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Development Control
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Network Rail
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Toft Green, York, YO1 6JT

Date: 02/02/2026

Our Reference: TP/LNE/2026-016 & 167037

Sent via email: planning.contactcentre@kirklees.gov.uk

Dear Sir/ Madam

Application for Prior Approval under Part 18a to Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 for a partially re-constructed bridge, Bridge MVL3/65, Lees Mill Lane, west of Slaithwaite

Please find enclosed the requisite plans and details outlining alterations to Bridge MVL3/65, Lees Mil Lane, to the west of Slaithwaite:

- Location Plan (including red line application boundary)
- 167037-TGP-55-MVL3-DRG-T-LP-166500-P02: Existing and Proposed General Arrangement
- 167037-TGP-55-MVL3-DRG-T-LP-166501-P02: Existing and Proposed Elevation and Section
- Extract of the Huddersfield and Manchester Railway and Canal Act 1845
- Extract of the Railway Clauses Consolidation Act 1845

This letter constitutes an application for the Prior Approval of details by Kirklees Council as the local planning authority (LPA). The application follows a presentation of proposed works to various bridges (including Bridge MVL3/65) to Kirklees Council officers in May 2025.

The Proposed Works

Bridge MVL3/65 is an underbridge located at the north of Lees Mill Lane on the eastern urban edge of Slaithwaite. It comprises two side-by-side decks supported on masonry abutments and carries the railway over the COL/85/30 Public Right of Way (PRoW), which provides pedestrian access between Lees Mill Lane to the south and Radcliffe Road to the north.

The proposed works are focused on the northern wrought-iron deck which currently carries an access track. The works are required because of the introduction of a third track across the bridge and include the replacement of the wrought-iron deck with a prestressed concrete beam deck, and the replacement of the existing stone copers and pilasters with pre-cast concrete units (using stone masonry patterning) and GRP handrails.

Permitted Development Rights

The proposed works constitutes railway operational development for which Network Rail has statutory powers to undertake. Planning consent is therefore granted by virtue of Part 18, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), which relates to development authorised by a local or private Acts of Parliament.

Part 18, Class A states that permitted development applies when it is *"authorised by (a) a local or private Act of Parliament* (i.e. the original Act of Parliament that allowed the construction of the railway) *[…] which*

designates specifically the nature of the development and the land upon which it may be carried out." Development is not permitted (for specific items identified, such as buildings or bridges) *"unless the prior approval of the appropriate authority to the detailed plans and specifications is first obtained".* However, "*the prior approval [...] is not to be refused [...] nor are conditions to be imposed unless they are reasonably satisfied that - (a) the development ought to be and could reasonably be carried out elsewhere on the land; or (b) the design or external appearance of any building [...] would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury."*

The original enabling Act specifying this stretch of railway states that the railway undertaker can, from time to time, alter, repair, or discontinue the before mentioned works or any of them and substitute others in their stead, and do all other acts necessary for making, maintaining altering, repairing or using the railway. This "general power" is provided for in Section 16 of the 1845 Railway Clauses Consolidation Act, and it is this Act which is incorporated in all railway Acts since 1845. Acts before 1845 have the equivalent wording embodied within the sections of the Act as appropriate.

The decision of the Court of Appeal in Emsley v North Eastern Railway Company (1896) I Ch 418 confirmed that these powers are not restricted to the period of construction but can be invoked from "time to time". The use of the original Act of Parliament as a means of using permitted development rights has also been upheld in a 2000 English Ministerial appeal decision, the reference number being APP/X/98/X5210/003059.

For the purposes of Part 18, Class A, the enabling Act in this instance is the *Huddersfield and Manchester Railway and Canal Act 1845,* which incorporates clause 16 of the Railway Clauses Consolidation Act 1845. Extracts of both Acts are enclosed.

Therefore, the two tests to be applied to the determination of this application for prior approval are the siting of the structure and its design in terms of its impact on the amenity of the area. The first is self-evident in that the bridge carries the railway, is already in situ and cannot be reasonably located elsewhere. It then turns on whether the design of the partially re-constructed bridge has any adverse impact on the amenity of the neighbourhood.

Prior Approval Assessment

Bridge MVL3/65 was originally built in the mid and late 19th century to accommodate the expansion of the line from two to four tracks. The underbridge is constructed of gritstone, wrought iron beams and girders to its north side, and a concrete deck and parapet on its southern side. The bridge underwent major alteration in the late 20th century, resulting in a more modern architectural appearance to its southern façade. The bridge is not considered to be a non-designated heritage asset due to its minimal heritage interest resulting from its typical design and the extent of alteration, with much of the upper structure replaced with concrete beams dating from reconstruction in the late 20th century.

The bridge is not located within a conservation area or designated landscape area. The northern façade faces a sharp bend in the PRoW that is bound by a heavily vegetated embankment, meaning that the bridge occupies a secluded location and is only readily visible to PRoW users when standing in front of the northern façade. A row of terrace dwellings are located approximately 40m to the north from which partial views of the bridge are possible from elevated positions and between intermittent vegetation and trees. As the dwellings are positioned at a significantly higher elevation on the hill slope, views out from the south facing windows mainly look over the bridge and across the valley, rather than directly onto the bridge façade.

The proposed works retain, where possible, the original features of the bridge by maintaining/ re-using stone wingwalls. Where removal of the existing bridge structure is required, the use of pre-cast concrete with stone masonry patterning is proposed. The southern façade, near to two residential dwellings, will remain unchanged.

Given the local context and sensitive design proposed, it is considered that the proposed works would not, by reason of design, be detrimental to the surrounding amenity. There are no other matters of acknowledged importance that should preclude the grant of Prior Approval.

We therefore request the formal Prior Approval to the plans and specifications enclosed with this application in accordance with the provisions of Part 18, Class A of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015.

Please note that no fee is prescribed in cases of Prior Approval under Part 18 of the Order. Please kindly issue a decision notice or letter stating that 'prior approval' has been granted for our records, in accordance with the 8 week statutory determination period.

Please do not hesitate to contact me on the e-mail address above should you have any queries on this matter or require further information.

Yours faithfully

Tony Rivero
Town Planning & Heritage Manager (North)
Network Rail Land & Property (Eastern)