
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 12-May-2021

Subject: Planning Application 2021/91337 Listed Building Consent for demolition and replacement of Wheatley's Colliery bridge (MVL3/103) Wheatley's Colliery Bridge MVL3/103, adj, Ashley Industrial Estate, Leeds Road, Bradley, Huddersfield, HD2 1UR

APPLICANT

Rob McIntosh, Network
Rail (Infrastructure) Ltd.

DATE VALID

31-Mar-2021

TARGET DATE

26-May-2021

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Ashbrow

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

Members to note the contents of this report for information.

1.0 INTRODUCTION:

- 1.1 This is an application for Listed building Consent for works to the grade II listed railway bridge MVL3/103; Wheatley's Colliery Bridge submitted by Network Rail in conjunction with their submission to the Secretary of State for Transport for a Transport and Works Act Order for the Trans-Pennine Upgrade (Huddersfield to Westtown) Scheme. The Council is not determining this Listed Building Consent application but may consider it and send any comments to the National Planning Casework Unit within a 42-day period prescribed in the Transport and Works Act 1992 Regulations. Members of the Committee are therefore invited to comment on the proposed Listed Building Consent application.
- 1.2 Network Rail Infrastructure Limited ("Network Rail") is applying to the Secretary of State for Transport for a Transport and Works Act Order to authorise the construction and operation of the Trans-Pennine Upgrade (Huddersfield to Westtown) Scheme. The Scheme is part of a wider programme of works known as the Transpennine Route Upgrade (TRU) which will improve the Transpennine railway between Manchester, Huddersfield, Leeds and York and improve connections between key towns and cities across the north of England.
- 1.3 The Scheme will contribute to the overall TRU Programme aims of increasing service capacity and offering journey time benefits through:
- Four tracking and upgrading of the existing railway line including track realignment (currently the majority of the railway in the Scheme area has two tracks);
 - Electrification of the line;
 - Increase in line speeds;
 - Provision of sections of new railway;
 - Provision of new grade-separated junction within the Ravensthorpe area;
 - Remodelling of stations including platform extension works at Deighton, Mirfield and Huddersfield;
 - Provision of replacement station at Ravensthorpe.
 - Engineering works including strengthening and replacement of bridge decks (rail and highway); electrification of the line and provision of associated infrastructure will require raising the height, demolition of or replacement of bridge structures.

- 1.4 The proposed works to the grade II listed railway bridge MVL3/103; Wheatley's Colliery Bridge for which Listed Building Consent is sought are required in consequence of the proposals included in Network Rail's application, as submitted by Network Rail on 31 March 2021 to the Secretary of State for Transport under section 1 of the Transport and Works Act 1992.
- 1.5 The Council is required by section 12(3a) of the 1990 Act to refer this Listed Building Consent application to the Secretary of State. Because of this automatic call-in the Council is not processing or determining this Listed Building Consent application. The Council may however, as noted above, consider this Listed Building Consent application for works to Huddersfield Station and send any comments or recommendations to the National Planning Casework Unit within the 42-day period prescribed in the 1992 Regulations.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site comprises the grade II listed railway bridge MVL3/103; Wheatley's Colliery Bridge which is accessed from Ashley Industrial Estate off the A62 Leeds Road.
- 2.2 The bridge structure was designated a grade II listed building in March 2018. It is a two span, masonry arch pedestrian and cycle bridge which carries the National Cycle Route 66 over the railway. The overbridge was constructed in two phases; originally built in 1849 as a single span masonry arch bridge, in the 1880's a second span was added to the south consisting of a brick arch ring with stone voussoirs, as part of the London & North Western Railway (LNWR) widening of the railway. The substructure is made of stone and consists of two abutments, with wingwalls of different geometries to suit the surrounding embankment, and a central pier.

