

DELEGATED REPORT

Application No:	P/22/0006
Site Address:	Rhydycar Bridge (off Avenue De Clichy) Merthyr Tydfil
Development:	New bridge over the River Taff
Case Officer:	Caroline Pulley
Site Visit:	24th January 2021
Application Expiry Date:	10th March 2022
Consultation reply date expired:	17th March 2022

APPLICATION SITE

The application site is located directly to the north of an existing footbridge, which extends over the River Taff at Rhydycar in Merthyr Tydfil. The current footbridge is a well-used route across the River Taff to Avenue de Clichy. On its southern side, it connects to the Taff Trail and on its northern side, it joins the footpath serving Avenue de Clichy.

PROPOSED DEVELOPMENT

This application seeks full planning permission for the construction of a replacement bridge to the north of the existing footbridge at Rhydycar. It is understood that the existing bridge will remain in place until the new bridge is opened to minimise inconvenience.

The new bridge would be 4.1 wide and 34m in length and 3m in height and would include a steel duct and foul main connection beneath its base. It would have a steel curved frame construction with diagonal members across its length. Due to difference in levels between each side of the river, the bridge would slope gently in a northerly direction. At the northern end (Avenue De Clichy side), the base/underside of the bridge would be 6.86m above the river bed and at the southern end (Taff Trail side), 8.36m above the river bed.

The submitted plans indicate that the proposal would require some minor engineering works along the bank of the river. However, the existing masonry and concrete retaining walls along the banks of the river are to remain in place and be protected during the construction works.

The application is supported by an Ecological Constraints Report and an Ecological Addendum Report.

PLANNING HISTORY

There is no planning history relevant to the consideration of this application.

CONSULTATION

Head of Engineering:	No objection. Recommends a condition requiring a construction management plan to be provided before works start.
Planning Policy Officer:	No objection.
Ecologist:	No objection, subject to conditions.
Rights of Way Officer:	No response.
Natural Resources Wales (NRW):	No objection, subject to a site wide Construction Environmental Management Plan (CEMP) being submitted. Confirms the site lies within Zone C2 but no concerns raised from a flood risk perspective.
Welsh Water:	No objection, subject to details of a method statement and risk assessment being submitted for the protection of the structural condition of the public sewer.

PUBLICITY

In accordance with the Town and 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 Policy

The Future Wales – the National Plan 2040 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.

Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use policies of the Welsh Government. The most relevant sections are:

Sections 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TAN to this application is as follows:-

TAN 12 - Design advises that the Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales.

Technical Advice Note (TAN) 15 – Development and Flood Risk classes residential development as highly vulnerable development.

Local Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW4 – Settlement boundaries

Policy SW11 – Sustainable design and Placemaking

Policy SW12 – Improving the Transport Network

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

Policy EnW4 – Environmental Protection

Policy CW1 – Historic Environment

Policy EcW3 – Retail Hierarchy

Policy EcW5 – Town and Local Centre Development

Supplementary Planning Guidance (SPG) Note No. 4 – Sustainable Design

Supplementary Planning Guidance (SPG) Note No. 5 – Nature and Conservation

PLANNING CONSIDERATIONS

Principle of the proposed development

The purpose of this development is to create a wider crossing and improve access across this section of the River Taff. The need for a replacement bridge has been demonstrated and is supported by the policies of the LDP and as such, the principle of the development is acceptable.

Impact on the character and appearance of the area

The proposed bridge would be constructed immediately to the west of the existing bridge located off Avenue De Clichy. While its steel diagonal frame construction is not of an exemplar design, the bridge is of a modest scale and height and due to the extensive level of vegetation to the east and west, it would not be overly conspicuous in terms of its siting. Its appearance would also be very similar in nature to the existing bridge, which it would replace. Overall, whilst it is a shame that a more innovative design has not come forward, given the limited scale and discrete location of the bridge, the development would have an acceptable impact on the visual amenity of the area.

Impact on residential amenity

There is already a bridge at this location and the proposed development would not result in any significant impact upon neighbouring amenity in relation to loss of privacy, loss of daylight, or noise and disturbance.

Flood risk

The site falls within a C2 flood risk zone (areas of the floodplain without significant flood defence infrastructure). Accordingly, the views of Natural Resources Wales have been sought on this application. Their comments acknowledge the absence of a Flood Consequence Assessment (FCA). Nonetheless, as the soffit of the proposed bridge would be above the 1000 year flood level event, no objections are raised to the scheme from a flood risk perspective.

Ecology and the environment

Comments received from NRW raise no objection to the application from a pollution perspective on the proviso that no development shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted. This can be controlled by imposing a suitable worded condition to the permission. The Council's Ecologist has also reviewed the submitted Ecological Constraints Report and Addendum Report and has raised no objection to the scheme, subject to the provision of a CEMP and full specifications/details of compensation and enhancements measures (i.e. lighting specification details, replacement of vegetation with native species of local provenance, provision of three bat boxes and five bird boxes). Subject to these conditions, the proposed development is considered acceptable in this respect.

