

Core Valley Line Transformation Works

Permitted Development Rights Proforma –

The Town and Country Planning (General Permitted Development) Order 1995

Part 11 Class A

This proforma has been completed to assist Amey Infrastructure Wales (AIW) and Merthyr Tydfil County Borough Council (MTCBC) determining whether works proposed within Network Rail land to railway infrastructure benefit from permitted development rights conveyed by The Town and Country Planning (General Permitted Development) Order 1995 Part 11 Class A.

This proforma has been completed with the aid of, and in the context of, the Memorandum of Understanding (Document TRAN01-KAW-ZZ-CVL-GSP-T-PS-000001) which was shared and agreed with local planning authorities affected by the Core Valley Lines works in Spring 2019.

Location of Development	Description: Taff Trail Footbridge provides a pedestrian link over the Merthyr Railway Line, to link the two ends of the Taff Trail footpath which runs alongside the railway line. The footbridge is located due south of the Merthyr Vale Station. Grid Reference: 307694, 198758 Nearest Rail Station: Merthyr Vale, circa 0.73km north of the footbridge. Description of neighbouring land uses: The Taff Trail Footbridge is along the Taff Trail footpath which travels in a broad north to south direction (parallel to the railway line) with a small residential suburb to the east. To the west of the footbridge is the Merthyr Railway Line, with the River Taff further to the west, separated from the footbridge by dense woodland.
Description of Works	Development Type: <i>Plans and/or photographs showing the site's location, existing and proposed plans, elevations and sections are provided: (TRAN01-GRF-R1-MER-DDR-C-CV-502301 P01.1) and (TRAN01-GRF-R1-MER-DDR-C-CV-502001 P01.1).</i> The existing footbridge consists of steel beams, painted reddish-brown with grey steel bar parapets divided into equal sections. Over the railway line (and where the proposed alterations would be located), the parapet height increases to circa 2.1m and the grey steel bars are replaced in favour of a grey steel perforated mesh. The proposed alterations to the footbridge would involve the removal of the existing perforated infill panels on the northern and southern elevations of the

	footbridge and their replacement with 12mm thick, 1.91m high GRP panels with perforations (above the height of 1550mm) to match the existing. The steel beam across the top of the footbridge would retain the existing total height of the footbridge parapet at approximately 2.1m. As such, the total height of the footbridge would not be affected. The replacement GRP panels would span approximately 7.84m directly above the underlying railway line, with a 3m buffer on either side of the middle point of the track. The GRP panels would be of a similar colour to the existing parapets, and it is unlikely that any visual difference to the footbridge would be immediately distinguishable following the proposed works. The parapet additions would provide adequate safety provision for members of the public following the installation of Overhead Line Electrification (OLE) equipment along this section of the network. Works to install the OLE equipment to the underside of the bridge are separate and do not form part of this submission. Reason for Development: As operator and developer of the Wales and Borders rail service and South Wales Metro, AIW will be undertaking extensive upgrades to the Core Valley Lines. The improvements to this bridge form part of the enhanced services being delivered as part of the Core Valley Liners Transformation. The works are also to ensure compliance with Network Rail Standard NR/BS/LI/331 Issue 2 (<i>Requirements for parapet heights on overbridge and footbridge structures spanning overhead line electrification equipment</i>). When considering the impact of the OLE equipment on users of existing bridges, the general approach has been to identify bridges where clearance of at least 2.25m is currently provided between the bridge and proposed OLE equipment. This is described as "Protection by Clearance" and where this already exists no further action is required. Where this does not exist, protection is added via an increased parapet. This is described as "Protection by Obstacle" and is the approach in this instance. Replacement of Existing Structure: Yes ☐ No ☒ Distance to nearest residential property: The closest residential property to the footbridge is an end of terrace unit (32 Mount View) which has windows providing direct views of the footbridge. The property is approximately 23m from the nearest point of the parapet alterations. Description of neighbouring land uses: The Taff Trail Footbridge is along the Taff Trail footpath which travels in a broad north to south direction (parallel to the railway line) with a small residential suburb to the east. To the west of the footbridge is the Merthyr Railway Line, with the River Taff further to the west, separated from the footbridge by dense woodland. Description of surveys undertaken: No surveys have been undertaken to date.
Part 11A	<u>Test 1</u>

