

DELEGATED REPORT

Application No:	P/23/0122
Site Address:	Pontygwaith Rail Overbridge Pontygwaith Treharris
Development:	Installation of two overhead line electrification fixings to the underside wall of the bridge
Case Officer:	Emma Watkins
Application Expiry Date:	30th June 2023
Consultation reply date expired:	7th July 2023

APPLICATION SITE

The proposed works relate to the Grade II Listed Pontygwaith Railway Overbridge (ref 87705) which spans the Taff Vale Lane. The Pontygwaith Railway overbridge along with the abutting Grade II Listed Pontygwaith Tram overbridge (Ref: 80908) are designated for their group value as part of one of the oldest railway lines in Wales and through the association with the chief engineer for the Taff Vale railway line, Isambard Kingdom Brunel.

PROPOSED DEVELOPMENT

The proposed works at Pontygwaith Railway overbridge will involve the installation of overhead line equipment (OLE) attached to the bridge structure. Two OLE cantilever arms would be mounted on base plates and installed on the underside walls of the bridge. The fixings would support the OLE arms, to which a suspended catenary wire would be attached. This wire would serve as a permanently earthed section rather than a live wire powering the train trough OLE under the bridge.

These works form part of the Wales and Borders project; a multifaceted, long term rail improvement programme designed to deliver a public transport transformation in the Cardiff and Valleys region.

The application is accompanied by a Cover Letter and Overarching Statement and a Heritage Impact Assessment (HIA).

PLANNING HISTORY

There is no relevant planning history.

CONSULTATION

The Glamorgan Gwent Archaeological Trust:	No objection.
Cadw:	No response.
Civic Trust for Wales:	No response.
The Victorian Society:	No response.
Royal Commission on the Ancient and Historical Monuments:	No response.
The Society for the Protection of Ancient Buildings:	No response.
Merthyr Tydfil Heritage Trust:	No response.

PUBLICITY

In accordance with statutory publicity requirements, a press notice was published in the local paper on the 25 May 2023 and a site notice was displayed within the vicinity of the site on the 16 June 2023.

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 (Listed Buildings and Conservation Areas) Act 1990:

Section 16. – (1) Subject to the previous provision of this Part, the local planning authority or, as the case may be, the Secretary of State may grant or refuse an application for listed building consent and, they grant consent, may grant it subject to conditions.

(2) In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

(3) Any listed building consent shall (except in so far as it otherwise provides) ensure for the benefit of the building and of all persons for the time being interested in it.

Section 66. - (1) In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

(2) Without prejudice to section 72, in the exercise of the powers of appropriation, disposal

and development (including redevelopment) conferred by the provisions of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.

Welsh Office Circular 61/96: Planning the Historic Environment: Listed Buildings and Conservation Areas

Part 1 Paragraph 11 requires local planning authorities considering applications for works which affect listed buildings to have special regard to its character and setting.

National Planning Policy - Planning Policy Wales (Edition 11, February 2021)

Section 6.1 recognises the importance of protecting the historic environment and paragraph 6.1.10 states that 'For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses.'

Technical Advice Note 24: The Historic Environment (May 2017)

Paragraph 1.25 states 'The setting of an historic asset includes the surroundings in which it is understood, experienced, and appreciated embracing present and past relationships to the surrounding landscape.' Paragraph 1.28 explains that there will be cases where a proposal will enhance the setting of a historic asset and this will be treated as a benefit resulting from the development'.

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

Policy SW11 – Sustainable design and Placemaking
Policy CW1 - Historic Environment

PLANNING CONSIDERATIONS

The key considerations in the determination of this application relate to the effect of the works on the character and appearance of the listed building.

The addition of the two cantilever arms is required as part of the South Wales Metro modernisation of the railway infrastructure which aims to improve the connectivity of the area. The accompanying Heritage Impact Assessment sets out the justification of the works and the options that have been discounted and why. This is summarised below:

Due to engineering constraints and OLE placements a c.400m long stretch of line would need to be de-electrified (200m in each direction from the bridge) if trains were to run on battery power while traveling under the Pontygwaith bridge. This requirement along with other nearby de- electrified stretches would exhaust the battery capacity of the rolling stock meaning it would not be able to complete its required journey.

The option to use battery power from trains is limited due to the Pontygwaith bridge being located approximately 1140m up line from the proposed de electrified Quakers Yard Viaduct (I.D. 11514) meaning that there would not be the option to have a train running on

battery power at both the Grade II Listed Pontygwaith bridge and the Grade II Listed Quakers Yard Viaduct.*

Other fitting options such as a full OLE installation would require larger, more intrusive cantilever systems which would also require the lowering of track levels at this location by approximately 100mm and would have potential for works to expose the structures foundations.

Options were assessed that would involve attaching the OLE to the bridge soffit to reduce the visual intrusion of the new OLE works, however inspection found the girders to be too weathered to support the required OLE equipment without far more substantial works being carried out to the bridge.

It is clear that in order to support a regional improvement to the railways in South Wales various works are required to modernise the existing infrastructure. Many of these works will require changes or additions to structures that are listed, due to the age of the railway network and its associated infrastructure.

Whilst the proposed works will be visible from certain angles (track side) and are more modern than the design of the structure, it is considered that the proposals would preserve the character of the listed bridge since the proposal relates to railway infrastructure and forms part of a region wide upgrade, in accordance with Policy CW1.

Accordingly, the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following CONDITIONS

1. The development hereby granted consent shall be begun not later than the expiration of five years beginning with the date of this consent.

Reason - To comply with Section 18 of the Planning (Listed Building and Conservation Area) Act 1990.

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

- Site location plan (2509-01-01)
- OLE Fixings General Arrangement Drawing TRAN01-FJD-R1-MER-DDR-C-CV-010401-S0-P02.1
- Fabrication Details Drawing TRAN01-FJD-R1-MER-DDR-C-CV-010301-S0-P06.1
- Pontygwaith Rail Overbridge Heritage Impact Assessment | P01.1 (April 2023)

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

INFORMATIVES

1. 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.

2. 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.

RECOMMENDATION ENDORSED


Director of Neighbourhood Services

P.P.

DATE: 20.07.2023