3.0 PROPOSAL:

- 3.1 The application seeks listed building consent to demolish and replace Wheatley's Colliery Bridge (MVL3/103).
- 3.2 At this location the railway lines will be increased from two to four, and Overhead Line Electrification (OLE) will be required. The proposed new track alignments clash with the north-east abutment and intermediate pier of MVL3/103 Wheatley's Overbridge. Additionally, the bridge's existing arches have inadequate headroom for the proposed OLE. It is proposed to demolish the bridge to provide the required horizontal and vertical clearance and construct a replacement structure.
- 3.3 The proposed works relating to the construction of the new replacement overbridge and demolition of the Grade II Listed bridge, will comprise:
- Construction of a single span replacement overbridge of approximately 23m length, with 1.8m high parapets, directly to the south-west of the existing Listed bridge. The bridge deck would be of Glass Re-inforced Plastic (GRP) or steel plates and the main girders of weathering steel beams, with outward leaning webs to improve the aesthetics of the parapets;
 - Cladding the reinforced concrete approach walls and abutments of the new bridge in stone where appropriate and practicable, as a reflection of the lost historic structure;
 - Supporting existing utilities below the deck of the new bridge in conduits;

- Diversion of the utilities into those constructed within the new bridge structure;
- Realignment of the approach of the cycle path on either side of the structures;
- Incorporation of heritage interpretation into the design of the new replacement bridge; and
- Demolition of the existing Wheatley's Overbridge (MVL3/103) structure. This will involve approximately 1300m³ of material that will be crushed for reuse and would take place after the completion of the new replacement bridge.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2003/95052 – Construction of shared use footpath (walking/cycling and walking/cycling/horse riding) using a combination of existing paths, dismantled railway line and canal towpath with associated access points – Granted under Reg.3 General Regulations

2005/94811 – Formation of shared use path for walking, cycling and horse riding on disused rail corridor and adjacent land with associated access points – Conditional Full Permission

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 Not applicable as the application for Listed Building Consent is not determined by the Local Planning Authority.

6.0 PLANNING POLICY:

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

Kirklees Local Plan (2019):

6.2 LP 1 – Achieving Sustainable Development
 LP 2 – Place Shaping
 LP 24 – Design
 LP 35 – Historic Environment

National Planning Guidance:

6.3 Chapter 2 – Achieving Sustainable Development
 Chapter 12 – Achieving Well-Designed Places
 Chapter 16 – Conserving the Enhancing the Historic Environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Under the 1992 Regulations it is the responsibility of the Council to post site notices in suitable locations giving details of the Listed Building Consent application and specifying that all representations must be made to the National Planning Casework Unit. The site notices must be in place for no less than 7 days during the 42-day period for representations and were posted on 1st April 2021. In this instance, because of the inclusion of Bank Holidays within the prescribed period, the 42-day limit is extended to 45 days.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

The Local Planning Authority is not processing or determining this Listed Building Consent for reason that the application has an automatic call-in to the Secretary of State. Consequently, the Local Planning Authority is not required to carry out statutory consultations.

8.2 Non-statutory:

K.C Conservation and Design - No objections

9.0 MAIN ISSUES

- Heritage Context
- Demolition of the grade-II listed Wheatley's Overbridge (MVL3/103)
- Architectural Value of the replacement building
- Impact on adjacent listed buildings
- Mitigation through interpretation and record
- Managing the major adverse impact
- Balance of heritage impacts against the public benefits

