a narrower open space, mostly tree lined with open, agricultural fields and small pockets of trees beyond.

The works this application seeks consent for relate to the infilling of the underside of the bridge structure described in supporting documentation as structural infill using engineering fill and foam concrete with embankments formed on either side. The works are described within supporting documentation as "infilling beneath the span with structural fill composed of a layer of 6C free draining material laid to fill the depression beneath the bridge and form a 0.8m thick layer above the current ground level on both sides in order to aid surface water through flow. The remaining fill beneath the span comprised 6N granular structural fill and foamed concrete. New embankments were formed from 6N material and tied into the existing ones. All new and worked surfaces were topsoiled and grass seeded." The works also involved the loss of several mature trees in close proximity to the bridge.

The application under consideration therefore relates to the permanent works undertaken to the bridge that require planning permission.

SUPPORTING CASE

The background of the application is addressed within supporting documentation submitted by the applicant during the application process:

"According to records, the bridge structure has had issues with fractures since 1984 and major repairs had been conducted between December 2009 and February 2010 involving propping, repairing the end abutment quoin and repairs to fractured / spalled areas of the structure, requiring a road closure. Since the HRE (Historical Railways Estate (HRE) (on behalf of the Department for Transport)) took responsibility for the bridge in 2013, it has been subject to a series of structural assessments and the most recent was in 2019, which was undertaken by Jacobs on behalf of HRE. The assessment concluded that the edge girders have a capacity of 7.5 tonnes Gross Vehicle Weight (GVW), so a weight restriction should be required, however there are no road signs, which indicate this to the road users and road usage is therefore unrestricted. Consequently vehicles e.g. agricultural plant (which can weigh up to 30t) can use the bridge.

Furthermore, 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.

To prevent the further decline of the structure and to maintain future vehicular movements along the carriageway, it was decided that it was necessary to strengthen the bridge by infilling – justification for this is given in Section 1.6. A letter was therefore sent to Borough Council of King's Lynn and West Norfolk (KLWN) on 14th October 2019 to outline the proposed works that were to be undertaken as 'permitted development' in line with the 'Town & Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 19, Class Q (allowing the Crown – Government ministries, such as the DfT, to undertake works in order to prevent an emergency). KLWN responded in an email of 21 November 2019 that they had no objections regarding the works proposed to infill the bridge. The highway authority (Norfolk County Council - NCC) was also contacted at this time and informed HRE they also had no objections and confirmed that the site was not subject to any cycle route proposals.

Therefore, on this basis, the infill works were undertaken in March and April 2021 (see section 2.3). A further letter was sent to KLWN on 10 March 2022 informing of works to check the settling of the material and top-up any remaining void. No response was received from KLWN to that letter. In November 2022, following a complaint, KLWN contacted HRE informing them that they were reviewing their previous advice to which HRE responded in a letter dated 2 December outlining KLWN's previous 'no objection' position. KLWN then sent a letter on 18 January 2023 confirming that, in their opinion, and in accordance with Schedule 2, Part 19 of the Town and County Planning (General Permitted Development) Order 2015, that planning permission was actually required, and this opinion, following further discussions and a letter from HRE on 25 January 2023 (querying the necessity of a planning application), was confirmed by KLWN in a letter dated 13 February 2023."

The applicant has prepared two supporting documents that they wish to be considered:

- HRE Congham Road Bridge PMY2-76 – Planning application 23-00894-F – Pre-committee briefing note
- HRE Congham Road Bridge PMY2-96 – Planning application 23-00894-F – Background and response to objections

These documents are included on the online file for viewing under the application reference number.

PLANNING HISTORY

22/00544/UNOPDE- Alleged Unauthorised Operational Development. - Bridge On Saint Andrews Lane, Congham, Norfolk PE32 1DY

08/02503/F: Application Permitted- Delegated decision: 23/12/08 - Erection of 3 sheds for keeping of livestock and associated items. - Dismantled Railway, St Andrews Lane, Congham, King's Lynn, Norfolk PE32 1DU

08/00139/UNAUTU- Alleged use of open farmland as enclosures for horses. - St Andrews Lane, Roydon, Norfolk

RESPONSE TO CONSULTATION

Parish Council: OBJECT

Congham Parish Council objects to this retrospective planning application including but not limited to the following reasons:

- 1) The bridge was a natural corridor for wildlife.
- 2) The bridge is an unlisted heritage asset.
- 3) The infilling of the bridge has stopped an opportunity for walking and cycling along the area.

It is Congham Parish Council's view that the bridge should be re-opened.

