
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 12-May-2021

Subject: Planning Application 2021/91334 Listed Building Consent for infill and embankment widening of bridge MDL1/10 Occupation (Thornhill Road) Occupation Bridge, adj, Thornhill Road, Westtown, Dewsbury

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: Dewsbury West

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 Occupation Underbridge (MDL1/10) 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 Occupation Underbridge (MDL1/10) 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 application site comprises Occupation Underbridge (MDL1/10) which was designated as a grade II listed building in 2018. It is a single-span accommodation underbridge, located a short distance off Thornhill Road, approximately 1km to the south-west of Dewsbury. The bridge accommodates a driveway providing access to a private property located to the south-east of the railway.
- 2.2 The underbridge, was constructed between 1845 and 1847, as part of the Leeds, Dewsbury & Manchester Railway. Constructed of quarry-faced sandstone, the bridge survives in largely its original form, with only minor additions. The underbridge comprises a semi-circular arch flanked by curved wing walls and is notable for the detail of its construction, including rusticated voussoirs and impost bands.

3.0 PROPOSAL:

- 3.1 At the location of Occupation Underbridge (MDL1/10) it is necessary for the track to be realigned to the northwest of the existing bridge deck to deliver the required line speed increase on this section of the railway. It is proposed to infill the underbridge with a mixture of granular fill and foam concrete under the existing arch. A masonry-clad retaining wall will be constructed on the south-eastern side of the arch slightly recessed from the face of the arch to retain the structure's legibility on that side of the railway. On the north-western side of the structure, a battered embankment of granular fill reinforced by geotextile will be constructed against the structure, obscuring the arch face and wing walls.
- 3.2 The proposed works relating to the Grade II Listed underbridge comprise:
- Masonry repairs (if required) necessary to facilitate the infilling of the structure;
 - Excavation and casting of a strip footing under the south-eastern arch face of the underbridge as base for blockwork retaining wall;
 - Construction of blockwork retaining wall on south-eastern face of the structure to contain foam concrete and granular infill – this wall will be clad in stone masonry sympathetic to the existing style of the structure and recessed slightly to reveal the form of the arch;

- Infilling the structure – the majority of this will be done from the ground up with granular fill from the open sides of the bridge, with the remaining fill at the top under the arch comprising foam concrete;
- Drilling of holes in the top of the arch barrel to facilitate the injection of grout to complete the infilling;
- Construction of battered back embankment on north-western side of the structure with granular fill reinforced by geotextile; and
- Construction of realigned track bed and railway tracks over the infilled structure, with additional ballast to increase the vertical alignment of the line.

3.3 The existing historic masonry architectural features and wing walls on the south-eastern side of the structure will be retained, with no alterations to these as a result of the works. The existing parapet fence located atop the structure on the south-eastern side will also be retained.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 None

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
- The proposals
- Design development and measuring the impact of change
- Impact on the significance of the grade-II listed Occupation Underbridge (MDL/10).
- Historic Building Record
- Managing the major adverse impact
- Balance of heritage impact against the public benefits

10.0 APPRAISAL

Heritage Context

- 10.1 The proposed works will have a significant impact on the railway bridge known as Occupation Underbridge (MDL1/10) (NHLE 1450702). The bridge was listed grade-II in March 2018 due to its historic interest as a surviving, little altered example of an early-C19th railway structure, as well as its associations with a notable Scottish railway engineer, Thomas Grainger. Its relatively modest design function as a small accommodation bridge makes the attention to its architectural form all remarkable, adding to its special interest.
- 10.2 Occupation Underbridge (MDL1/10) is located on the section of the Transpennine Route constructed by the Leeds, Dewsbury & Manchester Railway between 1845 and 1847. This section of the line was constructed during the a period of commercial confidence and expansion in the railways under the oversight of the principal engineer Thomas Grainger, one of the leading railway engineers of the day, mainly known for his earlier-C19th work in Scotland. He is best known in England for his work on lines including the Leeds, Dewsbury & Manchester Railway (1845-1848), the East and West Yorkshire Junction Railway (1846); and the Leeds & Thirsk Railway (1845-1852). Grainger's work is notable for the imaginative way in which he tailored these lines to the difficult surrounding terrain and his bold masonry and iron bridge designs.

