



Swansea Burrows

Alterations to Existing Access to Swansea Burrows Freight Site

Prior Approval – Supporting Statement

Date: November 2024



1 Introduction

1.1 Purpose

This document has been prepared by Network Rail to form an application for prior approval under Part 11 Class A to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 for proposed alteration to existing access at Swansea Burrows Freight site. The development comprises:

“Alterations to existing highway access to Swansea Burrows Freight Site”

This document includes context regarding the proposals, outlines the proposed works, and exemptions under Part 11 Class A to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

1.2 Background to the Proposed Development

Network Rail are looking to alter the entrance into an existing freight site known as Swansea Burrows, the majority of this site falls within the Swansea Council Area. However, the access to the site, and the works subject to his prior approval application are within Neath Port Talbot Council’s area.

2 Site Description

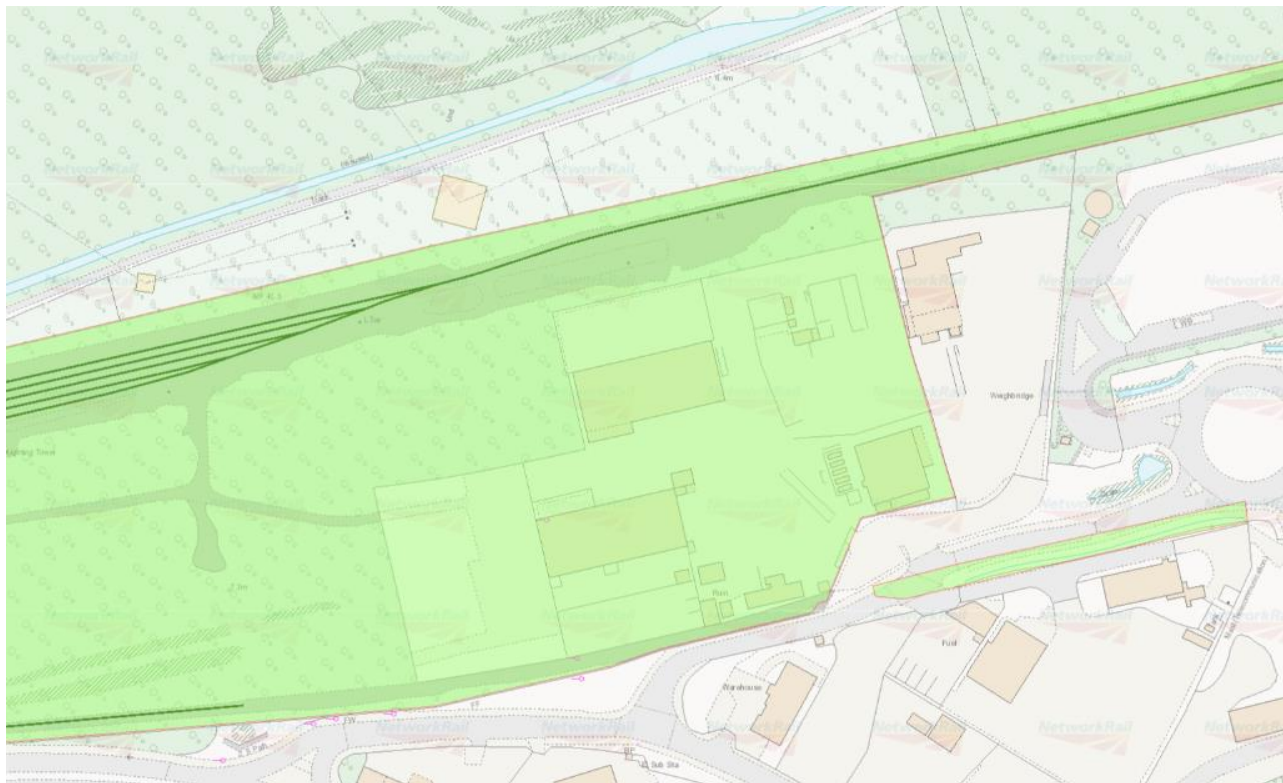
Swansea Burrows is located adjacent your authority’s boundary with Swansea Council, situated off Baldwins Crescent, north of Fabien Way. The site is located in an industrial area with various businesses, manufacturers and units located in the area.

