

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) – SECTION 16**

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR LISTED BUILDING CONSENT**

Reference No:	<b>2025/65/91218/E</b>
Site Address:	Railway Viaduct MDL1/27, Mill Lane/Grange Road, Batley
Description:	Listed Building Consent for installation of four overhead electric line equipment portals on piers 3, 7, 11 & 15 with supporting wall brackets
Recommending Officer:	Liz Chippendale

**DECISION – GRANT CONSENT**

**I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Helen Bower

***AUTHORISED OFFICER***

**Date: 02-Jul-2025**

## **Officer Report**

### **Site Description**

The Railway Viaduct known as Union Mill Viaduct (Network Rail reference: MDL1/27) was built in 1848 for the L&NWR line and is now grade-II listed (NHLE no.: 1134650 and Kirklees LB Ref: BHS 4/37). The viaduct is a significant landmark located to the immediate south of Batley Station and spanning over Granger Road, B1628 and Mill Lane. It is also immediate next to the roundabout which feeds onto Alexandra Road and Rouse Mill Lane. The area is characterised by commercial/ industrial uses. The viaduct is in the immediate vicinity of Alexandra Mills and Union Mills.

Union Mill Viaduct is an impressive structure running north to south spanning some 170 metres between raised embankments. The viaduct is constructed in rock-faced stone with 16 dressed stone vaults. The 16 arches are seated on slender piers with some historic pattern plates evident, a moulded impost band and large, moulded ashlar base to parapet. The railway structure is a prominent townscape feature across this part of the town.

### **Description of Proposal**

The proposed works are associated with the proposed electrification of the Transpennine Route Upgrade (TRU) from Manchester to Leeds and form part of the line described by Network Rail as TRU-W4 (Dewsbury to Leeds). The proposed works comprise the installation of four overhead electrical line equipment portals at piers 3, 7, 11 and 15 (referred to by Network Rail as OLE) designed to support the power cables and which include the fitting of supporting wall brackets to the outside of the parapet.

#### *Application context*

This is a resubmission of application 2022/90276 which was approved 8<sup>th</sup> April 2022. The applicant has explained that due to unavoidable circumstances, the works for the overhead electricity line at the site have not yet been commenced resulting in the expiration of the permission on 8<sup>th</sup> April 2025.

Permission 2022/90276 was approved subject to 6 conditions, 4 of which were pre-commencement conditions which were as follows:

- 1. The development hereby permitted shall commence within 3 years of the date of permission.*
- 2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications scheduled listed in this decision notice except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.*
- 3. Detailed design and drawings at a scale of 1:10-1:20 and report, including method and detail of OLE brackets shall be submitted for approval by the Local Planning Authority.*

4. *Detail of all mortar specifications for repointing and repair work shall be submitted to the Local Planning Authority for approval.*
5. *Detail of masonry repairs shall be submitted for approval by the Local Planning Authority. This shall include details of any replacement materials.*
6. *A Historic Building recording shall be completed to a Level 1 standard in accordance with Historic England Guidance.*

Details were submitted as part of two discharge of conditions applications which formally discharged the pre-commencement conditions as follows:

- 2024/92145 – Discharge of conditions 3, 4 and 5 of permission 2022/90281 – approved 08.08.2024
  
- 2025/90624 – Discharge of condition 6 of permission 2022/90281 – approved 01.05.2025

The details as approved under the above referenced discharge of condition applications have been submitted by the applicant as part of this application to redact the need for pre-commencement conditions.

### **History of negotiations / amendments received**

No negotiations or amendments have been considered necessary.

### **Relevant History**

- |            |   |
|------------|---|
| 2022/90276 | Listed Building Consent for installation of four overhead electric line equipment portals on piers 3, 7, 11 & 15 with supporting wall brackets – Granted  |
| 2024/92145 | Discharge conditions 3 (OLE brackets), 4 (mortar specification), 5 (masonry repairs) on previous permission 2022/90276 for Listed Building Consent for installation of four overhead electric line equipment portals on piers 3, 7, 11 & 15 with supporting wall brackets – Details approved 08.08.2024 |
| 2025/90624 | Discharge conditions 6 (Historical recording) on previous permission 2022/90276 for Listed Building Consent for installation of four overhead electric line equipment portals on piers 3, 7, 11 & 15 with supporting wall brackets – Details approved 01.05.2025  |

### **Access Considerations**

None.

