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

Date: 25/02/2026

Our Reference: TP/LNE/2026-023 & 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 MVL3/44, Huddersfield Narrow Canal, west of Marsden.

Please find enclosed the requisite plans and details outlining alterations to Bridge MVL3/44, Huddersfield Narrow Canal, to the west of Marsden:

- Location Plan (including red line application boundary)
- 167037-TGP-54-MVL3-DRG-T-LP-164400-P03: Existing and Proposed Plan
- 167037-TGP-54-MVL3-DRG-T-LP-164401-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 MVL3/44) to Kirklees Council officers in May 2025.

The Proposed Works

Bridge MVL3/44 is located to the west of Marsden and carries the railway over the Huddersfield Narrow Canal and its towpath, near to the Standedge Visitor Centre. The bridge comprises of four decks supported on masonry abutments, with reinforced concrete cill units beneath the two northern decks (decks 1 and 2) and sandstone springer stones beneath the three southern decks (decks 3 and 4). The northern decks are composite bridge decks with shallow girders constructed in 1987 and the southern decks are wrought-iron riveted plate girders constructed in 1900.

The proposed works are required due to track realignment (including the removal of the loop line to the north) and comprise the replacement and relocation of decks 1 and 2 with a new half-through steel composite bridge (painted red), removal of deck 3 and strengthening works to deck 4. The existing abutments will be retained and cut down to accommodate new reinforced concrete cill beams.

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) 1 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 MVL3/44 lies within the Marsden (Tunnel End) Conservation Area and spans the Huddersfield Narrow Canal and its towpath linking the Standedge Canal Tunnel portal with Marsden. The bridge was originally constructed to span the Huddersfield Narrow Canal in the mid 19th century, with additional spans added in the late 19th century to accommodate an increased number of lines crossing the canal, and the creation of additional Standedge Tunnel portals. The bridge is predominantly constructed of gritstone and riveted wrought iron girders, with 20th century concrete bearing cills. The bridge has undergone significant alteration to its decks and abutments, and as such retains limited architectural interest.

The northern façade of the bridge is overlooked by the Standedge Visitor Centre, a former canal wharf Grade II listed as Huddersfield Narrow Canal Waterways Depot (NHLE 1243465), and a gently inclined grassed slope rising towards Reddisher Road from which the bridge is overlooked. Both these areas form part of the Conservation Area, and the bridge forms part of the setting to the listed wharf. While the Conservation Area is not accompanied by a character appraisal, its character and appearance can be interpreted as being defined by the intersecting canal and railway infrastructure in this area, and its upland Pennine setting which frames this infrastructure. The canal between the eastern portal of Standedge Tunnel



and the southern side of the bridge is also identified as a Class 2 Archaeological Site (Local Plan ID: AS12393/2).

The proposed works will minimally alter the overall architectural appearance of the bridge beyond its current appearance as a significantly altered bridge 19th century bridge. As such, there would be negligible change to the character and appearance of the Conservation Area, and to the setting of the listed Huddersfield Narrow Canal Waterways Depot (NHLE 1243465). The Archaeological Site will not be affected as the proposed works do not intersect with this area.

Given the absence of nearby residential receptors, views of the bridge from other locations are mainly restricted to the canal and towpath approaches on both sides. The southern façade will remain unchanged and, therefore, no impact on visual amenity will arise. Given the orientation of the towpath to the bridge and the presence of boundary walls, the northern facade of the existing bridge is only readily visible to towpath users at an oblique angle to the immediate west. The new bridge will be recessed to the south east which will further restrict views of the northern façade to both towpath and canal users which, when combined with the colours and architectural treatment of the new bridge, will result in a minimal impact on visual amenity.

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 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)