Site Location Map (Figure 1)



Network Rail are the freeholder for most of the land in question, with exception to the small area of private highway turning into the site. The ownership plan below indicates the land currently within the railway's operational estate.

Network Rails Ownership Plan (Figure 2) (land in NR ownership in green)



A wide area surrounding the proposed area was previously part of the operational railway land, forming a large sidings used for maintaining rolling stock and freight uses. I have included information below showing the extent of the previous operational land, within tracks extending east with additional railway associated buildings and tracks.

1960's Railway Map Figure 3



The railway line abutting the proposed area of altered access, that previously ran further to the east was delivered by an authorising act of parliament known as the Rhonda and Swansea Railway Act, which allowed for the construction area 150 yds either side of the railway. Therefore the access alterations subject to this application would be permitted via the powers afforded under this act. All the land subject to this application has historically been operational railway land, and all the land sits within the limits of deviation for the original authorising acts.

3 Proposals

The prior approval application is for the revised access to the operational freight land. The altered access will be constructed adjacent the current Gower Chemicals entrance. Included below is the proposed access plan:

Proposed amended access layout Figure 4



There is an existing highways access at this location of concrete construction, which would have likely previously been part of the railway use. The proposal includes formalising a swept access to a new access road to the adjacent freight site.

No works to the public adopted highway will be required as part of the proposals. Below I have included a plan showing the extent of adopted highways in the vicinity.

Adopted Highways Plan Figure 5



As part of the proposed access road, several previous railway buildings will be required to be demolished in order to facilitate the new railway access road. While the demolition of these buildings is included as part of the information in this prior approval, they do not require prior approval consent and are except under Part 31 of the GPDO. For further information please refer to part 5.

4 Part 11 Class A to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995

The proposals subject to this prior approval do not require planning permission and are considered permitted development. Part 11 of the Town and Country Planning (General Permitted Development) Order 1995 is applicable to developments which were initially authorised by an Act of Parliament. The railway at this location (including the land in question) was originally constructed under the Parliamentary Powers contained in two acts, namely the Swansea and Neath Railway Act 1861 and the Rhonda and Swansea Railway Act 1892 of which both incorporated the Railways Clauses Consolidation Act 1845 (the 1845 Act). These acts include an area of 150 yds limits of deviation (an area whereby the powers are permissible) and the proposed access alterations fall within this area, and therefore do not need to be in the operational estate for the purpose of the prior approval application.

Section 16 of the Railways Clauses Consolidation Act 1845 granted the then railway company and its successors in title (now Network Rail) the right to undertake continual works, including provision to:

*“... ‘They may erect and construct such Houses, Warehouses, Offices, &c. and other Buildings, Yards, Stations, Wharfs, Engines, Machinery, Apparatus, and other Works and Conveniences as they think proper’;
 They may, from time to time alter, repair or discontinue the beforementioned works or any of them ...
 and
 They may do all other acts necessary for making, maintaining, altering, or repairing, and using the railway...”*

I enclose a relevant extract of the 1845 Act (Section 16) for the LPA’s consideration as part of this submission.

Part 11 states:

‘A Development authorised by—

(a) local or private Act of Parliament,

(b) an order approved by both Houses of Parliament, or

(c) an order under section 14 or 16 of the Harbours Act 1964(1) (orders for securing harbour efficiency etc., and orders conferring powers for improvement, construction etc. of harbours)

which designates specifically the nature of the development authorised and the land upon which it may be carried out.’

These Acts grant powers to alter and execute all things necessary for making, maintaining, altering, or repairing and using the railway. The alteration to the existing freight site falls within the scope of these Acts and accord with permitted development under Part 11 of the GDPO subject to the local authority’s prior approval. The works only require prior approval due to the alteration to the access to a highway, all other works do not require prior approval.

