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6th August 2014

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Dear Sir / Madam,

Ewenny Overbridge Replacement, Ewenny

1400947PNO

Construction of new road bridge under Part 11 Class A to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 requiring the Local Planning Authority's Prior Approval

Prior approval is sought from the Vale of Glamorgan Council under Part 11 Class A to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) in respect of the proposed replacement of the existing St. Brides Road (B4265) road bridge over the railway line.

The bridge is located to the south-west of Ewenny.

The replacement of the existing road bridge is being jointly funded by Network Rail and the Vale of Glamorgan Council. The replacement of the bridge is due to commence in early 2015 with a two month road closure in place to enable the replacement bridge to be installed.

Prior approval is sought for the replacement of the existing bridge, which is in a poor condition. The design of the replacement bridge has followed extensive discussions between Network Rail and the Vale of Glamorgan Council Highways Service to ensure that the bridge meets the highway needs of the Council.

The following plans and documents support this application for prior approval:

- (i) Site Location Plan;
- (ii) Photographs showing the existing road bridge over the railway and its plan layout (Dwg. No. CB-SK-EW-100);
- (iii) Proposed replacement bridge plans and elevations:
 - Dwg. No. 231552-00-SK-009 – Proposed Layout;
 - Dwg. No. 231552-00-SK-008 - Proposed North West Elevation;
 - Dwg. No. 231552-00-SK-007 – Proposed South East Elevation;
 - Dwg. No. 231552-00-SK-010 – Proposed Cross Section;

- (iv) Location of the temporary site compound at Lafarge Aggregate's Ewenny Quarry.

Site Location

The road bridge crosses over the railway line on the south-western side of Ewenny (refer to the Site Location Plan) and links Ewenny with areas to the south, including St. Brides Major and Southerndown.

The external elevations of the bridge are not clearly visible from the surrounding area due to mature tree and shrub planting along the banks of the railway line.

Residential properties lie on the north-eastern side of the bridge but are screened by tree and shrub planting.

Access to Ewenny Quarry lies to the east of the bridge.

The bridge is not listed nor is it within a Conservation Area.

The site lies within a Special Landscape Area as designated within the adopted Vale of Glamorgan Unitary Development Plan.

Structural Condition of the Existing Ewenny Rail Overbridge

The option of repair works to the bridge structure has been explored however, the bridge has failed a dead load assessment and has been assessed by Network Rail as being in a poor structural condition such that any repair works would not remove the need for the bridge to be replaced in the near future.

Due to the failed dead load assessment a 3.55 metre width restriction has been in place on the bridge reinforced by Trief kerbs and traffic light controls to ensure one-way traffic flow across the bridge at any one time.

Defects have been found in terms of severe corrosion of the bridge's girders and troughs, opening of joints to the abutments, loose and missing masonry to the approach parapets and copings, and general water penetration through the bridge structure.

Proposed Development

Due to the failed structural condition of the existing bridge it is proposed to replace the single carriageway bridge with a wider replacement bridge which can accommodate two carriageways (total carriageway width of 7.3 metres).

The design and visual appearance of the replacement bridge is shown on the enclosed elevational drawings and is examined below.

The temporary site compound required during the replacement of the bridge will be located within Lafarge Aggregate's Ewenny Quarry and will be sited away from residential properties to the north-east in order to minimise disturbance and disruption. Vehicular access to the compound will be gained via the existing access to Ewenny Quarry from the B4265 St. Brides Road, to the east of the railway line and south-east of the bridge. Under Part 4 Class A of the GPDO 1995 the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on land adjoining that land is permitted development.

Part 11 Legislation and Prior Approval

This proposal is submitted under Part 11 Class A to Schedule 2 of the GPDO 1995 as permitted development. Under this legislation planning permission is not required for the proposed replacement bridge but the Local Planning Authority must give its approval to the implementation of the scheme.

Part 11 of the GPDO is applicable to developments which were initially authorised by an Act of Parliament. The Ewenny rail bridge was constructed under the Vale of Glamorgan Railway Act 1889 which incorporates the provisions of the Railway Clauses Consolidation Act of 1845 (referred to henceforth as 'the 1845 Act'). Both these Acts are relevant to the construction of the railway and bridge at this location and the 1889 Act includes the provisions set out in the 1845 Act. Section 16 of the 1845 Act states:

Subject to the Provisions and Restrictions in this [Act] it shall be lawful for the Company [...] to execute any of the following works; [...] They may construct in, upon, across, under or over any lands [...] within the Lands described in the said Plans or mentioned in the Said Books of Reference or any Correction thereof, such [...] bridges [...] as they think proper; [...] They may from Time to Time alter, repair, or discontinue the before-mentioned Works or any of them, and substitute others in their Stead; and, They may do all other Acts necessary for making, maintaining, altering, or repairing, and using the Railway

This bestows upon the railway company and its successors the power to make developments necessary to the running and management of the railway; including construction of a new bridge. The replacement of the Ewenny rail bridge is therefore permitted development, outlined in Part 11 Class A of Schedule 2 of the GPDO.