Local Highway Authority (NCC): NO OBJECTION

Thank you for the consultation/enquiry received recently relating to the above development proposal, I am able to comment that in relation to highways issues only, as this proposal does not affect the current traffic patterns or the free flow of traffic, that Norfolk County Council does not wish to restrict the grant of consent.

Public Rights of Way (PROW) Officer (NCC): NO OBJECTION

Thank you for your consultation regarding amendments to the above. We have no objection in principle to the application but would highlight that a Public Right of Way, known as Congham Restricted Byway 1 is aligned adjacent to the site. The full legal extent of this Restricted Byway must remain open and accessible for the duration of the development and subsequent occupation.

Historic Environment (NCC): NO OBJECTION

Thank you for consulting with us about this planning application. There are no known archaeological implications.

Historic England: NO COMMENT

Conservation Officer: OBJECT

Original Response

Congham Bridge has been well documented by the applicant in their heritage statement. It was designed on the principles of James Marriott, the well-known Norfolk railway engineer commemorated with the long-distance path from Norwich which still contains some evidence of his bridge design. It is not disputed that this bridge falls outside of the dates at which he was involved with the relevant railway, but it is designed to his method.

The heritage statement is unclear about other bridges or railway infrastructure surviving within the west Norfolk area, so it is not possible to properly determine the importance of the survival of this bridge to the historic environment of West Norfolk. While we do note the survival of other, perhaps older examples across the county, the importance to West Norfolk is unable to be identified. The design of a bridge in the Marriott style so close to the end of his involvement with the railway and the systems involved in its construction as well as the architectural details underneath the bridge span and the superstructure, do give it some evidential, architectural and communal interest which could be higher in the context of west Norfolk than when considered on a county wide basis.

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The Borough Council of Kings Lynn and West Norfolk does not maintain a local list and until very recently has not been made aware of the process for notifying the HER of non-designated heritage assets identified through the planning system. The guidance document for the NPPF (paragraph 40) makes clear that non-designated heritage assets can be identified in the planning process and we should make clear why they are non-designated heritage assets. We are clear then that at this stage, it is possible to identify Congham Bridge as a non-designated heritage asset for its architectural, communal and evidential significance.

We appreciate that other methods of repair that were considered. Although the method undertaken may be the most cost effective, the long-term impact upon the structure underneath needs more detail. While we note the free draining infill material, the embankment has been topsoiled and covered with vegetation. It is known that vegetation and soil hold water and no matter how free draining the infill is, this inability to get rid of the water through the vegetation and top soil, could result in a damp environment that impacts upon the concrete underneath and ultimately the structural integrity of the structure. The long term impacts of this method of infilling are not explained. While the applicant has asserted that the architecture of the bridge has been conserved through this method, it has not been proved.

The line of the railway is still evident within the landscape on either side of the bridge. A slight depression in the field is visible to the south and the gap in the trees and the presence of the field to the north allows a sense of the former line to be appreciated at this point. The infilling of the bridge arch means that the line of the railway is unable to be experienced through the bridge which does result in a loss of legibility and a loss of evidential and historic significance.

We consider that the infilling of the bridge could result in less than substantial harm, moderate in scale to the non-designated heritage asset and therefore you should consider paragraph 189, 194 and 203 when making a decision on this application.

We therefore **OBJECT** to this application as it stands.

Response to additional supporting information (15/09/23)

The information submitted is technical and attempts to explain why the infilling of the bridge will not be harmful to the concrete detailing and the structure. Concrete conservation is a quick developing subject and it is clear that much about the subject is unknown. It is also evident that other alternative solutions to the conservation of this structure were possible and that they were considered unacceptable for reasons unknown.

However, the information has not addressed the issue that the infilling of the structure is harmful to the significance of the non-designated heritage asset. My comments were clear that there is evidence of the former railway in earthwork form on either side of the bridge and the infilling of the bridge detracts from the continuity of this earthwork and therefore the purpose and significance of the non-designated heritage asset.

We therefore remain concerned about this scheme and consider that the harm still remains.

Natural England: NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Ecologist: NO OBJECTION

Thank you for consulting Ecology on planning application 23/00894/F for the retrospective structural infilling of former railway bridge using engineering fill and foam concrete with embankments formed on either side.

In response I have reviewed the following documents:

Location Plan
Structural as built plan
Habitats Regulation Assessment (JBA Consulting, 2023)
Ecology survey (JBA consulting, 2023)
Natural England Comments

The applicant has provided an Ecological Appraisal (EA) and Habitats Regulation Assessment (HRA) which details the assessments carried out for protected species, habitats, and protected sites. A full suite of bat surveys was undertaken in 2020 and subsequent update surveys in 2021 up to the start of works in March 2021. No bats roosts were identified during those surveys and therefore no Natural England Mitigation licence was required to facilitate the works.