10.0 APPRAISAL

Heritage context

- 10.1 The works subject of the Listed Building Consent application, relate to the complete demolition and replacement of the grade-II listed Wheatley's Overbridge (MVL3/103). This a two span, masonry arch bridge for pedestrian and cyclists. located close to the settlements of Deighton and Bradley, built in 1849 for the Huddersfield & Manchester Railway. The bridge was originally built as a single-span overbridge to carry an access road from Bradley to the Colne Bridge Colliery, which was situated between the Huddersfield and Manchester Railway and Sir John Ramsden's Canal.
- 10.2 The bridge was grade-II listed as a building of special architectural and historic interest in March 2018, as an example of an original 1840s overbridge and a good example of the work of noted railway engineer Alfred Stanistreet Jee. Wheatley's Overbridge (MVL3/103) is one 22, mainly masonry, bridge structures designed by Jee for the Huddersfield & Manchester Railway between 1845 and 1849, of which 20 are grade-II listed. This group of bridges are nationally recognised in their listings for the quality of their design. The group value of Wheatley's Overbridge (MVL3/103) is also noted as a reason for its significance and listing, as it shares stylistic similarities with the surviving group of structures associated with Alfred Stanistreet Jee on the Transpennine Route.
- 10.3 The original form of Wheatley's Overbridge was changed in the 1880s when it was sympathetically altered with a second span, which replicated the original design and detailing. The substructure is made of stone and consists of two abutments, with wingwalls tailored to suit the surrounding embankment, and a central pier.

- 10.4 The bridge is currently a pedestrian and cycle-way which carries Sustrans National Cycle Route 66 over the railway. The stone parapets support an open metal balustrade comprising a tubular steel fence supported by cast-iron posts and bolted struts that are recessed into the sides of the coping stones. The bridge deck was adapted in 2000 to accommodate the cycleway, with the deck raised, and given a tarmac surface, and the open balustrade enclosed and protected by modern steel mesh fencing, supported by steel posts.
- 10.5 Two railway tracks currently pass under the north-western span 1 (the 1849 span); the Up line to Huddersfield and the Down line to Bradley. A Network Rail vehicle access track currently passes under the south-eastern span 2 (the 1880s span). The original form of the bridge, as well as views along the line, are consequently experienced through the 3-metre high mesh fencing.
- 10.6 The structure was subject to a detailed examination as part of Network Rail's maintenance regime in 2012, which identified that it was in a *"fair condition"*.
- 10.7 The proposals subject of the Listed Building Consent application are a key part of the Transpennine Route Upgrade, Section W3 (TRU W3) and have been developed in consultation with Historic England and Design and Kirklees Council's Planning and Conservation Officers over some years. It is understood that the final 13 August 2020 meeting with stakeholders, presented concept designs for interpretation which are recorded by Network Rail as being positively received. However, the stakeholders expressed their desire to continue to engage with the interpretive element during the final design phase. Final visualisations were also shown (see Heritage Assessment Insert 3-3) with the indicative form of the new structure accepted as a potentially suitable replacement for the historic bridge, although it was noted that, *"full justification and design choices were to be documented in a Heritage Assessment"*.
- 10.8 The removal of Wheatley's Overbridge (MVL3/103) and loss of its contribution to the significance of the Transpennine railway, would amount to **substantial harm** in terms of national and local planning. The NPPF (paragraph 194a) states that the total loss of grade-II listed building *"should be exceptional"* and must be measured against the delivery of *"substantial public benefits."*
- 10.9 The current proposals are consequently required to be considered in the context of the legislative and policy requirements impacting on such nationally important designated heritage assets. The legislative requirements are set by Section 66(1) of the 1990 Act which requires that the local planning authority and the Secretary of State (in this case) have, *"special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses"*.
- 10.10 As the proposal would involve the total loss of significance of the designated heritage asset the NPPF (paragraph 195) states that local planning authorities (or the Secretary of State in this case) should refuse consent, *"unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm."* This requirement is reflected in Kirklees Local Plan Policy LP35.

Demolition of the grade-II listed Wheatley's Overbridge (MVL3/103).

