



North Yorkshire County Council
Business and Environmental Services
County Hall
Northallerton
North Yorkshire
DL7 8AH

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Tel:

Date: 11/06/2019

Dear Sir/Madam,

Proposed works to reconstruct the 'Banks' bridge, on the Settle-Carlisle Railway to the west of the B6479 in Stainforth: Request for Prior Approval under Part 18 of the General Permitted Development Order

I am writing to notify you of Network Rail's intention to undertake work to reconstruct the rail bridge known as 'Banks' bridge, on the Settle-Carlisle Railway to the east of the B6479 in Stainforth. This is required as a consequence of the general condition of the bridge. The bridge provides farm access between fields and is not a public right of way.

Network Rail is proposing to undertake a programme of works, consisting of the following: The removal of the existing bridge superstructure in its entirety and the replacement with a steel billet deck structure with concrete cil beams. Other works to the structure comprise:

- Installation of concrete robust kerbs and metallic walkway with combined cable trough
- Track realignment
- Installation of concrete ballast retention 'L' units
- Condition-led repairs to the masonry elements of the substructure

From a town planning perspective the works at the bridge are permitted development Part 18, Class A (Miscellaneous development - development under local or private Acts or Order) of the Town and County Planning (General Permitted Development) Order 2015. This section of railway was authorised by the The Midland Railway (Settle to Carlisle) Act 1866. This Act incorporates the provisions of Section 16 of the Railway Clauses Consolidation Act 1845, which permit the original railway company and its successors in title (now Network Rail) to undertake future works, not limited to the construction of the railway, but including all acts necessary for making, maintaining, altering or repairing and using the railway.

The 'Interpretation of Class A' at A.3 of Part 18 GPDO states that:

- A.3 For the purposes of Class A, "appropriate authority" means—*
- (a) in Greater London or a metropolitan county, the local planning authority;*
 - (b) in a National Park, outside a metropolitan county, the county planning authority;*

Therefore, in this instance, as the application site falls within the boundaries of the Yorkshire Dales National Park, and it is not within a metropolitan county, responsibility for handling the application lies with the county planning authority.

Under condition A1 of Part 18, it is necessary for details to be submitted to the LPA for prior approval to the design and siting of the proposed works. It should be noted however, that under Condition A2, the prior approval cannot be refused unless you are satisfied that the development ought to be and could reasonably be carried out elsewhere on the land, or the design or external appearance would injure the amenity of the neighbourhood and is reasonable capable of modification so as to avoid such injury.

I have submitted a site location plan and the following drawing numbers:

- 10025042-ARC-01-XX-DR-CE-00001
- 10025042-ARC-01-XX-DR-CE-00002
- 10025042-ARC-01-XX-DR-CE-00005
- 10025042-ARC-01-XX-DR-CE-00006
- 10025042-ARC-01-XX-DR-CE-00007

As required under Part 18, I would be grateful to receive the Council's prior approval for the works to the structure. If you wish to discuss the proposals or require further information please do not hesitate to contact me. Please note that under the provisions of paragraph 7(b) of the Town and County Planning (General Permitted Development) (England) Order 2015, the Prior Approval application should be determined within a period of 8 weeks beginning with the day immediately following that on which the application is received by the authority.

Yours sincerely,

Town Planner