

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) in 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: Merthyr CBC Overbridge provides a vehicle and pedestrian link over the Merthyr Railway Line, connecting a commercial industrial / retail estate across the River Taff and the railway line. The overbridge facilitates traffic between the two industrial / retail areas. Grid Reference: 305495, 204643 Nearest Rail Station: Pentre-Bach (approximately 1km directly southeast of the overbridge). Description of neighbouring land uses: The Merthyr CBC Overbridge is approximately 0.7km north of the settlement of Abercanaid, and within the commercial industrial / retail estate immediately south of Ysgubor Newydd. The overbridge provides a crossing over the Merthyr Vale railway line and River Taff which both run parallel beneath, broadly north to south. Either side of the overbridge is the industrial estate, with roundabouts to the east and west providing access to several business premises. Further west is 'The View Camping' centre and the A470 (circa 0.4km), and further east is the A4060 (0.27km). Beyond either of these main roads are large expanses of open countryside.
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-502602 P01.1), (TRAN01-GRF-R1-MER-DDR-C-CV-502603 P01.1) and (TRAN01-GRF-R1-MER-DDR-C-CV-502001 P01.1)</i>

	The existing overbridge consists of a standard two-lane road, bordered on either side by a pedestrian pavement. The bridge has a gentle incline up towards its centre. The overbridge's existing parapets appear to be vertical steel members and stand at a maximum height of circa 1.2m, measuring from the pavement to the top bracket. The proposal would extend the existing parapets to a total height of circa 1.85m over a relative short distance spanning the railway line underneath. The remaining portion of the overbridge would remain unaffected. The lateral (horizontal) distance that would be subject to the proposed development is circa 14.2m (of the approximate 100m span of the full bridge). The extension would be achieved through the addition of 12mm thick GRP infill plates fixed to a new framing. The brackets would be attached to the existing footbridge parapets at approximate 1.77 m intervals (using the existing vertical structural supports of the existing bridge). The design of the proposed parapets would include apertures (25mm diameter holes) above 1550mm from footway level or at any point outside the 3m track envelope. This is illustrated more clearly on the illustration drawing (TRAN01-GRF-R1-MER-DDR-C-CV-CHW603 P01). The proposed works 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 overbridge is not within the immediate vicinity of any sensitive receptors. The closest residential property is 0.34km north of the overbridge, an end of terrace unit along the main road of Plymouth Street. The property has no discernible view of the overbridge owing to distance and multiple intervening landscape features and buildings. There are also residences approximately 0.35km to the east beyond the A4060, and there is substantial screening between these residences and the proposed parapet extension. Description of neighbouring land uses: The Merthyr CBC Overbridge is approximately 0.7km north of the settlement of Abercanaid, and within the commercial industrial / retail estate immediately south of Ysgubor Newydd. The overbridge provides a crossing over the Merthyr Vale
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	railway line and River Taff which both run parallel beneath, broadly north to south. Either side of the overbridge is the industrial estate, with roundabouts to the east and west providing access to several business premises. Further west is 'The View Camping' centre and the A470 (circa 0.4km), and further east is the A4060 (0.27km). Beyond either of these main roads are large expanses of open countryside. 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 (Keolis Amey) 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> 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 ☒
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	<i>Please provide reasoning including reference to development location and design selection:</i> The proposed development would result in a minor change to the height of the existing Merthyr CBC overbridge parapet across a relatively short distance but would not otherwise impact the overbridge. The visibility of the overbridge from any receptors is limited owing to its location within a commercial industrial estate. There is a lack of distinctly sensitive receptors to which the overbridge is visible, however it must be acknowledged that the bridge is visible from certain local vantage points. Motorists, pedestrians and those visiting the commercial units would see the proposed works. It is not anticipated that the alterations would evoke a detriment to the bridge or its users. The design would be in keeping with the current functional aesthetic and the changes would be to ensure the safety of those most affected by the visual change to the bridge. There would be a minor loss of symmetry, but this would not be to an extent that would unreasonably injure to the amenity of the area or the bridge itself. The overbridge itself is functional in architectural design and is used as a throughfare to facilitate traffic between the two sides of the industrial estate across the railway and the River Taff. As such, the design of the proposed extensions would not detract from the existing design. Views of the alteration would be limited to users of the road, and the partial increase in height would not impact the amenities which the overbridge offers. Furthermore, the changes to the overbridge are necessary to enable the necessary service improvements as part of the CVLT works by ensuring the OLE works can be accommodated without negligible impacts on the safety of the users of the overbridge. 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