- 10.3 Occupation Underbridge (MDL1/10) is one of the underbridges constructed by Grainger for the Leeds, Dewsbury & Manchester Railway which share a common design language, although more commonly using cast iron, rather than the masonry construction of Occupation Underbridge (MDL1/10). Examples of his work which are also impacted by the TRU-W3 works include the similarly-styled construction of the grade-II listed Toad Holes Underbridge (MDL 1/12 - NHLE 1450704) and Ming Hill (MDL 1/14 - NHLE 1451887). The most notable comparator examples on the route are the grade-II listed Howley Mill Lane Underbridge (MDL 1/35 - NHLE 1452199) and Churwell Underbridge (MDL1/39 - NHLE 1451051). These latter examples of Grainger's design, are of similar masonry underbridges which incorporate the same elements of architectural expression, such as the rusticated voussoirs and striking curved wingwalls used at Occupation Underbridge (MDL1/10).
- 10.4 Occupation Underbridge (MDL1/10) forms one of a number of Grainger-engineered accommodation underbridges on the railway between the River Calder and Dewsbury Station. It was constructed to provide access under the railway between Fall Lane and the properties and fields to the south-east, including the surviving domestic building to the south-east of the line which originally comprised a pair of semi-detached cottages. Occupation Underbridge (MDL1/10) is remained relatively unaltered since its construction, as this section of the Transpennine Route (between Ravensthorpe and Leeds) was not widened with additional tracks, and consequently the structure has never been reconstructed. The setting of the bridge has changed considerably and there have been a small number of minor additions around the structure in recent years relating to its use as the access to the dwelling adjacent to the line. These additions mainly comprise electronic controls and access gates on the south-eastern side of the underbridge (as well as security lights and associated cabling) which have had no impact on the fabric or appreciation of the listed bridge.
- 10.5 Therefore, Occupation Underbridge (MDL1/10) is of high heritage value as a largely unaltered example of an 1840s accommodation underbridge, dating from the so called "Heroic Age of railway building". The bridge derives its significance from its association with the historic railway, and associations with noted C19th engineer, Thomas Grainger, as well as the quality of architectural expression in its design. It is located approximately 1km to the south-west of Dewsbury town centre and penetrates and partially supports the embankment along which the line runs. The underbridge is constructed in coursed quarry-faced Pennine Lower Coal Measures sandstone, and comprises a semi-circular arch flanked by curved finely detailed wing walls, with the arch formed of rusticated V-jointed voussoirs (the uppermost of which are blunted) springing from a squared ashlar impost band. The structure features deeply-curved wing walls on either side, which are raked and constructed of the same squared quarry-faced sandstone. The faces of the structure on either side above the arch are topped by an ashlar moulded string course, but the coping to the wing walls on either side is plainer, comprising simpler squared ashlar.

- 10.6 The wing walls of Occupation Underbridge (MDL1/10) form part of the longer retaining walls of the railway and are constructed in the same squared quarry-faced stone. The wing walls extend some 35m along the south-eastern side of the railway embankment. On the north-western side of the structure, the embankment north of the access track encroaches on the wing wall, while a secondary retaining wall has been constructed between the railway and the original retaining wall, extending southwest. The existing pair of railway tracks pass over the structure on a ballasted track bed. The modern concrete parapet fence which sits on the track bed on either side of the railway, aligned with the bridge parapet and wing walls, detracts from the significance of the listed structure.
- 10.7 Occupation Underbridge (MDL1/10) derives minimal significance from its setting as the structure is located in a relatively secluded position, with very limited visibility from public roads or footpaths and is only experienced by those passing underneath it along the entrance driveway to the private property. As it carries the railway across the embankment the underbridge is also not appreciated from within the surrounding landscape, nor by those traveling by train.

The proposals

- 10.8 To achieve the TRU-W3 programme objectives, the railway is required to be realigned at the location of Occupation Underbridge (MDL1/10) to facilitate the increase in track speed. The realignment at this location is part of the wider remodelling of the railway alignment in the area between Westtown and Ravensthorpe. The alteration to the track alignment is necessary to remove the 'reverse-S' curvature of the line between Westtown and the crossing of the River Calder and Calder & Hebble Navigation. The proposed alignment of the railway to meet this requirement results in one track being aligned beyond the footprint of Occupation Underbridge (MDL1/10) which necessitates the widening of the grade-II listed bridge to the north-west to support the new tracks.
- 10.9 The proposed works impacting on the grade-II listed underbridge are as yet not fully detailed but would essentially include the infilling of the structure (removing the access) and the construction of a block-work retaining wall on the south-eastern face of the structure to contain foam concrete and granular infill. This new wall would be then be faced in stone masonry sympathetic to the existing style of the structure and recessed slightly to reveal the form of the arch. The infilled arch would contain granular fill from the open sides of the bridge, with the remaining fill at the top under the arch comprising foam concrete facilitated by holes drilled in the top of the arch barrel to enable the injection of grout to complete the infilling.
- 10.10 On completion of the infill of the archway, a battered back embankment would be constructed on the north-western side of the structure, which would encase this side of the bridge. The embankment would also comprise granular fill, reinforced by a geotextile, and would enable the construction of the realigned track bed and railway tracks over the infilled structure, with additional ballast to increase the vertical alignment of the line.