	Does an authorising Act or Order exist which authorises the nature of development proposed? Yes ☒ No ☐ Name of the relevant Act or Order: The Taff Vale Railway Act 1836, which predated the Railway Clauses Consolidation Act 1845, followed by the further powers to widen and improve the railway by the Taff Vale Railway Act 1857. Why does this Act or Order authorise the nature of the development proposed? The provisions of the Railway Clauses Consolidation Act 1845 incorporated powers under Section 16 for the then railways companies and successors in title (AIW) to undertake future works. These works are not limited to the construction of the railway, but include all acts necessary for making, maintaining, altering, or repairing and using the railway. The provision of this development is required to service and maintain the Core Valley Lines network. The acts authorised this stretch of line and structures associated with it. They provide wide ranging powers which enable the railway operator to undertake modifications and new development required to maintain the railway. Is the development located within the operational land of the railway or on other land where there is evidence that the land was associated within the railway? Yes, the proposed development falls within the operational land. If the answer to the above is 'no', Part 11A is not relevant and the development does not benefit from permitted development rights by virtue of Part 11A. If the answer to the above is 'yes', and the Act or Order was passed before 1st July 1948, proceed to Test 2. The answer to the above is yes to all elements. If the answer to the above is 'yes', and the Act or Order was passed after 1st July 1948, proceed to Test 3. <u>Test 2</u> Does an Article 4 Direction exist which specifies restrictions to railway infrastructure? Yes ☐ No ☒ As far as AIW is aware, an Article 4 Direction does not cover the proposed development site. If the answer to the above is 'yes', permitted development rights under Part 11A are revoked. If the answer to the above is 'no', proceed to Test 3. <u>Test 3</u>
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	Does the development consist of or include the erection, construction, alteration or extension of a building or bridge, or the formation, laying out or alteration of a means of access to any highway? Yes ☒ No ☐ 'Building' is taken to mean include any structure or erection, including any part of. The term 'building' does not include plant, machinery, gate, fence, wall or other means of enclosure. The types of structures considered to comprise a building are railway signal boxes, substations, station platform canopies and amenity blocks. If the answer to the above is 'yes', prior approval is required. Proceed to Test 4. If the answer to the above is 'no', development is permitted development under Part 11A. <u>Test 4</u> Should the development be undertaken elsewhere? Yes ☐ No ☒ <i>Please provide reasoning:</i> The works would be undertaken to an existing bridge. The proposal is required to enable service improvements as part of the CVLT works by ensuring the OLE works can be accommodated whilst also ensuring the continued safe usage of the existing bridge. If the answer to the above is 'yes', prior approval would be refused. If the answer to the above is 'no', proceed to Test 5. <u>Test 5</u> Would the design or external appearance of the bridge or building proposed injure the amenity of the neighbourhood? Yes ☐ No ☒ <i>Please provide reasoning including reference to development location and design selection:</i> The proposed development would result in minor aesthetic changes to the appearance of a small section of the existing Taff Trail Footbridge parapets. The alteration would be on the inside of the bridge and whilst there would be some change visible, this would be relatively minor, and it is unlikely that the changes would be immediately distinguishable. The scale and height of the footbridge would not be impacted by the parapet additions and as such the amenity of the area is unlikely to be affected. Although the alterations would be visible to the nearest residential units, it is not anticipated that this would injure their amenity. The alteration would be orientated in the same direction as the views from the nearest residential unit, so the view would be oblique. Views from the other residential units and public areas on
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	Mount View would also be at oblique angles to varying degrees, with trees partially restricting many of these views. The main view of the bridge from Mount View to the east would be of the section running parallel with the railway line rather than the section to be altered. There would be a minor loss in symmetry for the section crossing the railway line, but this is offset by the footbridge's existing irregularity, it is not currently symmetrical in structure. It is likely that only users of the footbridge would notice a distinguishable difference to the footbridge's aesthetic, but this does not mean the aesthetic would be diminished. The design of the GRP panels is in keeping with the footbridge's existing design and therefore the character of the bridge, and amenity of the area, would not be impacted by the changes. Furthermore, the proposed development is necessary to facilitate the continued safe usage of the footbridge for pedestrians following the forthcoming OLE works to the railway line. The previous design submitted to MTCBC in April 2022 was considered inappropriate (from a design/visual impact perspective) to the extent that injury to the amenity of the neighbourhood was considered likely and it was considered that an alternative design was possible and should be explored; the design subject to this prior approval submission has been subject to various discussions (including site meetings) with the Planning and Technical Engineering departments at MTCBC and has been agreed in principle. For these reasons, it is not considered that the design or external appearance would injure the amenity of the neighbourhood. If the answer to the above is 'yes', prior approval would be refused. If the answer to the above is 'no', prior approval should be granted.
Outcome	Development is permitted development under Part 11A ☒ Prior approval under Part 11A will be sought ☒ Development is not permitted development and express planning consent is required ☐ Proforma completed by: Bobby Clayton (Axis) Date: 17 January 2023 Completed proforma provided to: Merthyr Tydfil County Borough Council