- 10.11 The heritage value and sensitivity of the Huddersfield Viaduct is defined in the TRU-W3 ES statement which notes that the designated heritage asset is of “*High Value*”, thereby defining it to be of, “*High Importance and rarity, national scale and limited potential for substitution*” (see Volume 2i, Ch.6, para. 6.3.11, Table 6-2 ‘Value of Heritage Assets’).
- 10.12 The ES evaluates the level of ‘Permanent heritage impact in terms of Table 6-3 Magnitude of Impact (ES Volume 2i, Ch.6 para 6.3.17), with a 9-point range from: ‘major, moderate, minor, and negligible adverse’ to ‘major, moderate, minor and negligible beneficial’, with ‘No change’ at the centre point. The proposed demolition is evaluated as a “Major adverse” impact. The following evaluation is set out in these terms.
- 10.13 The proposed works will require the demolition and replacement of the grade-II listed Wheatley's Overbridge (VL3/103) (NHLE 1450537). This will result in total loss of the grade-II listed structure, which, in accordance with the 1990 and national and local planning policy should only be considered in “*exceptional*” circumstances.
- 10.14 The TRU Programme objectives for electrification and increased speed and capacity require the railway lines to be realigned and increased from two to four lines at the location of Wheatley's Overbridge (MVL3/103). This proposed new track alignment would clash with the north-east abutment and intermediate pier of MVL3/103 Wheatley's Overbridge, while the bridge's existing arches have inadequate headroom to accommodate the proposed Overhead Line Equipment (OLE).
- 10.15 A number of options were evaluated during the design development stage, investigating their ability to achieve the required horizontal and vertical clearances for the additional tracks and OLE. These options included:
- Adjusting the horizontal rail alignment to attempt to fit the existing tracks and new fast lines through the arches of the existing bridge;
 - Adjusting the vertical rail alignment through track lowering to provide adequate clearance for the required OLE through the arch of the structure;
 - Bridge jacking to increase the height of the arches over the lines to provide sufficient clearances;
- 10.16 However, these options were deemed by National Rail to be unable to meet the necessary safety, operational and buildability requirements, with the design compromises necessary to retain the bridge also resulting in insurmountable engineering challenges elsewhere along on the TRU route.
- 10.17 Therefore, in order to accommodate the additional tracks and OLE, the preferred design option is to demolish the recently listed Wheatley's Overbridge (MVL3/103) and replace it with a new bridge structure designed to meet the required horizontal and vertical clearances.
- 10.18 The total loss of this designated heritage asset will mean the removal of a historic bridge that is part of the physical infrastructure associated with the so-called “*Heroic Age*” (1841-50) of railway construction. It would also diminish the character of the group of structures that contribute to this part of the

Transpennine railway line. The proposed demolition of the structure, would have significant impact on the group value of the bridges designed by Alfred Stanistreet Jee, removing one of the group of 20 listed bridges he designed and one of the six bridges which share a common design language. Nevertheless, significant examples of the engineer's work would survive the TRU-W3 proposals, with Huddersfield Viaduct being a notable example.

Architectural value of the replacement building.

- 10.19 The loss of the grade-II listed Wheatley's Overbridge can only be justified by an evaluation of the substantial public benefits that would result. However, this which should include the architectural merit of its replacement, both in functional and aesthetic terms.
- 10.20 The new bridge would be built adjacent to the listed structure to retain the crossing during the works. The design solution aims to reflect the historic bridge's original design and character in its choice of materials and finishes. The replacement bridge, therefore, is proposed as comprising a weathered steel finish to the bridge's design (intended by National Rail to reflect the area's historic industrial character) with the cladding of the new bridge's approach walls and abutments in stonework similar to the existing historic arches. The proposed design aesthetic of the bridge is proposed in a simplistic, functional form to meet current National Rail standards (with a 1850mm solid parapet) to, "*clearly delineate that this is a new structure*" (NR Heritage Assessment para. 3.3.2) and restrict views along the line. The new bridge would have a clear deck to the same dimensions (3500mm), suitable for cycling and pedestrian use but would not provide views along the line.
- 10.21 The detailed design of the bridge and the abutments have yet to be defined or specified. Consequently, it is not possible to fully evaluate the aesthetic value of the proposed replacement bridge, as the submission is focused on its functionality. The material form and design detail of the bridge is, therefore, proposed by National Rail as being included in a **Conservation Implementation Management Plan** (CIMP) which will be required to be submitted for consideration and approval by the local planning authority by a condition, should the Secretary of State approve Listed Building Consent.