- 10.11 The existing historic masonry architectural features and wing walls on the south-eastern side of the structure will remain partially expressed, as the infill wall would be slightly recessed. The existing parapet fence located atop the structure on the south-eastern side will also be retained. As the works will remove the access afforded by the underbridge it is understood that Network Rail aim to acquire the adjacent property, the access track to which is accommodated by the bridge or negotiate provision of a new access for the property. Engagement and discussions between Network Rail, the property landowner and surrounding businesses are apparently on-going.

Design development and measuring the impact of change

- 10.12 The preferred design option was developed in consultation with Historic England and officers from Kirklees Council over some years. The current design approach and preferred design was presented to Historic England and Kirklees Council officers at the final presentation meeting on 24 June 2020. Network Rail records that the representatives from both Historic England and Kirklees Council were content with the proposals and also that due consideration had been given to alternative approaches. The stakeholders advised that the infilling of Occupation Underbridge (MDL1/10) would be regrettable but appreciated that it was necessary to deliver the objectives of the TRU-W3 initiative and that the preferred design would partially retain the structure's legibility, as well as some elements of its heritage significance.
- 10.13 The stakeholders also noted that they were expected to remain working to refine the preferred design option in consultation with the design team. Consequently, Network Rail propose that it will continue to engage with both Historic England and Kirklees Council to finalise the details of the proposed works (subject of the LBC application) during the determination of the TWAO and the discharge of the conditions to be attached to the Listed Building Consents. This collaborative approach is an expectation of national and local heritage planning policy.
- 10.14 As a designated heritage asset, the NPPF paragraph 193 requires that the impact of the proposed development on the significance of Occupation Underbridge (MDL1/10), should be given "*great weight*" when considering development proposals. The policy presumption is that the proposed works should preserve or enhance the heritage asset, or at least avoid or minimise any diminution of the special interest of the structure. The conservation requirements of the NPPF are embedded in the Kirklees Local Plan Policy LP35, Historic Environment. The proposed impact on Occupation Underbridge (MDL1/10), is consequently considered with particular reference to these legislative and policy requirements.
- 10.15 The particular heritage value and sensitivity of the of Occupation Underbridge (MDL1/10) 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'). Consequently, it is important to understand the impact of the proposed TRU W3 works on the special architectural or historic interest of Occupation Underbridge (MDL1/10), and its context.

- 10.16 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 following evaluation is set out in these terms.
- 10.17 Therefore, the current proposals are 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*".
- 10.18 As the proposal would involve the profound compromise of its significance as a designated heritage asset, the works would amount to substantial harm in terms of national and local planning. The NPPF (paragraph 194a) states that the total loss of significance of a grade-II listed building "*should be exceptional*" and must be measured against the delivery of "*substantial public benefits*."
- 10.19 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 the Kirklees Local Plan, Policy LP35.

Impact on the significance of the grade-II listed Occupation Underbridge (MDL1/10)

- 10.20 The proposed works will involve the permanent infilling of the Grade II Listed underbridge which would profoundly alter the form and function of the structure, with the bridge effectively buried within the widened north-west embankment and only retaining elements of its appearance and legibility on the inaccessible south-east side. The infilling of the bridge would permanently alter the character, appearance and function of Occupation Underbridge (MDL1/10) as an operational accommodation underbridge.
- 10.21 The physical impact on the structure would comprise the infilling of the underbridge beneath the barrel of the arch, along with the construction of a battered embankment on the north-western side in front of the existing face, and a stone retaining wall installed slightly recessed within the south-eastern face. The existing historic fabric of the bridge would be entirely encased in the new fabric but otherwise would not itself undergo any notable alterations, other than the drilling of holes from the track level through the barrel of the arch to facilitate the infilling. The rest of the fabric would be encased within the infilling.
- 10.22 The overall impact on Occupation Underbridge (MDL1/10) resulting from the infilling would be a fundamental and permanent change in the character, appreciation and experience of the grade-II listed structure. The works would remove its design function as a through access and the battered embankment on the north-west would mean that none of the surviving elements of the historic bridge would be visible. The infilling of the south-eastern face, with a