Paragraph A.2 of Part 11 outlines the process by which the Local Planning Authority can give prior approval and comment on the proposal. It states:

"The prior approval referred to in paragraph A.1 is not to be refused by the appropriate authority nor are conditions to be imposed unless they are satisfied that -

- (a) the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or*
- (b) the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury."*

The Local Planning Authority may consider only the design, materials, or siting of the project to ensure that the development '*would not injure the amenities of the neighbourhood*', and be satisfied that it could not be '*reasonably carried out elsewhere*'. These aspects are examined below:

Siting

The replacement bridge will be in the same location as the existing rail bridge. Due to the alignment of the rail track and the B4265 this is the most appropriate location for the proposed bridge. Maintaining the existing location of the bridge will also minimise disturbance to the surrounding area.

Design and Materials

The existing steel bridge cannot be retained due to the extent of its structural deterioration and any repair work to the bridge will only be a short-term measure with the replacement of the bridge now being the only viable option.

The external elevations of the rail bridge are not easily seen from the surrounding area as trees and vegetation along the banks of the railway line screen views towards the bridge. The road-side elevations of the bridge are only glimpsed briefly when crossing the bridge.

The railway is well established in the landscape. Nearby residential properties to the north-east do not have direct views towards the rail bridge due to mature landscaping and established tree planting effectively screening the area around the bridge from public view.

The proposed bridge will be of a simple design comprising steel panelling, parapets and copings on a pre-cast concrete bridge deck with pre-cast concrete sill beams supporting the bridge structure on the existing masonry wingwalls.

The bridge parapet design and its height is a safety requirement associated with future electrification of the rail line and will prevent members of the public reaching over-head electrification power lines.

The existing masonry walling abutting the parapets of the north-western elevation of the bridge will be raised in height to prevent trespass onto the railway line and will match the appearance of the existing masonry. The south-eastern elevation of the bridge will include steel safety fencing adjoining the bridge, to prevent public access to the railway line.

The materials used in respect of the bridge are typically used by Network Rail in its railway infrastructure and has proven to be durable and visually acceptable in similar rural / semi-rural locations.

It is considered that the design and external appearance of the replacement bridge will not be injurious to the amenities of the surrounding area or to the environment adjacent to the bridge for the reasons stated above.

Relevant Local Planning Policy

Whilst the replacement rail bridge is permitted development and therefore deemed not to require a full planning application it is demonstrated below that this proposal will be in accordance with local planning policy.

The Vale of Glamorgan's Local Development Plan (LDP) is currently under preparation with the Deposit Local Development Plan (November 2013) undergoing public consultation which ended in December 2013. Public consultation on Alternative Sites has recently been undertaken, which ended in May 2014, and the Council is now considering the responses to the Deposit Plan and Alternative Sites prior to submission of the Plan to Welsh Government.

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As the Local Development Plan is still under consideration by the Council the Unitary Development Plan (UDP) (adopted April 2005) is therefore the Council's development plan document against which development proposals are evaluated.

The UDP Proposals Map identifies that the Ewenny rail bridge lies within the Castle Upon Alun Special Landscape Area (SLA). Policy ENV4 (Special Landscape Area) states that development proposals must not adversely affect the landscape character, landscape features or visual amenities of the SLA. The proposed replacement of the road bridge over the railway line will not adversely affect the character or features of the SLA mindful that the proposed bridge will be located in the same position as the existing bridge and will utilise the wingwalls of the existing bridge therefore minimising disturbance to trees and vegetation on the adjacent railway banks.

A further relevant policy of the UDP is:

Policy ENV 27 (Design of New Development) aims to ensure that new development has full regard to the context of the local natural and built environment and its special features. The policy aims to ensure that development complements or enhances the local character of the surrounding area. The replacement bridge will be of a suitable design and appearance and will replace a life-expired bridge which has a poor and deteriorating visual appearance. Any views towards the bridge from the surrounding area are limited and brief due to existing trees and planting along the railway bank and on the approach to Ewenny Quarry. The proposal will not harm the amenities of the surrounding area.

Bat Survey

Surveying for the presence of bats has been undertaken and no bats have been found to be present at the bridge.

Summary

The replacement of the existing corroded rail bridge at Ewenny with a new bridge does not require full planning permission as the work benefits from deemed consent through Part 11 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. However, the local planning authority's prior approval of the scheme is required before works can commence. When undertaking prior approval the local planning authority must be satisfied that the scheme will not '*injure the amenity of the neighbourhood*' or could not be implemented somewhere else on the land (paragraph A.2 of Part 11).

Network Rail looks forward to receiving written confirmation that the Vale of Glamorgan Council is satisfied with the proposed works, and that prior approval is granted.

Should you have any queries regarding this prior approval submission, or wish to discuss the proposed bridge replacement works or prior approval procedure please do not hesitate to contact me.

Yours sincerely,

A black rectangular redaction box covering the signature area.

Helen Hodgson MRTPI
Town Planner Wales