Paragraph A1 provides the conditions of any Part 11 works and is included below for reference.

‘A.1. Development is not permitted by Class A if it consists of or includes—

(a) the erection, construction, alteration or extension of any building, bridge, aqueduct, pier or dam, or

(b) the formation, laying out or alteration of a means of access to any highway used by vehicular traffic,

unless the prior approval of the appropriate authority to the detailed plans and specifications is first obtained.

Paragraph A.2 of Part 11 outlines the process by which the LPA can give their prior approval. 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 authority may consider only the design or siting of the project to ensure that development 'would not injure the amenity of the neighbourhood' and be satisfied that it could not be 'reasonably carried out elsewhere'. The following statement outlines the rationale for the project, justifies its location and outlines that it will have no detrimental impact on neighbourhood amenity.

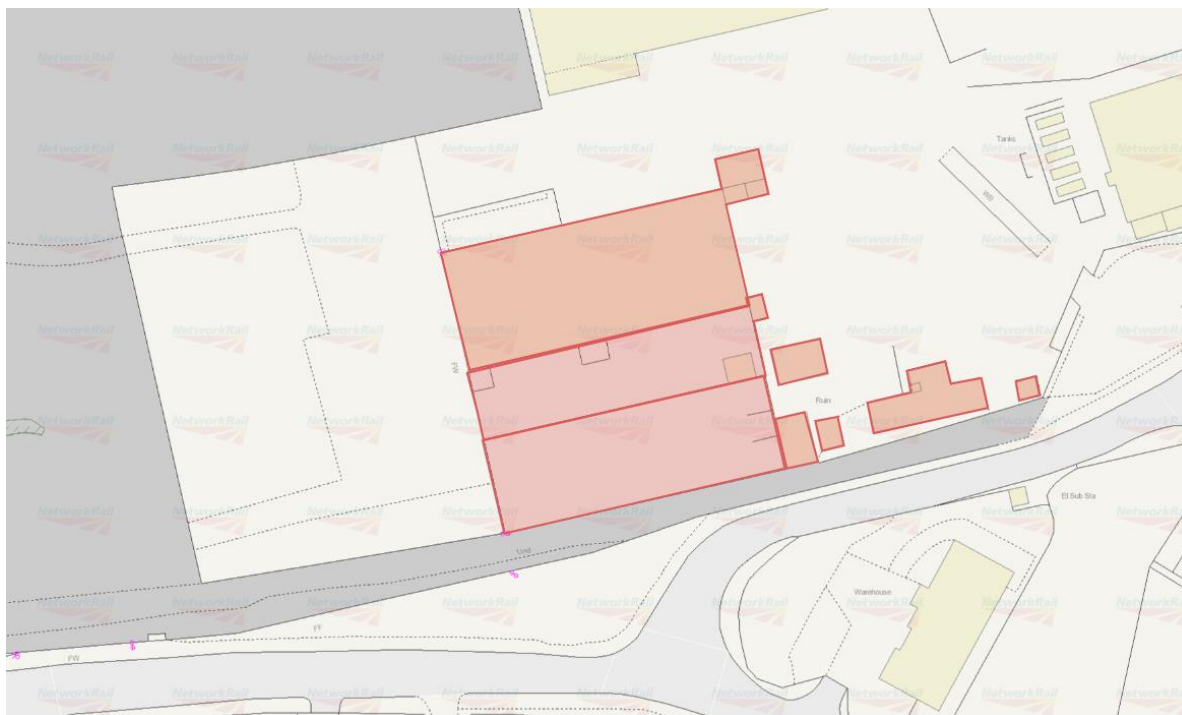
Prior approval consent under Part 11 Class A to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 is only required for the works for the alteration of a means of access to the highway used by vehicular traffic.

The development of the access road, and demolition of the existing buildings within Network Rails ownership does not require prior approval consent and are on Network Rail operational land and are considered permitted development under Part 17 and Part 31 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and therefore does not require a prior approval application. They are however included in this supporting statement for context of the overall development.

