

DELEGATED REPORT

Application No:	P/23/0147
Site Address:	Feeder Pipe Bridge (footbridge Crossing River Taff) To The South Of Fiddlers Elbow Viaduct, Off Tramroadside Treharris
Development:	Erection of replacement bridge
Case Officer:	Rebecca Owens
Site Visit:	12th June 2023
Application Expiry Date:	20th March 2024
Consultation reply date expired:	3rd July 2023

APPLICATION SITE

The application relates to an existing feeder pipe bridge which crosses the River Taff. This formerly provided a pedestrian crossing over the river. However, the bridge deck and parapets were removed following structural damaged as a result on Storm Dennis in February 2020. The application site straddles the boundaries of Merthyr Tydfil County Borough Council (MTCBC) and Rhondda Cynon Taf (RCTCBC) County Borough Council. The part of the site that falls within MTCBC is within the Lower Taf and Edwardsville Site of Importance for Nature Conservation (SINC) and the Pontygwaith Special Landscape Area (SLA).

PROPOSED DEVELOPMENT

Full planning permission is sought to replace the feeder pipe bridge. The proposed bridge would utilise the existing substructure (abutments and piers) with minor maintenance works being undertaken to these (e.g. repointing, vegetation clearance etc.). To facilitate the installation of a more robust structure, the centre pipe would be removed and bracing would be installed in its place. A new deck would be installed above this with open mesh flooring and a 1.4m high parapet would be erected on each side of the 2.2m wide walkway. This is an increase from the previous width of 1.5m to improve accessibility. However, as a result of this, the deck would project beyond the existing pipes by 0.35m on either side.

At present only pedestrian and cycle access is available to the site from footpaths on either side of the bank. Access for construction is proposed via a temporary access road which would be created to the north east (within RCTCBC) along with a site compound area. This would involve removal of the top surface and excavation to a suitable depth with aggregate then placed in layers (along with geotextile membranes if necessary). The access road would be approximately 400m in length and 5m in width. Following completion of the development the land would be reinstated to its original condition.

PLANNING HISTORY

The relevant planning history is detailed below:

- P/97/0005 Variation of condition 1 of planning permission P/96/0230 to allow provision of 1.2m high parapet in lieu of 1.8m high parapet.
Granted planning permission subject to condition on 7 March 1997
- P/96/0230 Provision of new footbridge above existing pipe crossing and improvement of existing approach footpath
Granted planning permission subject to conditions on 16 August 1996

CONSULTATION

The following bodies were consulted and their responses are presented below:

Head of Engineering & Highways	No objection
Planning Division's Policy Group Leader	No objection
Landscape Architect	No response
Planning Division's Ecologist	No objection subject to conditions
Environmental Health Manager	No objection
Natural Resources Wales (NRW)	No objection subject to conditions
Rhondda Cynon Taff County Borough Council	No response

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, two site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

National Planning Policies

Planning Policy Wales (Edition 12, February 2024)

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW4 Settlement Boundaries
- SW11 Sustainable Design and Placemaking
- SW12 Improving the Transport Network
- SW13 Protecting and Improving Local Community Facilities
- CW1 Historic Environment
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW3 Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species
- EnW4 Environmental Protection
- EnW5 Landscape Protection
- EcW10 Sustainably Supplying Minerals
- EcW13 Minerals Safeguarding

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

Principle

The application site is located outside of the settlement boundary and is therefore the proposal would be classed as countryside development. Proposals outside the settlement boundary are only permitted where they satisfy certain criteria including development “for the provision of public utilities, infrastructure or waste management facilities that cannot reasonably be located elsewhere; is required for the reclamation or treatment of unstable or contaminated land”. Given that the bridge is a form of infrastructure required to cross the river, it is considered that the proposal is in accord with Policy SW4 of the LDP.

Policy SW12 also supports development that encourages a modal shift towards sustainable transport, including the enhancement of pedestrian, cycle, rail and bus facilities, in addition to any necessary road improvements. Given that the proposal would replace a damaged pedestrian footbridge, it would support a sustainable mode of transport, and would therefore comply with this policy.