Impact on adjacent listed buildings.

- 10.22 The proposed demolition of Wheatley's Overbridge (MVL3/103) would have no direct impact on any other nearby designated or non-designated heritage assets. The indirect impact remains the erosion of the group value of the structures design by noted railway engineer Alfred Stanistreet Jee.

Mitigation through interpretation and record.

- 10.23 National Rail propose that some heritage interpretation would be incorporated into the design of the new bridge crossing, although this has currently not been defined. It is proposed to illustrate the historic connections with the associations of the original bridge. Such measures would provide a modest degree of mitigation for the loss of the bridge, with an opportunity to record on site the history of the grade-II Listed bridge, after the structure is lost.

- 10.24 The current proposal does not provide any details of the proposed heritage interpretation, which are again proposed as being included in the proposed Conservation Management Implementation Plan (CIMP). The CIMP will be secured via a condition imposed on the Listed Building Consent. National Rail propose that the scope and contents of the Conservation Management Implementation Plan (CIMP) are to be agreed with Kirklees Council (in consultation with Historic England and appropriate stakeholders) prior to commencement of any construction works.
- 10.25 In addition, it will be necessary to complete a detailed 'Historic Building Record' of the extant Wheatley's Overbridge (MVL3/103), prior to any works commencing to provide a publicly accessible record of the demolished listed bridge. The CIMP would define the broad scope and delivery of the record, which would follow the format defined by Historic England as a 'Level 3 Historic Building Record' and comprise: a collation of detailed archives, current measured drawings, detailed photographs, and a written account of the origin and lifespan of the bridge.
- 10.26 The production of a detailed Historic Building Record in advance of the demolition of the listed building is a minimum national and local policy requirement and should not be taken to compensate for the substantial harm caused by the demolition of the bridge. The NPPF (paragraph 199) states that, "*the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted*". The major adverse impact of the loss of the bridge should, therefore, only be measured against the demonstrable delivery of "*substantial public benefits*," as discussed below.

Managing the major adverse impact.

- 10.27 The exploration of alternatives by National Rail concluded that the demolition and replacement of the Wheatley's Overbridge (MVL3/103) is the only practical way to deliver the operational requirements and objectives of the TRU-W3. The impact will result in substantial harm, as defined by the NPPF paragraph 194 (a).
- 10.28 A degree of mitigation of the identified major adverse impact on Wheatley's Overbridge (MVL3/103) will be dependent on the detail to be secured by conditions on the Listed Building Consent (and the wider TWAO) in the form of a Conservation Implementation Management Plan (CIMP). The TRU-W3 scheme as a whole will require a series of CIMPs, to demonstrate a conservation-focused framework for the initiative and provide the detailed specifications to implement works on the individual designated heritage assets along the route.
- 10.29 The CIMP proposed for Wheatley's Overbridge (MVL3/103) would need to specify the scope and delivery of recording of the extant bridge, as well as the detailed design and materials of its replacement, and the form of on-site interpretation. Given the current lack of design detail and the proposed total loss of a nationally significant designated heritage asset (and the diminution of the special interest and character of the group of bridges with which it is associated) a comprehensive and highly detailed Conservation Implementation Management Plan (CIMP) for Wheatley's Overbridge (MVL3/103), is considered to be a fundamental design-quality moderation tool.

Balance of heritage impact against the public benefits.