5 Demolition of Existing Buildings

The proposed works require the demolition of a number of existing external walls of a previous rail shed, and the demolition of a rail shed and small ancillary buildings currently used for storage and office space by Gower Chemicals who are a tenant of the site. These buildings are shown in green on the attached plan with this prior approval. I have also included a plan below to show the walls and storage building subject to demolition.

Demolition Plan Figure 6



The demolition works do not form part of this prior approval application, as they are exempt under a separate legislation. Network Rail have however included this for context, and to notify your authority of the exemption for consideration.

The proposed demolition does not trigger the requirement of prior approval by your authority. Part 31 of The Town and Country Planning (General Permitted Development) Order 1995 permits 'any building operation consisting of the demolition of a building'. Part 31, Class A.2 (b) details circumstances where an application to the local planning authority for a determination as to whether prior approval as to the method of demolition and any proposed restoration of the site will not be required. This includes 'excluded demolition', which Part 31, A.3 (b) defines as '[demolition] required or permitted to be carried out by or under any other enactment'.

This section of railway was originally authorised by the Swansea and Neath Railway Act 1861 and the Rhonda and Swansea Railway Act 1892, which incorporated the Railways Clauses Consolidation act 1845. This permits the original railway company and its successors in title (now Network Rail) to undertake future works, not limited to the construction of the railway, but including powers to alter, repair, or discontinue works and to do all acts necessary for making, maintaining, altering or repairing and using the railway.

This Act constitutes the 'other enactment' Network Rail is reliant upon for the purposes of demonstrating the demolition works proposed constitute excluded demolition, as the demolition works represent the discontinuation of existing infrastructure, necessary for maintaining, altering, or repairing and using the railway.

6 Assessment of Proposals

4.1 Principle of Development

The proposed scale of the works reflects what is necessary to facilitate an appropriate access to the existing freight site meeting the requirements of the railway and ensuring no detriment to the neighbourhood amenity.

The design minimises impacts on neighbouring properties and businesses and enables the safe and accessible route to the freight site. The proposed location is the only appropriate location for access to serve the site without significant alterations to Fabian Way and there are no overarching neighbourhood amenity issues.

The project is also in line with transport objectives of national and local policy to encourage and maintain the use of sustainable modes of freight transport. This investment in the railway represents a significant opportunity to safeguard and improve the sustainable transport provision. Therefore, the principle of completing the works and enhancing accessibility should be accepted by the Local Planning Authority.

6.2 Location of Proposed Development and Impact on Neighbourhood Amenity

There are two material considerations that can be taken into account when determining this prior approval, firstly whether the development ought to be and could reasonably be carried out elsewhere on the land.

The purpose of these proposals is to establish appropriate access to the freight site, it therefore can be assumed that the only practical location for an access is within the vicinity of the access points to the site. The only alternative access would be located off Fabian Way, which would mean alterations to the main road, including a turning area across the reservation. This introduces additional risks to highway safety.

The proposed access will not have any detrimental impact on any neighbourhood areas. The design and external appearance of the carpark would not injure the amenity of the neighbourhood and requires no modification to avoid such injury.

7 Conclusion

Network Rail is seeking prior approval for the construction of an altered access at Swansea Burrows.

The design offers suitable and appropriate development on land afforded rights via the original act of parliament. The prior approval submitted to your authority is only required for the alteration of the access to the non-adopted highway, and the construction of the road is considered permitted development under Part 17 and Part 11 (without the need for prior approval) of the GPDO. As outlined in section 5 of this report, the proposals include the demolition of several walls, a storage building and other ancillary buildings. While these are included for completeness, the works are exempt from any form of consent under Part 31 The Town and Country Planning (General Permitted Development)

Order 1995. Notwithstanding this the prior approval submitted to your authority includes information on the wider development for transparency.

As demonstrated within this statement, the proposals are considered fully acceptable in location, and are appropriately designed to mitigate any injury to neighbourhood amenity. The scheme will conserve, enhance, and safeguard the wider setting, improving the accessibility to the railway and the service provided to freight users.

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