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.

Accordingly the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following CONDITIONS:

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:

Drawing number 007-BA-01 Rev 01 received on 14.02.22

Drawing number 006-PD-01 Rev 01 received on 14.02.22

Drawing number 005-AB-01 Rev 01 received on 14.02.22

Drawing number 004-SS-01 Rev 01 received on 14.02.22

Drawing number 003-GA-01 Rev 03 received on 14.02.22

Drawing number 002 Rev 01 received on 14.02.22

Ecological Constraints Report Document Ref: ECR-MTCBC-2101, Issue 1 received on 04.07.2022

Ecological Addendum Report Document Ref: EAR-MTCBC-2201, Issue 2 received on 04.07.2022

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

3. No development or phase of development, including site clearance, shall take place until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include the following details:

- i) Construction methods including details of materials and how waste would be managed.
- ii) General site management including 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.
- iii) Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- iv) Soil Management: details of topsoil strip, storage and amelioration for re-use.
- v) CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- vi) Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- vii) Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- viii) 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.
- ix) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- x) Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason - To protect the natural environment in accordance with Policies EnW1 and EnW4 of the Merthyr Tydfil Local Development Plan.

4. No development shall take place until details of a method statement and risk assessment for the protection of the structural condition of the public sewer crossing the site has been submitted to and approved in writing by the local planning authority. The approved protection measures shall be implemented in accordance with the approved details prior to the commencement of the development hereby approved. The protection

measures shall be retained at all times for the duration of the approved operations including the construction works.

Reason - To ensure that the proposed development does not affect the integrity of the public sewerage system in the interests of public health and safety and in accordance with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. **No development shall commence**, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) wheel washing facilities; and
- v) measures to control the emission of dust and dirt during demolition and construction;

Reason - In the interests of the highway safety and free flow of traffic and to protect the environment and so as to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. Prior to works commencing on site, details for the provision of bat boxes and bird boxes together with details of their location within the site, shall be submitted to and approved in writing by the local planning authority. The bat and bird boxes shall be installed in accordance with the approved details before the bridge is brought into use.

Reason - To provide biodiversity and environmental enhancements in accordance with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

7. Prior to its installation, full details of the lighting proposed for the bridge shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan shall include:

- Details of the siting and type of lighting to be used.
- Drawings setting out light spillage.

The lighting shall only be installed in accordance with the approved details and maintained as such thereafter.

Reason - To limit the impact on protected species and reduce light pollution in accordance with policies EnW2 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. Prior to works commencing on site, details for the provision of replacement planting at the site shall be submitted to and approved in writing by the local planning authority. All planting, seeding or turfing comprised in the approved details of planting shall be carried out in the first planting and seeding seasons following the beneficial use of the bridge or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or

become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the new development will be visually attractive in the interests of amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. There is a public right of way crossing the site. Any diversion, stopping up or other amendment to it required authorisation under other legislation and is not granted permission by the attached decision notice. For further advice please contact the Council's Public Right of Way Officer.
2. If a drop kerb is required, an application form to obtain permission for this aspect of the development can be obtained from the highways department;

Website : <https://www.merthyr.gov.uk/resident/parking-roads-and-travel/roads-footways-and-pavements/dropped-kerb/>

Email : Highways.CustomerCare@merthyr.gov.uk Tel no : 01685 727470 or 725000

3. The applicant's attention is drawn to the comments and advice received to this application from Natural Resources Wales (NRW). The applicant should note that NRW have advised that a Flood Risk Activity Permit (FRAP) will be required for the works. Please contact Carl Llewellyn via carl.llewellyn@cyfoethnaturiolcymru.gov.uk to discuss this further.
4. The developer should contact Welsh Water's Plan and Protect Team on 0800 917 2652 or via email at developer.services@dwrcymru.com to discuss what their requirements are in relation to the protection of their asset and any potential diversion.
5. 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 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.

6. 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 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.

7. Under Section 14 of the Wildlife & Countryside Act 1981 (as amended), it is an offence to release animals or plants listed in Schedule 9 into the wild. Schedule 9 lists species which are non-native, or native species of conservation concern.

The developer's attention is drawn to the risks associated with the presence of Japanese Knotweed on the banks of the river. This is a non native invasive species listed on Schedule 9 of the Wildlife and Countryside Act. It is unlawful to plant it or otherwise cause it to spread in the wild. For further guidance and advice please visit <https://naturalresources.wales/guidance-and-advice/environmental-topics/wildlife-and-biodiversity/japanese-knotweed/?lang=en>

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

6/7/22