### **Climate Change Emergency**

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the

Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The current proposals are part of the large scheme aimed at delivering the electrification of the Trans Pennine Route from Manchester to Leeds, known as the TRU. The works will result in significant improvements to the rail network which will allow for a more efficient and accessible system. This should see more commuters making use of the rail network and reducing the number of vehicles on the road, which will contribute to the region's carbon reduction.

### **Consultation Responses**

**KC Conservation and Design Officer** – *This application has been assessed against relevant policies in the development plan and other material considerations. It is clear that the proposals will have a harmful impact on the Listed Union Mill Viaduct with the fixing of the 4 overhead portals to the exterior of the Parapet. This being said the proposals will also see repairs carried out to the Viaduct. In regard to the harm, as stated previously to the Viaduct forms part of a large improvement scheme to the line of which will deliver positive improvements to the service of the line. The harm to the Viaduct is considered to be less than substantial and therefore balanced against the Public Benefit. Given that the works form a part of line wide improvements of which are aimed at delivering rail improvement to the area the public benefits are clearly evidenced. The benefits of the scheme are therefore considered to outweigh the harm to the Listed Viaduct.*

**West Yorkshire Archaeology Service** – *I have read the report on archaeological and architectural recording at Union Mill Viaduct, Batley, and this is satisfactory (comments received under Discharge of condition application 2025/90624).*

### **Public/Members Response**

The application has been publicised with a site notice and a press notice expiring on 19.06.2025 . No representations have been received.

## **Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

LP 35 Historic environment.

## **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published July 2021, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter 16 (Conserving and Enhancing the Historic Environment).

## **Assessment**

### ***Significance of the viaduct.***

The Grade II Union Mill Viaduct is a fine architectural structure and an example of a largely-unaltered 1840's railway viaduct, dating from the second phase of development of the nation's railway networks. The historic significance of the viaduct is in part due to its association with the Leeds, Dewsbury and Manchester Railway companies which all contributed to the eventual formation of the cross Pennine routes.

The railway Viaduct is considered to be a fine example of the engineering achievements of the development of the railways in the 1840's and 1850's. Hence, its listed status. This period stimulated the engineering designs which would allow for the expansion of the railway across the country. However, it also illustrated the passion of the engineers designing the structures and their commitment to enhance the function of their structures with landmark forms and high-quality design. Union Mill Viaduct was engineered by the nationally regarded Thomas Grainger, who was responsible for the design and construction of several other key railway structures along the route and is in particular noted for his focus on the positive aesthetic qualities of his bridges. As noted, the Viaduct was not only designed with function in mind, but also attention was given to the design and aesthetic qualities. The ability to span between the two spurs of higher ground, and yet create an elegant, functional structure, enhanced by its architectural detailing is entirely down to the work of Grainger and the care which was given to the development of the railway line. Consequently, Union Mill Viaduct continues to form a key recognisable

element of the Batley and Dewsbury townscape and is positively experienced by all that travel along it on the railway, or beneath it.

***Impact of the proposal on the significance of the listed viaduct.***

The proposals will result in the fixing of 4 overhead electrically line equipment (OLE) portals to the exterior of the Listed Viaduct. As set out in the combined report there have been reasonable discussions prior to the submission of the application to discuss and understand the implications of the works and to consider all possible variables. The main consideration is that the proposals will see the 4 units affixed to the outside the viaduct structure, which would result in a degree of 'harm' to the listed structure, both in terms of a minor impact on the fabric of the stonework and some change to the architectural character of the bridge.

As set out in the submitted report, although consideration was given to placing the OLE portals on the inside of the parapet, this option was discounted as impractical due to the spacing requirements and the intrusive nature of the engineering works, which would have had a greater adverse impact on the structure.

The resultant proposal minimises the number of OLE units to reduce the visual impact while remaining functional. Given the prominence and expansive nature of the 16-arch Union Mill Viaduct, the 4 OLE units will clearly have some negative impact in comparison to the currently unimpeded view across the townscape and along the length of the viaduct.