Both the HRA and EA details that a licenced bat ecologist supervised the works to the bridge and that an Ecological Clerk of Works was present to finger tip search any vegetation being cleared. No significant impacts to European Protected sites were identified within the HRA and I agree with the conclusions made. The information provided is satisfactory and I therefore have no comments to make.

Arboricultural Officer: NO COMMENT

Based on retrospective nature of the works, the Arboricultural Officer has no comment on this application.

Environmental Quality: NO OBJECTION

The application is retrospective for the infilling of a former railway bridge.

The applicant has provided a site plan illustrating the infill. The fill is described as engineering fill and foam concrete. Topsoil has also been imported onto site, a certificate of analysis has been provided to evidence the material is suitable and not contaminated.

We have reviewed our files and the site is on land that is seen with the bridge present for the duration of our records. The surrounding landscape is largely agricultural. No potential sources of contamination are identified in our records, or in the information provided by the applicant.

We have no objection regarding contaminated land.

The HRE Group: OBJECT (summarised for clarity- full representations are available on the online file):

- "Established in September 2020, The HRE Group is an alliance of engineers, sustainable transport advocates and greenway developers who see the HRE as a strategic asset, with ecological and heritage value. We have raised public awareness about NH's infilling and demolition programme which was paused by the government in

July 2021 following widespread concerns about its impacts. We also support members of the public and local groups in opposing specific schemes.”

- "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.”

- 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.
- 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.
- National Highways claims that long-term cost savings will accrue, but offers no evidence to support this or any comparison with alternative repair solutions. Financial advantage is not a relevant planning consideration (as the benefit is not a local financial benefit).
- Every structure presents unique challenges. We believe NH is likely to have considerable expertise in carrying out repairs to elements within other reinforced-concrete bridges as part of its wider role as operator of the UK's strategic road network. Whilst not 'simple', this is routine maintenance and, in some form, is inescapable on structures where infilling is not viable because of a need for continued access beneath the span.
- National Highways is suggesting that the defects at Congham bridge were severe, extensive and particularly difficult to remediate. In our view, the evidence does not support this.
- 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 applicant did not comply with the requirements of Class Q. It is also disputed that the condition of Congham Bridge was in such a state as to amount to an “emergency”, therefore works under this class were unlawful.
- “to prevent an emergency arising” – is not found within Sch2 Part 19
- Class Q which instead refers to “preventing an emergency” and it will easily be appreciated that much ordinary maintenance and repair could be described as work “to prevent an emergency arising”. However, the specific permitted development rights (Sch2 Part 19 Class Q) are clearly intended for situations where there is a sense of urgency. That is why for example no prior notification is required and why reinstatement to previous condition is the default position.
- 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.
- It is acknowledged that there are “wider public benefits in maintaining the bridge and its long-term preservation” but it is also apparent from the Planning Statement that there were (and are) alternative strategies that could have been used which do not involve infilling. In order to assess whether the harm that has been caused is justified, National Highways should have considered whether there were alternative strategies that would have achieved this benefit while avoiding harm to the heritage asset and ensuring that it was preserved. National Highways has failed to establish that these same benefits – the long term preservation and maintenance of the Bridge - could not have been achieved without avoiding the harm. Even if true, the asserted public benefit in terms of reduced long-term maintenance costs does not outweigh these harms.
- Infilling establishes a significant physical and financial barrier to any future development of a sustainable transport route via the former railway alignment.
- 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.
- 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.
- At Congham, on the basis of the prevailing circumstances, we believe the infill should be removed and the bridge made good. We have encouraged others to engage with democratic process by considering the available evidence and expressing their views.
- In response to Jacobs’ release of the 2019 capacity assessment for St Andrew’s Lane bridge at Congham, it is now clear that NH has misrepresented its own formal engineering evidence. The overall condition of the bridge was Fair, further undermining the company’s assertion that infilling “sought to prevent an emergency arising”.
- Jacobs states that “By qualitative assessment, the substructure does not appear to be satisfactory for the full range of vehicles conforming to the Road Vehicles (Authorised Weight) Regulations (BD 21 (DMRB 3.4.3))”. This conclusion seems to have been reached without any investigation or calculation. There is no mention of checks for lean or other distortion of the east abutment, or of excavations at ground level to determine

soil condition and abutment toe details. It is stated that there were no signs of settlement.