Design, visual amenity and Landscape

Whilst not designated as a historical asset, the feeder pipe bridge has some historical importance. It was erected in 1857 as part of a feeder channel to provide an improved water supply to the Glamorganshire Canal system and was restored through a joint venture of the Abertaf Residents Association and RCT Groundworks Trust and re-opened in 1997.

Unfortunately, due to structural damage, the bridge deck and parapets were removed in October 2020 and the bridge has remained in this way since. It is acknowledged that the replacement bridge proposed would differ in its appearance to the existing/previous bridge. However, it is generally considered to be of an acceptable design and would allow for the two remaining pipes to remain visible as a reminder of the history of the bridge and area. As such no objections are raised with respect to its impact on the character and visual amenities of the area or in terms of any harm to the undesignated historic feature.

Landscape

The site is partially within SLA 4: Pontygwaith EnW5. As such, impact of the proposal on this area should be carefully considered. However, there has been a bridge at this location for many years and this proposal seeks to replace a structure previously damaged. Given that the general design of the new bridge is deemed to be acceptable and it would replace a similar bridge at the same location, it is not considered that it would have any harmful impact on the character or quality of the SLA. Indeed the feeder pipes and bridge form part of the historic character of this area. Accordingly, the proposal would not contravene Policy ENW5

Residential amenity

Given the isolated location of the proposal, no concerns are raised with respect to residential amenity.

Ecology and protected species

Various supporting documents have been submitted with this application and the key information contained with these is summarised below:

Protected and noteworthy species

Habitats on site were identified as being of high to moderate suitability for the following protected and noteworthy species:

- Otter
The habitats on the site were found to be highly suitable for otters with multiple locations identified that would be suitable for use by otters as foraging and couch spaces. In addition, there is potential, across the wider site, for holts to be present. There is evidence of otter within the River Taf in the form of sprainting sites 30m up and downstream from the bridge. No holts or potential holt sites were discovered; however, an area suitable for a potential resting location was present 30m downstream of the site. It is recommend that a pre-construction inspection for the presence of resting or breeding otter (specifically for holts and lying-up places) is to be undertaken which should be a condition of any permission issued.
- Bats
The submitted information indicates that there is moderate potential for roosting bats and high potential for forging/commuting. However, no evidence of roosting bats was found within the bridge or abutment and no trees with moderate to high bat roosting potential would be affected by felling or pruning. However, there are trees with low bat roost potential that would be directly affected by the development. This has been considered by both the Local Planning Authority's Ecologist and Natural Resources Wales, neither of which have objected to the development subject to conditions.
- Birds
There is high potential for breeding and wintering birds within the site. The supporting information recommends work outside of the bird breeding season. However, if this cannot be avoided, a breeding birds check should be conducted prior to works commencing by an Ecological Clerk of Works. Should nests be present they will be suitably buffered and no works can take place until the young have left the nest.
- Reptiles

There are habitats suitable for reptiles in the bracken and grassland area with log piles in proximity to the site. A condition requiring a precautionary Working Method Statement (PWMS) is therefore recommended.

In addition there are habitats suitable for hedgehogs and potential for works to affect fish.

Site of Importance for Nature Conservation (SINC)

Impacts are predicted to two SINCs, The Taff and Rhondda Rivers SINC and the Lower Taff and Edwardsville Woods SINC. However, as part of this application the access route and site works themselves would be to the north of the river and within an area of Ancient Semi-Natural Woodland.

Pollution and environmental impacts

The proposal would necessitate works on, and adjacent to, the river Taff (a main river) and as such it is important to ensure that the development does not result in any pollution to this. The submitted documents indicate that the construction phase of development would be undertaken in accordance with best practices and pollution control measures. Whilst NRW have not objected to the proposal, they have requested that a Construction Environmental Management Plan is conditioned to ensure control of pollution prevention for the water environment is achieved. It is also noted that no objections were received from the Planning Authority's Environmental Health Manager.