However, it is considered that the applicants have taken reasonable steps to reduce and mitigate the adverse impacts on the listed viaduct. Along with the proposed OLE portals there are to be a series of repair works undertaken, which would ensure the future maintenance and longevity of the Viaduct as a functional and distinctive designated heritage asset.

## **Conclusion**

Paragraph 199 of the NPPF states that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 202 goes on to state that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that any application for development must preserve the character and appearance of the listed building.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.

This application has been assessed against relevant policies in the development plan and other material considerations. It is clear that the fixing of the 4 OLE portals to the exterior of the Parapet proposals will have a direct and adverse impact on the fabric and architectural character of the grade-II listed Union Mill Viaduct. However, the proposed works will also initiate a programme of fabric repairs to the Viaduct which would present a minor degree of mitigation for the identified physical and visual harm to the special interest of the viaduct. The identified impacts would diminish the architectural interest of the viaduct to a demonstrable degree, but it would remain functional and continue to be appreciated as a historic landmark across the townscape. Thus, the viaduct's significance will not be fundamentally compromised by the proposed works, which are consequently defined as resulting in 'less than substantial harm' to the special interest of the designated heritage asset.

Therefore, in accordance with the requirements of NPPF paragraph 202 and Kirklees Local Plan Policy LP35, the 'less than substantial harm' resulting from the proposed works to the grade-II listed Union Mill Viaduct must be evaluated against the deliverable public benefits of the works.

As stated previously, the Viaduct forms part of the regionally significant and extensive Trans Pennine Route Upgrade (TRU) which will result in substantial improvements to the function and capacity of the railway line, delivering extensive positive public and environment benefits along its length. The identified 'less than substantial harm' to the special architectural and historic interest of the Viaduct has, therefore, been considered and balanced against the deliverable Public Benefits (as required by NPPF paragraph 202 and Local Plan Policy LP35).

The erection of the overhead line equipment (OLE) is necessary to enable the electrification of the Trans Pennine Route and is nationally accepted as the least intrusive and most practical solution to deliver the objectives of railway service enhancement. As the currently proposed works form an essential part of the line-wide improvements and will deliver substantial rail improvements across the region, the public benefits are clearly evidenced in the submission. The clear public benefits which would result from the scheme of railway enhancements are, therefore, considered to outweigh the relatively modest harm to the grade-II listed Union Mill Viaduct.

**Recommendation : Grant Listed Building Consent**

## Decision Authorisation - Delegated Powers

**Application Number:** - 2025/91218

**Officer Recommendation:** Grant Consent

### Conditions:

1. The development shall be begun not later than the expiration of three years beginning with the date on which consent is granted.

**Reason:** Pursuant to Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, in the interests of the significance of the heritage asset and to accord within the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Map	Union Mill Viaduct MDL1/27	V1	19.06.2025
W4 – Area B Batley Viaduct (MDL1/27) Existing General Arrangement	151667-TSA-41-MDL1-DRG-T-LP-160051	P02.1	19.06.2025
Listed Building Consent MDL1/27 Batley Viaduct Proposed General Arrangement	151667-TSA-41-MDL1-DRG-T-LP-160052	P01.1	19.06.2025
Listed Building Consent MDL1/27 Batley Viaduct Proposed Sections and Details Sheet 1 of 2	151667-TSA-41-MDL1-DRG-T-LP-160053	P02.1	19.6.2025
Listed Building Consent MDL1/27 Batley Viaduct Proposed Sections and Details Sheet 2 of 2	151667-TSA-41-MDL1-DRG-T-LP-160054	P02.1	19.06.2025
Union Mill (Batley) Viaduct (MDL1/27) Heritage Statement	TP/LNE/2022-010	V1	19.06.2025

Discharge of Listed Building Consent Conditions: Union Mill (Batley) Viaduct (MDL1/27). 2022/65/90276/E Conditions 3, 4, and 5. Dated July 2024.	TP/LNE/2024-075	V1	19.06.2025
Historic Building Investigation and Recording. Transpennine route upgrade west, Union Mill (Batley) Viaduct (MDL1/27), Batley, West Yorkshire by Oxford Archaeology, dated March 2025.	L11502	V2	19.06.2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The submitted plans and details are considered to be acceptable.

**Report Dated:**

27.06.2025