- A bridge engineer consulted by The HRE Group has estimated by calculation that the edge girders are close to, but not over, the capacity needed for an emergency 18T vehicle positioned close to the parapet. We therefore agree with Jacobs' 7.5T assessed capacity for the edge girders. However, effective crash barriers with their traffic face around 500mm from the inside face of the parapet would have economically increased their capacity against accidental vehicle loading to 40T. We recognise that such an installation would have required dialogue with and permission from the Local Highway Authority.
- NH suggested that "there are circa 27,000 of these former railway structures still in existence around the UK", but failed to make clear that steel and concrete overbridges – like that on St Andrew's Lane - accounted for just 0.34% of the ~3,200 Historical Railways Estate structures managed by National Highways in 2017.
- It is a matter of concern that National Highways has made misleading statements in its advocacy of the infill scheme.
- Whilst Green Lane bridge near East Rudham is a noteworthy structure using William Marriott's modular reinforced-concrete components, it is wrong to describe it as "a more complete example". The substructure was built in traditional masonry, not concrete blockwork as the bridges at Congham and Hemsby were, the latter having been demolished. Thus, prior to infilling, St Andrew's Lane bridge was the only surviving bridge built entirely using Marriott system products. The appended extract from 'The Stations and Structures of the Midland & Great Northern Joint Railway' also identifies St Andrew's Lane bridge as being "more elaborate in plan, having curved wing walls".

Save Britain's Heritage: OBJECT (summarised for clarity):

- Congham Bridge has been in existence since the opening of the Lynn & Fakenham Railway in 1879. Originally constructed with a timber span, the bridge was reconstructed in 1926 following the designs of engineer William Marriott who became general manager of the Midland & Great Northern Joint Railway (M&GNJR). Marriott is noted for using a modular bridge building system using reinforced concrete components and blockwork at a time when bridges were regularly constructed of masonry, brick, and iron. Marriott designed six bridges using precast concrete components for the M&GNJR yet, after the infilling of Congham bridge, only two survive.

This example at Congham is one of the more elaborate bridges Marriott designed, featuring curved wingwalls, newel posts and architectural detailing. Marriott played an important role in Norfolk, leading the opening of numerous railway lines to locations such as the Broads and the coast of North Norfolk, allowing for an increase in tourism to these areas. Many of the M&GNJR lines closed in 1959 and, remaining features like Congham bridge embody and reflect Marriott's impact within Norfolk and the important part he played in its railway heritage. The former route of the M&GNJR is listed as a non-designated heritage asset within the Norfolk HER, emphasising the notable role the railway played within Norfolk and its contribution to local heritage."

- We consider the bridge to be a non-designated heritage asset of high local importance and the impact of the infilling to be substantially harmful in heritage terms. The infilling of Congham bridge has led to the substantial harm and near total loss of a non-designated heritage asset. In accordance with Paragraph 203 of the NPPF, this degree of harm is extreme, representing the near-total loss of a NDHA of clear historic and landscape

significance. The justification for such an extreme action, especially when taken without planning permission, is insufficient to outweigh the harm caused and fails to comply with heritage policies and tests set out in The Framework.

- Burying both superstructure and substructure has effectively annulled any visual appreciation of the bridge, its historical significance and its contribution to the area's landscape quality and railway heritage.
- The total infilling without planning permission is poor planning practice, reflecting widespread concern over the applicant's unjustified and unsympathetic approach to managing and maintaining historic structures like this and elsewhere in the country.
- The works significantly alter the visual appearance and appreciation of the bridge and fails to remain sympathetic to local character and history, as outlined within Paragraph 130 of the NPPF. As well as this, the protection and enhancement of heritage assets is one of the key development priorities outlined within the King's Lynn and West Norfolk Borough Council Core Strategy and this application fails to comply with these local policies (contrary to Policy CS06 and CS08).
- The application states that cost and complexity of other maintenance options made infilling the most attractive option, however, this is not sufficient justification to outweigh the substantial harm caused to its significance. Such infilling, as it has done elsewhere, risks setting a dangerous precedent for further loss and demolition of historic structures like Congham Bridge across the country. As such, and in light of the ongoing removal of similar infilling of Great Musgrave Bridge in Cumbria following refusal of retrospective planning permission, we call on the Local Authority to refuse planning permission.

REPRESENTATIONS

Correspondence included within call-in from Cllr de Whalley:

"The application is subject to significant public interest with concerns including...

1. Unnecessary works given the acceptable structural integrity of the bridge
2. Adverse impact on a rare non-designated heritage asset
3. Ecological, environmental and landscape issues including loss of a wildlife corridor
4. Against plans to preserve and use former rail track beds for sustainable transport routes"

Public Comments

THREE HUNDRED AND SIXTY THREE public **OBJECTIONS** and **FIVE** public **SUPPORT** comments regarding:

OBJECTIONS

- Adverse and unacceptable impact on a rare non-designated heritage asset which is of cultural and national importance and is a landmark.
- The bridge was an elaborate and eye-catching structure. An early example of its type, dating from 1926, it was one of six partly or completely rebuilt using a bridge-building system developed by pioneering engineer William Marriott who had brought together his previous work on block casting and concrete reinforcement.
- This is a historically significant structure representing a very early example of modular concrete off site construction. The experimentation and development of this type of

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construction took place locally, making it locally significant and as an historic early example.