Invasive Non-Native Species (INNS)

There is Japanese knotweed recorded across the site with strands in close proximity to the bridge and within the area due to be cleared for access to the bridge. As such measures will need to be put in place to avoid its spread and mitigate the risk of it falling into the river. This can be covered by a suitably worded condition.

Ecological Enhancement

A number of ecological enhancements are recommended including bat and birds boxes, bat bricks within the abutment walls of the new bridge, reptile hibernacula, and replacement tree planting (on a 3 to 1 basis). A condition will be necessary requiring specific details of the proposed enhancements so these can be adequately provided.

Flooding

NRW Flood Risk Map confirms the application site lies entirely within Zone C1 of the Development Advice Maps (DAM) as contained in Technical Advice Note 15: Development and Flood Risk (2004) (TAN15). The Flood Map for Planning identifies the application site to be at risk of flooding and falling into Flood Zone 2 and 3 Rivers. Whilst a Flood consequence assessment (FCA) has not been submitted with the application, the proposal would constitute less vulnerable development and would in fact replace the damaged bridge for one, which has a slightly increased deck height. NRW have not raised any objection to the application on Flood risk grounds and are satisfied with the design of the replacement bridge,

Conclusion

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development

principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Having regard to the above, the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS**;

CONDITIONS/REASONS:

1. The development shall begin not later than five years from the date of this decision.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

- o Drawing Title: Feeder Pipe Proposed GA Sections & Elevation, Drawing Number: 30003237-BHK-00-XX-DR-C-1001 Rev. P02, Received on 7 June 2023.
- o Preliminary Ecological Appraisal, dated 10/01.2024, Ref: T7028, Version 2.0, produced by Temple, received 24 January 2024
- o Preliminary Ecological Appraisal (PEA) Report, dated February 2022, Ref: GC3880-RED-74- XX-RP-L-0003 Rev: P02, produced by Redstart, received 17 July 2023
- o Preliminary Ground Level Tree Assessment North and South, dated 09/01/2024, Ref: T7028 Version V1.0, Produced by Temple, Received 24 January 2024
- o Bat surveys, dated 09/01.2024, Ref: T7028, version V2.0, Produced by Temple, received 24 January 2024
- o Bat Survey Report, dated August 2021, Ref: GC3880-RED-74-XX-RP-C-1-0002, Rev: P01, produced by Redstart, received 17 July 2023
- o Invasive Species Survey, Updated 12th December 2023, Ref: Y7028, produced by Temple, received 24 January 2024
- o Arboricultural Impact Assessment, dated 12/01/2024, Ref: T7028, Version V3.0, produced by Temple, received 24 January 2024
- o Otter Survey Report, dated August 2021, Ref: GC3880-RED-74-XX-RP-C-1-0001, Rev: P01, produced by Redstart, received 17 July 2023
- o Updated Otter Survey Memo Report, DATED 13 March 2023, Ref: T7028, produced by Temple received 24 November 2023

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

3. **No development shall commence**, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The CEMP shall include:
 - i. General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.

- ii. Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption.
- iii. Details of pre-construction otter inspections to be carried out within 48 hours prior to the commencement of works.
- iv. Biodiversity Management: details of management of invasive species: signal crayfish may be present within the river Taff corridor management; species and habitats protection, avoidance and mitigation measures.
- v. Traffic Management: details of plant on site and wheel wash facilities.
- vi. Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan, and control of cement/ pointing materials to prevent contamination of the river.
- vii. Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details .

The CEMP shall be implemented in accordance with the approved details during the site preparation and construction phases of the development.

Reason - In the interest of protecting the environment and to accord with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

- 4. **BEFORE WORKS TO THE BRIDGE COMMENCE**, details of the ecological enhancement measures set out in the approved documents (outlined in condition 2), including their exact siting, specifications and timings of their installation/provision, shall be submitted to and approved in writing by the local planning authority. These enhancement measures shall be retained in perpetuity thereafter.

