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28<sup>th</sup> May 2015

Our ref: [REDACTED]

DEVELOPMENT CONTROL SECTION	
1 - JUN 2015	
DATE RECEIVED	
Referred To	

Dear Sir/Madam,

### **New footbridge to replace existing, Brigg railway station**

Please find enclosed details of a new stepped footbridge to replace the existing structure at Brigg railway station. The existing bridge is the only means by which passengers can access to the "up" (westbound) platform. The bridge has now failed its latest structural assessment and thus needs replacing to ensure passengers can still reach the westbound platform. The bridge is exhibiting section loss to its metal structure, significant decay to the timber decking and steps, total failure of the decorative covering and subsidence to the bridge's foundations. As such the most cost effective solution giving best value to the taxpayer is total replacement of the structure.

The new bridge is a simple "LM" type single span steel girder structure with attendant staircases at each end, allowing for a span of 13.4 metres and parapet height of 1.5 metres. The bridge is 2 metres wide. The top chord is straight and formed from a square hollow section orientated at 45° to form a steeple coper unit. Bored pile concrete foundations (or other approved contractor's design) and pile caps will be used to support the circular hollow sections, with arrangements of 3no./4no. (as appropriate) 660Ø piles being provided for the bridge support columns and similar for each of the stair support columns. The bridge is designed to accommodate future provision of ramps as and if the level of service to the station significantly changes.

The stairs are designed as two span spliced units, with end supports and a central support column. The bridge soffit is set 4878mm above the highest running rail, to accommodate future electrification. The lateral clearance from the proposed structure to the nearest rail is to be a minimum of 4500mm. The deck is to be pre-cambered both longitudinally and transversely (max gradient 1:20) to shed water and will have rectangular hollow section cross beams supporting a steel deck plate with combined waterproofing and anti-slip wearing surface. Drainage for the bridge will be provided at deck ends and will be linked into the drainage of the permanent way below. For safety reasons the parapets have to be solid where crossing the live railway. The structure will be painted Holly Green (BS14C39).

Please find enclosed the following plans:

Drawing no. UA007610-ECV-DRG-101 Rev 1: Existing General Arrangement  
 Drawing no. UA007610 – ECV- DRG – 102 Rev 1: Proposed General Arrangement  
 Location Plan (1:2500)  
 Extract from Enabling Act

Planning consent for the structure has already been given by virtue of Part 18a to Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015, subject to certain conditions.

I would draw your attention to the provisions of Part 18a which 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.....bridge or building....would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.”

The original 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.

The provision of a replacement bridge in this location is necessary in order to remove the risks posed by the life expired structure.

The two tests to be applied are therefore the siting of the bridge and its design in terms of its impact on the amenity of the area. The first is axiomatic in that it replaces the existing structure and cannot reasonably be located elsewhere except on the platform. However there are no reasons why the bridge should not be located in the same position as the existing structure.

The bridge is of a standard type seen throughout the railway network, and as is custom will be painted Holly Green (BS14C39). It then turns whether the bridge is detrimental to the appearance of the neighbourhood. The location of the bridge is at the station on the platforms, in an area of the town which has no statutory designation. There are no residential properties that would be affected by the position or design of the bridge, with the station being in a predominantly industrial area and the nearest dwellings over 100 metres away. We are satisfied the bridge, by reason of design, is not detrimental to the amenity of the neighbourhood. There are no other matters of acknowledged importance that should preclude the grant of Prior Approval.

For the purposes of Part 18a the enabling Act in this instance is the ***Great Grimsby and Sheffield Junction Railway Act 1845***, incorporating the Railway Clauses Consolidation Act 1845. The extant powers apply within the limits of deviation of the Act.

We therefore request the formal Prior Approval to the plans and specifications enclosed with respect to the construction of a new footbridge at Brigg railway station, in accordance with the provisions of Part 18a to Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015.

Please note no fee is prescribed in cases of prior approval under Part 18 of the Order.

Please let me know if you require any further information.

Yours faithfully

**Tony Rivero**  
**Town Planning Manager EM & LNE**  
**Network Rail**