- Loss and destruction of railway heritage. Structures such as this should be retained and maintained for future generations.
- The bridge should be listed.
- Unnecessary works given the acceptable structural integrity of the bridge- cost savings do not justify the works.
- Structure was in a 'fair' condition. It took Highways England some 17 months to commence work, there was no emergency.
- No safety issues.
- Infill does not suitably support the structure.
- Works should be reversed to remove the infill and repair the bridge.
- Resultant works are an eyesore and equivalent to vandalism.
- The developer used emergency development rights for work that was just part of its normal maintenance tasks. This an unacceptable way for a public body to operate.
- The decision to permanently infill this bridge constitutes a clear abuse of permitted development rights.
- There was no public consultation and the works should not have been carried out without planning permission.
- Carbon footprint and embodied carbon of work undertaken.
- Ecological, environmental and landscape issues including loss of a wildlife corridor.
- No environmental impact assessment carried out.
- Prevents the ability to preserve and use former rail track beds for sustainable transport routes/active travel.
- Is contrary to the need for green spaces which help encourage physical exercise and improving mental health.
- The works are contrary to Policy CS11 Transport as infilling this bridge makes it unusable as a footpath, cycle way or reinstatement of a rail route so therefore hinders rather than promotes sustainable forms of transport.
- The works are contrary to Policy CS12 Environmental Assets: Green Infrastructure, Historic Environment, Landscape Character, Biodiversity and Geodiversity which states that "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..."

- The works are contrary to Policy DM13 - Railway Trackways: "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."
- Development is also contrary to Policy CS01 Spatial Strategy which states that "Development priorities for the borough will be to...protect and enhance the heritage, cultural and environmental assets..." and policy 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."
- The National Planning Policy Framework, in Paragraph 106(c) states that "Planning policies should... identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development."
- Also, Paragraph 130(c) 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)."
- And Paragraph 190 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."
- Highways England infilled a road bridge over the disused Eden Valley Railway between Appleby and Kirkby Stephen East without consultation or planning permission from Eden District Council. Highways England were required to apply for retrospective planning permission which was refused. The company were compelled to remove the infill and make good any damage arising from their activity. Estimated cost £440K. As a consequence, they were forced to apologise and formally agreed to review their 'infill' policy going forward."
- Why was not a 7.5t restriction put on the road?

SUPPORT

- As a resident in Congham, it appears the majority of objections have been made by persons who have never physically seen the bridge or even been to Congham.
- Whilst frustrating that due process was not followed, infilling mitigates the space for fly tipping.
- There was no public access under the bridge as Restricted Byeway Congham RB1 cuts across just before the bridge to St Andrews Lane to the west. Views from across from footpath distant and not significant as the line of the former railway line has been lost to the south.

- The works have not prejudiced the views from the bridge which are of greater value than the previous overgrown dumping ground underneath the structure.
- The bridge was constructed in 1920s and has little architectural/engineering merit and can only be viewed legally from the north.
- The structure is not listed nor in a conservation area and was not identified by respondents in the Neighbourhood Plan survey.
- The county council plans for a cycle link between King's Lynn and Fakenham whilst identified in principle does not identify any particular route and even if this was a suitable route RB1 does not pass under the bridge.
- It's unlikely the railway as a route would ever be reinstated and if it were to be would require significant demolition of dwellings and business premises in Roydon.
- Any remedial works costs would have to come from the public purse.
- The bridge was in a very poor state with its abutments falling apart.
- Restoring the bridge to the original 1926 condition would have been a poor use of public money. To remove the fill would be a very poor use of public funds.
- The country does not have sufficient money to maintain existing roads, let alone derelict railway bridges.
- This application is subject to a national campaign to oppose any removal of old railway structures. Planning is a matter of local democracy.
- The council or local highways authority may subsequently find that it is responsible and its money must be spent on strengthening the bridge to a modern weight limit it would like to see in-place.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 – Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM13 - Railway Trackways

DM15 – Environment, Design and Amenity

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NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of development
- Form, Character and Impact on Heritage
- Impact on Neighbour Amenity
- Active Travel and Highway Safety
- Ecology and Arboricultural Impact
- Any other matters requiring consideration prior to determination of the application

Principle of Development

This application seeks retrospective consent for works to infill a historic former railway bridge falling within the Congham area, to the west of the village. The site is located within the wider countryside and is not within any settlement development boundary. The works relate to an existing structure in the countryside and works were carried out in association with the maintenance and monitoring of the road structure by the associated statutory body (Historical Railways Estate (HRE) (on behalf of the Department for Transport)) as explored in detail within the 'Application' section of this report.

Policy CS11 – Transport states:

“The Council will work with partner organisations (including the Regional Transport Board, Highways Agency, public transport operators, Network Rail, Norfolk County Council and neighbouring authorities) to deliver a sustainable transport network which improves connectivity within and beyond the borough”

Policy DM13- Railway Trackways states:

“The following existing and former railway trackways and routes, as indicated on the Policies Map, will be safeguarded from development which would prejudice their potential future use for paths, cycleways, bridleways, new rail facilities, etc. unless the proposals for trackway use are accompanied by appropriate alternative route provision that makes the safeguarding unnecessary:

King's Lynn Harbour Junction - Saddlebow Road;
King's Lynn east curve;
King's Lynn docks branch to Alexandra Dock and Bentinck Dock;
Denver - Wissington;
King's Lynn to Hunstanton; and
Part of the former King's Lynn to Fakenham line route from the West Winch Growth Area to the Bawsey/Leziate countryside sports and recreation area.

The King's Lynn docks branch (as above) will, however, not be safeguarded to the extent this compromises port operations within the Port Estate.”

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As such, the area of trackway subject to this application is not listed within the above policy. It is not therefore afforded protection from development in principle.

Taking into account, the wider policy background outlined regarding the transport network and the fact that the works seek to ensure the safety and ability to use St Andrews Lane and the associated bridge, it is considered that certain works to the bridge and trackway may be considered to be acceptable in principle, but are subject to more detailed considerations, as discussed in this report.

Form, Character and Impact on Heritage

As detailed in the 'Application' section of this report, the site forming this application relates to Congham Bridge. This is a historic railway bridge structure relating to the former Midland and Great Northern Joint Railway with links to James Marriott, a well-known Norfolk railway engineer providing an example of his bridge design. The bridge can be described, prior to works, as "constructed of seven longitudinal steel girders encased in concrete. The space between the longitudinal girders is infilled with six pre-cast concrete jack arches. Wingwalls are located in each corner and extend approximately 5.5m from the bridge parapets. There is a soft verge on each side of the carriageway over the structure. The wingwalls, abutments and parapets are constructed from concrete blockwork and engineering brick. The land either side of the bridge has been raised to the surrounding ground level".

Congham Bridge is therefore considered a non-designated heritage asset for its architectural, communal and evidential significance, identified within the application process in accordance with the NPPF, as noted by the Conservation Officer.

Paragraph 130 of the NPPF states:

"...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 189 of the NPPF states:

"Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".

Paragraph 203 of the NPPF further states:

"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."

Alongside this, Policy CS06 states:

"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, and its natural resources to be enjoyed by all. The development of greenfield sites will be resisted unless essential for agricultural or forestry needs."

Policy CS08 states that development will be required to demonstrate its ability to:

“...protect and enhance the historic environment... and respond to the context and character of places in West Norfolk by ensuring that the scale, density, layout and access will enhance the quality of the environment;”

Policy CS12 states:

“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, and not detract from the inherent quality of the environment... 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)”

Policy DM15 states:

“Development must protect and enhance the amenity of the wider environment including its heritage and cultural value .”

It is clear that there is a strong policy position of preserving, protecting and where appropriate enhancing heritage assets proportionate to their designation and significance. Alongside this, the countryside should be taking into account, with decisions protecting the character and beauty of the countryside including the impact of heritage.

The setting of the bridge is rural in nature with open, agricultural fields to the south of St Andrews Lane. The road itself is bounded by thick vegetation, tree lined with various hedgerow. To the north, a restricted byway extends northeast, following the line of the former track, meeting St Andrews Lane to the west of the bridge. This restricted byway is mostly tree lined with open, agricultural fields and small pockets of trees beyond.

The works carried out are described within supporting documentation as “infilling beneath the span with structural fill composed of a layer of 6C free draining material laid to fill the depression beneath the bridge and form a 0.8m thick layer above the current ground level on both sides in order to aid surface water through flow. The remaining fill beneath the span comprised 6N granular structural fill and foamed concrete. New embankments were formed from 6N material and tied into the existing ones. All new and worked surfaces were topsoiled and grass seeded.” The works also involved the loss of several mature trees.

Various supporting information has been submitted to justify the works. This includes a range of technical information regarding the structural integrity of the bridge and the impact that the infilling carried out will have on the fabric of the bridge itself. The Conservation Officer states that “the information submitted is technical and attempts to explain why the infilling of the bridge will not be harmful to the concrete detailing and the structure. Concrete conservation is a quick developing subject and it is clear that much about the subject is unknown. It is also evident that other alternative solutions to the conservation of this structure were possible and that they were considered unacceptable.”

Notwithstanding the technical details surrounding the method of infilling and impact on the fabric of the structure, the works carried out have had a profound physical impact on the bridge structure with no visible arch and the structure almost entirely encased.

The line of the railway is still evident within the landscape on either side of the bridge. The Conservation Officer states that “a slight depression in the field is visible to the south and the gap in the trees and the presence of the field to the north allows a sense of the former line to be appreciated at this point. The infilling of the bridge arch means that the line of the railway is unable to be experienced through the bridge which does result in a loss of legibility and a loss of evidential and historic significance.”

The Conservation Officer also notes within their correspondence that “the design of a bridge in the Marriott style so close to the end of his involvement with the railway and the systems involved in its construction as well as the architectural details underneath the bridge span and the superstructure, do give it some evidential, architectural and communal interest which could be higher in the context of west Norfolk than when considered on a county wide basis.”

The line of the byway to the north allows a clear view and appreciation of the historic context of the bridge and the line of the former tack. The works carried out have mostly obscured the bridge and the structure can no longer be viewed and appreciated in its full form heading south along the byway. As noted by the Conservation Officer, you can no longer appreciate the historic context of the bridge and whilst the setting reflects the evidence of the former tack, the bridge is now obscured, severing the visual link and ability to appreciate the historic context of the locality and the purpose of the structure itself.

Other than the parapets at the top of the bridge, all physical form of the bridge is buried. Given the history of the bridge and the association with the specific construction methods of James Marriot, the ability to understand, appreciate and experience the historic bridge alongside the wider setting would also require views of the underside of the bridge and its full form including the demolished wing walls. There is now no possible way to understand and view the elements of the structure that link to this rich and locally notable historic context as a result of the infilling. This causes harm to the appreciation of the heritage asset, ability to understand the structure and setting as well as the architectural, evidential and historic value.

Alongside this, the wider visual impact results in an obscured heritage asset which in turn erodes the appreciation of the history of this rural area. Structures such as this enrich the rural countryside setting and evoking the temporal nature of the countryside and its intrinsic beauty. By carrying out the works described within this report the structure and its setting have been harmed. Not only does impact the heritage significance but also the visual qualities of the locality. This erodes the high quality rural environment and the diversity that historic structures bring and contribute to this and certainly does not protect the intrinsic character of the countryside setting.

Overall, taking the above assessment into account, it is considered that the infilling of the bridge results in less than substantial harm, moderate in scale to the non-designated heritage asset and the development is contrary to paragraph 130, 189 and 203 of the NPPF. Alongside this, the development does not protect the countryside for its intrinsic beauty and the diversity of its heritage, does not preserve, protect or enhance the historic environment and is not sensitive to the historic context of the surrounding area. As such, the development is also contrary to Policies CS06, CS08 and CS12 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.

Impact on Neighbour Amenity

There are no immediately adjoining residential properties to the site and both the nature of the works to infill the bridge and the fact that that they have already been carried out leads to the assessment that there are no amenity issues as a result.

Active Travel and Highway Safety

NCC Highways and NCC Public Rights of Way (PROW) both raise no objection. No evidence of a current proposal or future plans for an active travel route has been provided and it is also important to note that the adjacent footpath is not aligned under the bridge span, it instead leads towards St Andrews Lane to the west of the bridge itself. No indication has been made by the Local Highway Authority that this route would be included in any current or future walking and cycling strategy. A refusal on this basis could not therefore be sustained and the proposal would be in accordance with Policy CS11 of the Core Strategy 2011. Policy DM13, regarding protected former railway trackways and routes is assessed within the principle of development section of this report.

Ecology and Arboricultural Impact

The applicant has provided an Ecological Appraisal (EA) and Habitats Regulation Assessment (HRA) which details the assessments carried out for protected species, habitats, and protected sites. A full suite of bat surveys was undertaken in 2020 and subsequent update surveys in 2021 up to the start of works in March 2021. No bats roosts were identified during those surveys and therefore no Natural England Mitigation licence was required to facilitate the works.

Both the HRA and EA details that a licenced bat ecologist supervised the works to the bridge and that an Ecological Clerk of Works was present to fingertip search any vegetation being cleared. No significant impacts to European Protected sites were identified within the HRA.

No objection has been received from Natural England or the BCKLWN Ecologist who states that they agree with the conclusions made in the above referenced reports. Natural England specifically note:

“Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.”

