



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

Date: 31/03/2026

Our Reference: TP/LNE/2026-041 & 167037

Sent via email: planning.portal@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 re-constructed bridge, Bridge MVL3/49, Plains Lane, Marsden

Please find enclosed the requisite plans and details outlining alterations to Bridge MVL3/49, Plains Lane, Marsden:

- Location Plan (including red line application boundary)
- 167037-TGP-54-MVL3-DRG-T-LP-164902-P02: Existing & Proposed General Arrangement & Sections
- 167037-TGP-54-MVL3-DRG-T-LP-164903-P02: Existing and Proposed Elevations and Sections
- 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 MVL3/49 carries Plains Lane and connects the residential streets of Marsden on the opposing sides of the railway. The existing bridge comprises of a single span, half-through riveted wrought iron deck with metallic cross girders, supported by masonry jack arches, stone abutments and wingwalls.

The proposed works are required to facilitate the implementation of a third track and electrification under the bridge. The works comprise the replacement of the existing bridge deck with concrete decks, supporting a concrete parapet with an externally facing random stone patterning and an internally facing reclaimed coursed natural stonework.

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 Plains Lane over the railway, is already in situ and cannot be reasonably located elsewhere. It then turns on whether the design of the replacement bridge deck has any adverse impact on the amenity of the neighbourhood.

Prior Approval Assessment

Bridge MVL3/49 was constructed in 1896 but was significantly altered by the installation of a steel span during the post war period to accommodate the quadrupling of the line. The bridge comprises of wrought iron cross girders spanned by jack-arches, resting on stone abutments. The surface of the wrought iron shows visible signs of rust throughout. Given the substantial post war changes to the bridge, it is not considered to be of historic or architectural interest.

The bridge carries Plains Lane which provides access to residential streets located between Marsden Lane to the south and Spring Head Lane to the north.

It is 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.

The bridge does not lie within a conservation area or designated landscape area. Marsden village is to the south and west of the bridge which is largely residential in character. The bridge is visible from dwellings on Plains, to the elevated west, and Grange Avenue to the south. Land to the north and northeast of the bridge is more rural, comprising mainly of agricultural uses.

The proposed works retain, where possible, the original features of the bridge by maintaining/ re-using stone wingwalls. Where removal of the main bridge structure is required (comprising mainly of the steel span), concrete parapets will use externally facing random stone patterning and internally facing reclaimed coursed natural stonework.



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)