stone retaining wall, would retain a modest degree of legibility of the structure, although any understanding of its form and function as an underbridge, would be lost, along with any appreciation of the architectural style of the structure. However, the wing walls and details of the arch, such as the voussoirs and moulded string course, would all be retained on the south-eastern side.

- 10.23 The association of Occupation Underbridge (MDL1/10) with the historic railway and engineer Thomas Grainger, as well as the quality of architectural expression in its design, would be lost. The permanent physical impact on the structure will profoundly degrade its significance through the change in form and character of the structure.
- 10.24 The battered embankment on the north-western side would result in the north-western elevation of the structure being completely obscured. However, the design of the infill on the south-eastern side would retain some architectural elements, such as the rusticated voussoirs, impost bands and moulded string course, which are identified in the listing as important to its significance, lifting the design above the purely functional. The experience and appreciation of the structure would nevertheless be profoundly compromised.
- 10.25 The proposed works would also impact on the group value which Occupation Underbridge (MDL1/10) derives from its relationship with other structures on the Transpennine Route. The group value which particularly contributes to its significance is drawn from its identity as a Thomas Grainger structure, sharing common design language with others along the route.
- 10.26 The partial retention of the legibility of its design on the south-eastern side through recessed infilling of the arch would contribute in a modest manner to its expression as part of noted group of bridges. The similarities in design between Occupation Underbridge (MDL1/10) and other masonry grade-II listed Grainger-designed underbridges would still be able to be appreciated, although probably only in an academic sense. These structures form a non-adjacent group of bridges from this period, recognisable for their common architectural form. Each bridge will be subject to a degree of compromising change within the TRU-W3 programme, but none of these early-C19th, Grainger-designed structures, will not be entirely lost, despite their collective heritage values being diminished.
- 10.27 The current Network Rail proposals would retain Occupation Underbridge (MDL1/10), but it will be essentially entombed by the new embankment, with a significant erosion of its character and architectural interest, along with a total loss of design function. The infilling of Occupation Underbridge (MDL1/10), would, therefore, result in the substantial loss of its significance due to the nature and extent of the physical changes to its form and a fundamental transformation of its character, negating its appreciation as an accommodation bridge. The structure would be largely encased by the new embankment and the major adverse impact would fundamentally erode its significance and thereby amount to 'substantial harm' in terms of national and local planning policy.

Historic Building Record

- 10.28 Network Rail propose that a 'Historic Building Record' of the extant Occupation Underbridge (MDL1/10) is completed, prior to any works commencing. This would provide a publicly accessible record of the encased and lost underbridge. However, the cumulative impact of the interventions work is rather under-estimated in the submitted Heritage Assessment (March 2021) by Network Rail, as is the recommended scope of the record.
- 10.29 Therefore, the scope and delivery of the Historic Building Record' should be defined in the Conservation Implementation Management Plan (CIMP), which will be required as a Listed Building Consent condition, and should be required to follow the format defined by Historic England as a 'Level 3 Historic Building Record'. It would comprise: a collation of detailed archives, current measured drawings, detailed photographs, and a written account of the origin and lifespan of the bridge.
- 10.30 The production of a detailed Historic Building Record in advance of the implementation of works to Occupation Underbridge (MDL1/10) is a minimum national and local policy requirement and should not be taken to compensate for the substantial harm caused by the loss of bridge's significance. 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 significance of the bridge should, therefore, only be measured against the demonstrable delivery of "*substantial public benefits,*" as discussed below.

Managing the major adverse impact.

- 10.31 The exploration of alternatives by National Rail concluded that encasing of Occupation Underbridge (MDL1/10) 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 NPPF paragraph 194(a). A degree of mitigation of the identified major adverse impact on the grade-II listed bridge would 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).
- 10.32 The TRU-W3 scheme will require a series of Conservation Implementation Management Plans (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.
- 10.33 The CIMP proposed for Occupation Underbridge (MDL1/10) would need to specify the scope of the recording of the extant bridge, as well as the detailed design, methodology and materials to infill while ensuring that the essential architectural structure of the entombed bridge is retained. Given the current lack of design detail and the proposed total loss of significance (including the diminution of the special interest and character of the group of listed bridges with which it is associated) a comprehensive and highly detailed Conservation Implementation Management Plan (CIMP) for Occupation Underbridge (MDL1/10), is considered to be a fundamental design-quality moderation tool.