Therefore, is not considered that there are any significant or adverse impacts on ecology or protected species that could warrant refusal on this ground and the development is in accordance with policies: CS08 and CS12 of the Core Strategy 2011 and DM19 of the Site Allocations and Development Management Policies Plan 2016.

The Arboricultural Officer has no comments as the works have already been carried out with no further works to trees proposed.

Other Matters Requiring Consideration Prior to the Determination of this Application

Parish Council Comment

It is considered that issues raised by the Parish Council are addressed in the above report and within the reason for refusal for this application.

Consultee Comments

The background situation relating to the structural issues with the bridge and the justification from the applicant for the works originally carried out are included within the above report. While the works were originally carried out with the applicant considering them to be Permitted Development, they have subsequently been notified that a planning application is required, hence the consideration of this application.

Notwithstanding the technical justification and reasoning of the works, through consultation with the Borough Council's expert Conservation Officer, the impact of the works on the heritage status of the bridge are addressed within the above report.

Ecology and wildlife impact of the scheme are addressed within the above report as are impact on highway safety and active travel.

Third Party Comments

Objection Comments

It is considered that comments regarding the heritage impact of the works carried out are addressed within the above report and reason for refusal. The bridge is not a listed structure at this time and is assessed as a non-designated heritage asset.

The applicant's justification is outlined within the above report and supporting documentation, this is not fully a consideration for the planning application, instead the application is assessing the impact as a result of these works as explored within this report. This planning application has been required to be submitted and is determined based on the works carried out and their impacts. Regarding the carbon footprint of the works and embodied carbon, it is not considered that there is suitable evidence or justification to reasonably consider or refuse the application on this ground.

Ecology and Arboricultural impacts are addressed within the above report as are highway safety and active travel impacts including the use of the track as an active travel route.

It is not considered that this application leads to a loss of green space as the works are confined to the span under the existing bridge.

Policy consideration is addressed within the above report including CS08, CS11 and CS12 of the Core Strategy 2011 and DM13 of the Site Allocations and Development Management Policies Plan 2016 as well consideration of the NPPF.

Support Comments

The justification for the recommendation of refusal is explored in detail in the above report, especially noting the heritage value and significance alongside the setting and views of the bridge. Whilst it is noted that previous antisocial behaviour associated with the bridge has taken place previously, such as fly tipping, would be dealt with either by private landowners or by nuisance legislation outside of the scope of this planning application. The cost of the works and any remedial works are not a material planning consideration. As noted by the Conservation Officer, notwithstanding technical details supplied, it is not clear that infilling of the bridge was the only viable option and the harm caused to heritage is addressed above.

Whilst this application has received a large number of public comments, the application is before Members at Planning Committee for transparency and for local residents and any other consultee or representation to be made.

CONCLUSION

Overall, based on the wider policy background regarding the transport network and the fact that the works seek to ensure the safety and ability to use St Andrews Lane and the associated bridge, it is considered that certain works to the bridge and trackway may be

considered to be acceptable in principle. Alongside this, there have been no adverse or unacceptable impacts identified regarding, neighbour amenity, active travel and highway safety or ecology and arboricultural impacts following assessment and responses from expert consultees.

However, the infilling of the bridge arch has meant that the line of the railway is unable to be experienced through the bridge, resulting in a loss of legibility and a loss of evidential and historic significance. The bridge is now obscured, severing the visual link and ability to appreciate the historic context of the locality and the structure itself. When considering the planning balance of the benefits of the works as presented by the applicant against the harm to the heritage asset, it is considered that the works result in less than substantial harm, moderate in scale to the non-designated heritage asset and the development is therefore considered to be contrary to paragraph 130, 189 and 203 of the NPPF.

Alongside this, the development has caused harm to the visual qualities of the rural area and the appreciation of its heritage and character. This is not considered to protect the countryside for its intrinsic beauty and the diversity of its heritage, does not preserve, protect or enhance the historic environment and is not sensitive to the historic context of the surrounding area. As such, the development is also contrary to Policies CS06, CS08 and CS12 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.

RECOMMENDATION

REFUSE for the following reason(s):

- 1 Reason: The infilling of the bridge arch means the line of the railway is unable to be experienced through the bridge, resulting in a loss of legibility and a loss of evidential and historic significance. The bridge is now obscured, severing the visual link and ability to appreciate the historic context of the locality and the structure itself. This results in less than substantial harm, moderate in scale to the non-designated heritage asset and the development is contrary to paragraph 130, 189 and 203 of the NPPF. Alongside this, the development does not protect the countryside for its intrinsic beauty and the diversity of its heritage, does not preserve, protect or enhance the historic environment and is not sensitive to the historic context of the surrounding area. As such, the development is also contrary to Policies CS06, CS08 and CS12 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.