- 10.30 The proposed TRU-W3 works on Wheatley's Overbridge (MVL3/103), would result in a major adverse heritage impact, resulting from the complete loss of its significance as a designated heritage asset. The loss of the bridge would also contribute to the erosion of the collective value of the bridges designed by a celebrated C19th engineer and noted for their design quality. Therefore, in accordance with the requirements of the NPPF, paragraphs 195 and Local Plan Policy LP35 it is necessary to evaluate whether the current proposals demonstrate the *necessary "substantial public benefits that outweigh that harm"*.
- 10.31 Network Rail's design development process has been informed by detailed analysis of the significance of the individual heritage assets along the TRU-W3 route. The design objective has been to minimise the overall adverse heritage impacts while facilitating the electrification of the line. However, the impact on Wheatley's Overbridge (MVL3/103) will be permanent and profound.
- 10.32 It will be understood that, in accordance with the NPPF, the ability to record the structure in advance of its demolition should not be taken as part of the planning balance, as this is a minimum requirement not a means of mitigation. It will also be understood that the achievement of a high level of design quality for the replacement, both in functional and aesthetic terms, is also not a justification for the loss of the listed building, as this is also a fundamental requirement and has yet to be demonstrated (with details reserved for the proposed CIMP).
- 10.33 Therefore, the major adverse heritage impact on Wheatley's Overbridge (MVL3/103), must be measured against perceived value of the public benefits which would result from the completion of the wider Transpennine Route Upgrade.
- 10.34 The proposed demolition works to Wheatley's Overbridge (MVL3/103), form part of the wider Huddersfield to Westtown (Dewsbury) section of the Transpennine Route Upgrade and would support the economic, environmental and social benefits associated with the wider delivery of the TRU programme. The exploration of alternatives by National Rail concluded that the demolition and replacement of Wheatley's Overbridge (MVL3/103) is necessary to deliver the operational requirements and objectives of the TRU-W3 and thereby achieve the overall benefits of the wider Transpennine Route Upgrade scheme. The TRU-W3 is considered to be vital in supporting the North of England's long-term, low-carbon economic growth, better-connecting people to jobs, services, education and leisure. The adopted Kirklees Local Plan (paragraph 10.2) recognises the critical connection between effective transport systems and local business productivity and district prosperity.
- 10.35 The economic and social benefits to be achieved from the improved Transpennine Route proposals also include a reduction in journey times along this part of the route. This will be partially facilitated by enhanced train speeds and capacity, with longer, more frequent trains reducing congestion, increasing passenger comfort and improved journey quality. Future passenger modelling has indicated that the numbers of people using the Transpennine Route will increase from 5.33 million to 8.22 million in 2042/43.

- 10.36 The increased speed and capacity would partially be achieved through the newly aligned tracks along the section of line currently spanned by Wheatley's Overbridge (MVL3/103), with the reinstated four-line track allowing for express trains to by-pass slower trains and freight services. Although the existing bridge was designed to span four tracks the arches could not accommodate the proposed Overhead Line Equipment (OLE) or the new line alignment.
- 10.37 The increased movement of people and goods along this key part of the railway network would support a more economic and socially viable transport solution. This aligns with part of the West Yorkshire Transport Strategy, which aims to harness economic prosperity through a better-connected transport network.
- 10.38 The environmental and sustainability benefits of the line's upgrade will arise primarily from the electrification of the line. The Transpennine Route Upgrade (TRU) scheme is identified by National Rail as an investment in 'greener' energy technology intended to meet its Decarbonisation Strategy, reducing harmful emissions that cause climate change (in line with Council policy and Government targets).
- 10.39 The loss of Wheatley's Overbridge (MVL3/103), would mean the loss of an irreplaceable piece of historic railway infrastructure, and a loss to the collection of bridges designed by Alfred Stanistreet Jee located along this section of the Transpennine route. While the demolition of Wheatley's Overbridge (MVL3/103) is regrettable, its loss may be considered to be outweighed by the substantial public benefits that would be facilitated by its removal. The major adverse impact may be partially tempered by managing the delivery of a high level of design quality for its replacement through the Conservation Implementation Management Plan (CIMP).

Climate Change

- 10.40 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 predates 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.
- 10.41 The works are required in consequence of the proposals included in Network Rail's application, as submitted by Network Rail on 31 March 2021 to the Secretary of State for Transport under section 1 of the Transport and Works Act 1992. The delivery of electrification which realises passive and active measures to deliver reduced energy demands and carbon reduction will assist in helping the climate change emergency.

