

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 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 Vale Overbridge provides a vehicle and pedestrian link over the Merthyr Railway Line, connecting the residential areas on either side. The existing Overbridge is immediately to the north of Merthyr Vale Station. Grid Reference: 307658, 199569 Nearest Rail Station: Merthyr Vale (the bridge crosses the railway approximately 7m from the station platforms). Description of neighbouring land uses: The Merthyr Vale Overbridge is within the settlement of Merthyr Vale, and approximately 200m southeast from the village of Aberfan. The overbridge provides passage between Bells Hill (to the west) and Cardiff Road (to the east) and is bordered by several residential and commercial units. Immediately south of the overbridge is the Merthyr Vale Station and the railway continues north. A number of mature trees are located on either side of the railway.
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-502501 P01.1) and (TRAN01-GRF-R1-MER-DDR-C-CV-502001 P01.1)</i> The existing overbridge consists of a standard two-lane road with two t-style junctions on either side of the overbridge. The overbridge has a gentle incline up from west to east and provides pedestrian pavements on either side of the road. The existing parapets consists of a short stone barrier topped with metal grid panel fencing spanning the full length of the overbridge.

	The proposal would involve (on the northern elevation) the removal of approximately 12.25m of the existing parapet panels above the existing concrete upstand and its replacement with new parapet panels across the same horizontal extent but to a new height of 1.28m (when measured from the top of the existing concrete upstand) or 1.87m (when measured from the footway level). The proposed parapet would consist of 1.725m wide panels attached side by side; the panels themselves would consist of tubular steel framing to be painted blue to match existing, solid plate infill at the lower extent (up to 0.98m of the panel height), and then mesh infill (with maximum 25mm apertures) for the remaining 0.3m of the panel height – both the solid plate infill and the mesh would be coloured white. The above design would be replicated on the southern elevation with the key difference being the nature of the interaction between the proposed and existing parapets; the latter continues either side (at the eastern end where it interacts with the wall immediately adjacent a residential property, and at the western end where the existing parapet curves around and along Bells Hill. At these immediate interaction points, it is proposed to install additional rail and mesh infill to meet the existing (lower) parapet. The existing concrete upstand would be repaired using a suitable compound such as renderoc (or similar approved). The proposed development is illustrated on the illustration drawings (TRAN01-GRF-R1-MER-DDR-C-CV-CHW503 P01) and (TRAN01-GRF-R1-MER-DDR-C-CV-CHW504 P01). The replacement parapets will reach a height of circa 1.87m from the kerb of the pavement providing sufficient height to 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 overbridge is a small first-floor flat on the B4285 above a commercial unit. It is located approximately 12m to the east of the nearest section of the overbridge that will be altered by the proposal. It should be
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	noted that the property has a direct view of the overbridge and Merthyr Vale Station. Description of neighbouring land uses: The Merthyr Vale Overbridge is within the settlement of Merthyr Vale, and approximately 200m southeast from the village of Aberfan. The overbridge provides passage between Bells Hill (to the west) and Cardiff Road (to the east) and is bordered by several residential and commercial units. Immediately south of the overbridge is the Merthyr Vale Station and the railway continues north. A number of mature trees are located on either side of the railway. 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>
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	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 a relatively minor change to the appearance of the existing Merthyr Vale overbridge in terms of altering the height over a relatively short distance. This would be visible from a number of receptors, including the nearest residential property, an overlooking detached house on the Cardiff Road to the east, and by several terraced units on Tudor Close to the southwest. The change in height of a short distance of the existing bridge parapets will result in a loss of symmetry across the bridge, though this is not anticipated to significantly alter the character of the bridge. The design attempts to mimic (and to a certain update) the existing design of the bridge parapets in this location, including material and colour matching. It is not considered that the changes to the appearance of the overbridge would injure the amenity of the neighbourhood. Furthermore, the proposed development is necessary to facilitate the continued safe usage of the overbridge 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

