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Development Control
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Network Rail
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Date: 12/03/2026

Our Reference: TP/LNE/2026-034 & 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 partial reconstruction of Bridge MVL3/71, Britannia Road, south of Golcar

Please find enclosed the requisite plans and details outlining alterations to Bridge MVL3/71, Britannia Road, to the south of Golcar:

- Location Plan (including red line application boundary)
- 167037-TGP-55-MVL3-DRG-T-LP-167102-P02: Existing and Proposed General Arrangement and Sections
- 167037-TGP-55-MVL3-DRG-T-LP-167103-P02: Existing and Proposed Elevation
- 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 meetings with Kirklees Council officers in March and August 2025 and a site visit with Kirklees Council officers in February 2026.

The Proposed Works

Bridge MVL3/71 carries Britannia Road over the railway between the districts of Golcar to the north and Milnsbridge to the east. The existing bridge structure comprises two spans. The southern span crosses the lineside access track and consists of a half-through deck with wrought iron main girders and is propped up via two trestle structures. The northern span crosses the railway lines and consists of a concrete deck with steel half-through girders.

The proposed works are focussed on the southern span and are required to accommodate a third track and electrification under the bridge. The works comprise the reconstruction of the span with a concrete filler beam deck and reinforced concrete parapet L-units topped with pre-cast concrete coper units. The existing southern abutment and pier are to be mostly maintained, with the tops being cut down for the implementation of 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 Britannia Road over the railway, is already in situ and cannot be reasonably located elsewhere. It then turns on whether the design of the partially reconstructed bridge has any adverse impact on the amenity of the neighbourhood.

Prior Approval Assessment

Bridge MVL3/71 was constructed around 1890 and its northern span was substantially replaced in 1996. The southern span comprises a riveted plate girder with brick jack arches and is the focus of the proposed works. The span is in a generally poor condition and has been propped by steel supports since 1995. The bridge is not considered to be a non-designated heritage asset due to its minimal heritage interest resulting from its typical design.

The bridge does not lie within a designated landscape area or conservation area but is close to Golcar Conservation Area which extends north west of the railway. The bridge also forms part of the setting of Golcar Viaduct (NHLE 1276344) approximately 120m west of Bridge MVL3/71. The proposed changes to the bridge span will result in a small impact to the settings of these two designated heritage assets, given that the settings of these assets are in part formed by historic railway infrastructure.

The land to the north of the bridge is residential in character and separated from the proposed works by the northern span which is to be retained. South of the bridge is a sharp turn along Britannia Road, with mature trees separating the road and bridge from the agricultural land uses further south. Therefore, the proposed



works will only be readily visible from Station Lane and Fernlea Grove to the north, Britannia Road as it passes over the bridge and from the railway itself.

The proposed works maintain, where possible, the original features of the bridge by maintaining / re-using masonry abutments and wingwalls. Where removal of the existing bridge structure is required, the proposed bridge will include concrete parapets of random stone patterning, topped by triangular concrete copers (similar to the bridge span to the immediate north). It is also noted that, separately, a road safety audit and Form F design information for the new bridge will be provided to Kirklees Council Highways Authority for comment.

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)