11.0 CONCLUSION

- 11.1 The proposed demolition of Wheatley's Overbridge (MVL3/103) would result in substantial harm and the total loss of significance of the early-C19th bridge and therefore can only be justified by delivery of substantial public benefits in accordance with NPPF paragraph 195 and Kirklees Local plan Policy LP35.
- 11.2 The significance of Wheatley's Overbridge (MVL3/103) lies primarily in its design integrity and association with the Huddersfield & Manchester Railway and noted engineer Alfred Stanistreet Jee. The bridge also derives some significance from its evidential value in terms of its demonstration of 19th century construction techniques and associations with the area's industrial history. Its aesthetic value derives from it surviving arched form and the sympathetic design alterations during the 1881-83 widening phase which shows a great degree of care and effort in duplicating the original structure.
- 11.3 The design development process was undertaken by National Rail in a collaborative manner with Historic England and officers from Kirklees Council and informed by detailed heritage analysis of the line. However, in this instance, the fundamental objective to minimise adverse harm to the designated heritage asset was deemed to be unachievable within the operational parameters set by the TRU-W3. In these terms it is understood that Historic England have accepted that the demolition of Wheatley's Overbridge (MVL3/103) is necessary to deliver the wider benefits of TRU scheme, and that alternative approaches are not viable.
- 11.4 The major adverse impact is proposed as being partially compensated, mitigated and managed by detailed measures to be defined in the proposed Conservation Implementation Management Plan (CIMP). This will be an essential Planning tool, necessary to ensure a degree of design quality and would be secured as a condition imposed on the Listed Building Consent, should it be granted by the Secretary of State.
- 11.5 The demolition of Wheatley's Overbridge (MVL3/103) is regrettable, however its loss may be considered to be outweighed by the considerable public benefits that accrue from the delivery of the Transpennine Route Upgrade. In these terms, the proposed demolition and replacement bridge works would meet the requirements of NPPF paragraphs 189, 193, 194(a) and 195, as well as Local Plan policy LP35 Historic Environment.

12.0 CONDITIONS

The Local Planning Authority endorse the conditions proposed by Network Rail as set out below:

1. **(Time Limit)** The development must be begun not later than the expiration of five years beginning with the date of this permission.
Reason: To set a reasonable time limit for the commencement of the development.
2. **(Approved Drawings)** The development hereby permitted shall be carried out in accordance with the following drawings:
151667-TSA-32-MVL3-DRG-T-LP-163300 Existing and Proposed Plan
151667-TSA-32-MVL3-DRG-T-LP-163301 (1) Existing and Proposed Elevation (2) Existing and Proposed Sections
Reason: To ensure compliance with the approved plans and for the avoidance of doubt.

3. **(Historic Structures Recording)** No works of demolition shall take place until an approved methodology for full structure recording including the appropriate level of recording has been approved in writing. Subsequent recording will take place prior to demolition and be deposited with the West Yorkshire Archive Service and West Yorkshire Historic Environment Record.
Reason: In recognition of the architectural and historic significance of the Listed Building and in accordance with Chapter 16 of the NPPF.
4. **(Conservation Implementation Management Plan)** No works including any works of demolition shall commence until a Conservation Implementation Plan (CIMP) has been submitted to and approved in writing by the local planning authority. The approved CIMP shall include methodologies for:
- a. fabric removal, masonry repairs, vegetation removal, repointing, metalwork repairs and application of protective paint systems as appropriate;
 - b. the identification of historically or architecturally significant elements of the fabric which once removed may be reused or preserved, and a strategy for their storage or reuse where appropriate;
 - c. details of any maintenance access regime required (if any)
 - d. provision of heritage interpretation boards during construction works
 - e. dissemination of “toolbox talks” to personnel involved in demolition and construction works
- Reason:** To ensure the conservation of the historic environment and be consistent with Policy LP35 of the Kirklees Local Plan.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91337>

Certificate of Ownership – Certificate A signed