Reason - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 5. **NO MORE THAN 48 HOURS PRIOR TO WORKS COMMENCING** a pre-construction inspection for the presence of resting or breeding otter (specifically for holts and lying-up places) is to be undertaken by a suitably qualified ecologist. A report on the findings of the inspection shall be submitted to the local planning authority within 14 days of the Inspection. If the inspection confirms the presence of otter, a derogation licence from NRW will be required and no works may commence until this has been granted.

Reason - To protect the natural environment and minimise impacts on protected species, in accordance with Policies EnW1 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 6. **BEFORE WORKS COMMENCE ON SITE** a combined Precautionary Working Method Statement inclusive of dormouse (on a precautionary basis), reptiles, amphibians and hedgehog shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason - To protect the natural environment and minimise impacts on protected species, in accordance with Policies EnW1 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. **NO DEVELOPMENT OR SITE CLEARANCE SHALL TAKE PLACE**, until an Invasive Non-Native Species (INNS) Method Statement for Himalayan balsam and Japanese Knotweed has been submitted to an approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved scheme.

Reason - To ensure compliance with the Wildlife and Countryside Act 1981.

8. **BEFORE WORKS COMMENCE** a detailed Compensation, Management and Maintenance Plan for the Woodland (SINC & Priority Habitat) affected by the scheme, including timescales for its implementation, shall be submitted to an approved in writing by the Local Planning Authority.

Reason - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. With respect to condition 3, the developer is advised that The Construction Environmental Management Plan should also include information from the following:

Guidance for Pollution Prevention

- o GPP 1: Understanding your environmental responsibilities - good environmental practices
- o GPP 5: Works and maintenance in or near water
- o GPP 8: Safe storage and disposal of used oils
- o GPP 21: Pollution incident response planning
- o GPP 13 Vehicle washing and cleaning
- o GPP 22: Dealing with spills.

Pollution Prevention Guidelines:

- o PPG 6: Working at construction and demolition sites
- o PPG 7: Safe storage - The safe operation of refuelling facilities

2. With respect to condition 3, the developer is advised that the invasive non-native species, signal crayfish may be present within the river Taff corridor. All plant, machinery and equipment must be cleaned when accessing and leaving the site to prevent the spread of signal crayfish and crayfish plague.
3. The developer is advised that Natural Resources Wales Flood Risk Map confirms the application site lies entirely within Zone C1 of the Development Advice Maps (DAM) as contained in Technical Advice Note 15: Development and Flood Risk (2004) (TAN15). The Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zone 2 and 3 Rivers.

The Environmental Permitting Regulations (2016) require you to obtain a bespoke Flood Risk Activity Permit (FRAP) for any works or structures located in, under, over or within 8 metres of the bank top of the River Taff, a designated "main river". Further conditions will be associated with the FRAP and these are stand alone conditions alongside any granted for this planning application. Further advice and

guidance on FRAPs is available on the NRW website:
<http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en>

4. No in-channel activities shall take place during the fish spawning embargo period (15th October to 15th May) without the prior written approval of NRW. The invasive non-native species, signal crayfish may be present within the river Taff corridor. All plant, machinery and equipment must be cleaned when accessing and leaving the site to prevent the spread of signal crayfish and crayfish plague. If an area of the river is to be sealed off and drained down (to create a dry working area), then a fish-rescue must be carried out by suitably competent people. Note, however, that this may require formal consent from NRW.
5. Should any spills occur, appropriate measures to contain and clean up must be taken immediately and according to the incident response plan incorporated into the Construction Environmental Management Plan. Any discharges to the water environment must be self-reported to Natural Resources Wales on 0300 065 3000 immediately.
6. Warning: this planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.
The European Otter is protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb an otter or to recklessly damage or destroy their breeding sites or resting places.

If works are planned that are known will impact otter in the ways detailed above, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/list-of-protected-species/otter-licensing/?lang=en>.

If work has already commenced and otters are found, or if any evidence that otters are using the site as a resting place is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

7. Warning: this planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.
All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree/structure in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

8. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings/structures with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1>) is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 11.03.2024