Balance of heritage impact against the public benefits.

- 10.34 The proposed TRU-W3 works on Occupation Underbridge (MDL1/10) 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, which are all 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*”.
- 10.35 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. Nevertheless, the impact on Occupation Underbridge (MDL1/10) will be permanent and profound.
- 10.36 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. Therefore, the major adverse heritage impact on Occupation Underbridge (MDL1/10) must be measured against the perceived value of the public benefits which would result from completion of the wider Transpennine Route Upgrade.
- 10.37 The proposed works to Occupation Underbridge (MDL1/10) 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.
- 10.38 The exploration of alternatives by National Rail concluded that the infilling and encasement of this accommodation bridge 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.
- 10.39 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.

- 10.40 The increased speed and capacity would partially be achieved through the newly aligned tracks along the section of line currently supported by Occupation Underbridge (MDL1/10), with the reinstated four-line track allowing for express trains to by-pass slower passenger and freight services. 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 the West Yorkshire Transport Strategy, which aims to harness economic prosperity through a better-connected transport network.
- 10.41 The environmental and sustainability benefits of the line's upgrade will arise primarily from the electrification of the line which would not directly require the infill of Occupation Underbridge (MDL1/10). However, 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).
- 10.42 The works to Occupation Underbridge (MDL1/10) would mean the loss of an irreplaceable piece of historic railway infrastructure, and diminution of the collection of bridges designed by Thomas Grainger located along this section of the Transpennine route. While the loss of significance of Occupation Underbridge (MDL1/10) is regrettable, its loss may be considered to be outweighed by the substantial public benefits resulting from the increased speed and capacity of the Transpennine route that would be facilitated by its infilling and encasement. The major adverse impact may also be partially tempered by managing the methodology and design quality of its infill and encasement, to ensure that the hidden fabric is retained in the best state possible, through the Conservation Implementation Management Plan (CIMP).

Climate Change

- 10.43 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.
- 10.44 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 significance of Occupation Underbridge (MDL1/10) lies in its design integrity and association with the Huddersfield & Manchester Railway and noted engineer Thomas Grainger. The accommodation bridge also derives some significance from its evidential value in terms of its demonstration of C19th construction techniques and its associations with the area's industrial history. Its aesthetic value derives from its unusually detailed masonry form, demonstrating a high-level of architectural design in the original structure, particularly given its modest role.
- 11.2 The design development process was undertaken by National Rail in a collaborative manner with Historic England and officers from Kirklees Council and was 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 proposed design approach to encase and infill Occupation Underbridge (MDL1/10) is necessary to deliver the wider benefits of the TRU-W3 initiative, and that the investigated alternatives are not viable.
- 11.3 The major adverse impact is proposed as being partially 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.
- 11.4 The effective loss of Occupation Underbridge (MDL1/10) is regrettable. However it may be considered to be outweighed by the considerable public benefits that would be delivered by the Transpennine Route Upgrade. In these terms, the proposed infill and encasement of the bridge 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-35-MVN2-DRG-T-LP-163800 Existing and Proposed Plan
151667-TSA-35-MVN2-DRG-T-LP-163801 Existing and Proposed Elevation (North side)
151667-TSA-35-MVN2-DRG-T-LP-163802 Existing and Proposed Elevation (South Side)
151667-TSA-35-MVN2-DRG-T-LP-163803 Existing and Proposed Sections
Reason: To ensure compliance with the approved plans and for the avoidance of doubt.

3. **(Materials)** Before the development hereby approved commences, or within a timescale to be otherwise agreed in writing by the local planning authority, samples and specifications of all materials to be used on all external elevations of the development shall be submitted to and approved in writing by the local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the local authority.
Reason: To ensure the conservation of the historic environment and be consistent with Policy LP35 of the Kirklees Local Plan.
4. **(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.
5. **(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. any improvements to the setting to sustain, enhance and better reveal the heritage asset affected;
 - d. details of any maintenance access regime required (if any)
 - e. provision of heritage interpretation boards during construction works
 - f. 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%2f91334>

Certificate of Ownership – Certificate A signed: