

COUNCILLOR OBJECTION, MS COMMENTS & PETITION

COMMITTEE DATE: 16/12/2020

APPLICATION No. **20/01481/MJR** APPLICATION DATE: 04/08/2020

ED: **WHITCHURCH/TONGWYNLAIS**

APP: TYPE: Discharge of condition

APPLICANT: Velindre NHS Trust & Asda Stores Ltd

LOCATION: LAND TO THE NORTH WEST OF WHITCHURCH HOSPITAL, PARK ROAD, WHITCHURCH, CARDIFF

PROPOSAL: PARTIAL DISCHARGE OF CONDITION 16 (GREEN INFRASTRUCTURE MANAGEMENT STRATEGY) OF 17/01735/MJR

RECOMMENDATION 1 : That Condition (Green Infrastructure Management Strategy – GIMS)) of application 17/01735/MJR is Partially discharged and shall be undertaken in accordance with the scope of the enabling works associated with the two bridges (known as Phase 1) and the following information:

Green Infrastructure Management Strategy (16/10/20) reference:

347168-MML-028-XX-RPT-ECO-2000-001 revision P07

Appendix A - Policy Context

Appendix B - GIMS Zone Plans A – D reference 347168-MML-028-XX-DWG-LAN-2000-001 revision P2

Appendix B - Landscape GIMS Plans Zones A – D references:

347168-MML-028-XX-DWG-LAN-2000-002 revision P2

347168-MML-028-XX-DWG-LAN-2000-003 revision P2

347168-MML-028-XX-DWG-LAN-2000-004 revision P2

347168-MML-028-XX-DWG-LAN-2000-005 revision P2

Appendix B - Ecology GIMS plans Zones A - D references:

347168-MML-028-XX-DWG-ECO-2000-005 revision P2

347168-MML-028-XX-DWG-ECO-2000-006 revision P2

347168-MML-028-XX-DWG-ECO-2000-007 revision P2

347168-MML-028-XX-DWG-ECO-2000-008 revision P2

Appendix C - Phase 1 Habitat Plan reference:

347168-MML-028-XX-DWG-ECO-3000-005 revision P2

Appendix D - Wider Green Infrastructure Plan reference:

347168-MML-028-XX-DWG-ECO-2000-003 revision P2

Appendix E - Invasive Species Location Plan reference:

347168-MML-028-XX-DWG-ECO-3000-001reference P01

Appendix F - Toolbox Talks:

Badgers

Bats and Trees

Birds

Common reptile

Dormouse
Great Crested Newt
Monitoring Summary
Sign off sheet
Giant Hogweed
Indian Balsam
Japanese Knotweed
Rhododendron

Appendix G - Planting schedules and post-planting management and maintenance plans (16/10/20) (In main GIMS report)

Appendix H - New infrastructure design guidelines (16/10/20) (In main GIMS report)

Appendix I - Reptile Fencing Plan (16/10/20) revision P1

Appendix J - Land ownership plan (16/10/20) revision P1

Appendix K - Grass Snake Egg-laying Heaps Guidance (16/10/20) P01

Appendix L - Arboriculture Reports:

Arboriculture Report 2017 (16/10/20): Rev C

Updated Arboriculture Report - Arboriculture Impact Assessment (16/10/20)
70066877-ARB-JA-001

GIMS Adherence Statement including drawings 6.1 - 6.7 (16/10/20)
70066877/GW/GIMS AS Rev C

GIMS AS Appendix A Habitat Areas Summary Tables (16/10/20)

GIMS AS Appendix B Draft landscape proposals (16/10/20) Rev A

GIMS AS Appendix C Dormouse licence mitigation methodology technical note (16/10/20)

Letter from WSP to CC dated 10/11/20 responding to NRW letter 04/11/20

RECOMMENDATION 2: To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

RECOMMENDATION 3: The highway works required by planning condition 10, and any other works to the existing or proposed adopted public highway to be undertaken by the developer, are to be subject to agreement(s) under Section 38 and/or Section 278 of the Highways Act 1980.

RECOMMENDATION 4: Any closure of the Public Rights of Way needs to be applied for 6 weeks in advance of commencing development

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

1.1 Technical approval is sought from the Local Planning Authority (LPA) to partially

discharge Condition 16 (Green Infrastructure Management Strategy) of planning application 17/01735/MJR.

Condition 16 reads as follows:

No Reserved Matters application shall be approved by the Local Planning Authority and no development and site clearance shall take place until a Green Infrastructure Management Strategy (GIMS) for the delivery, establishment and ongoing management, maintenance and monitoring of green infrastructure for the whole site, for both the establishment phase and long term, has been submitted to and approved in writing by the Local Planning Authority. The GIMS shall accord with the Landscape Masterplan and mitigation measures set out in the Environmental Statement and its addendum, and in the Environmental Mitigation Plan. The GIMS shall include the following details:

a) Proposals for the retention, creation, enhancement and management and maintenance of ecosystems and their constituent habitats, including woodlands, hedgerows and trees, grasslands, water features and SuDs, highway trees/verges, and other habitat providing foraging, community and breeding opportunities for wildlife, and phasing of that provision, including a description of the habitats, their desired condition, key indicators to show when the desired condition has been achieved and management operations;

b) As part of a) details shall include: a plan and proposals for the retention, creation and enhancement of an ecotone of a minimum of 15m width along the edge of the Glamorgan Canal / Long Wood SSSI. The Plan and proposal of the buffer zone scheme shall be free from built development including lighting, gardens and formal landscaping. The scheme shall include:

- Plans showing the extent and layout of the buffer zone;*
- Details of proposed planting scheme for the buffer zone (the scheme should only incorporate local native species);*
- Details of how existing vegetation will be managed in the buffer zone;*
- Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management, if necessary*

c) Mitigation, compensation and enhancement measures to be delivered for protected species affected by the development. These measures shall relate to, but shall not be limited to,

- Bat roosts and bat habitat connectivity as outlined in Table 6.9 in Chapter 6 (Ecology) of the Environmental Statement dated October 2017*
- Precautionary methods of vegetation clearance to avoid harm to dormice if present*
- A contingency for the eventuality that dormice are detected during vegetation clearance*
- A contingency for the discovery of previously undetected Great Crested Newts in terrestrial habitats on site*
- Provision of bird nesting habitat, including within new buildings on site. Enhancement measures for bats and birds shall be in accordance with the advice given in 'Designing for Biodiversity: A Technical Guide for New and*

Existing Buildings, Second Edition. RIBA Publishing, London. Gunnell, K. et al., 2013', or most recent subsequent edition thereof.

- d) *Appropriate scheduling and timing of management and maintenance operations*
- e) *Proposals for habitat and species monitoring, and updating of the GIMS*
- f) *Treatment for the eradication of any invasive non-native species found at the site to be undertaken in accordance with Chapter 6 of the Environmental Statement (October 2017).*
- g) *A lighting scheme and implementation plan to control light spillage to wildlife corridors and habitats. The scheme shall include, but not be limited to, details of the siting and type of lighting to be used, measures to control light spillage, drawings setting out light spillage in key areas for wildlife, measures to monitor lux levels and remedial action to be undertaken where problems are identified. The scheme shall include cross sections of roads, footpaths and cyclepaths and adjacent properties where they intersect with any identified sensitive receptors and those cross sections shall also show green infrastructure and lighting proposals*
- h) *Approach to safety of any SuDs features for the general public.*
- i) *A plan showing areas for adoption by the Council, any statutory undertaker and areas to be maintained by a private management company*
- j) *Implementation programme.*
- k) *A landscaping implementation programme.*
 - *Scaled planting plans prepared by a qualified landscape architect.*
 - *Proposed finished levels.*
 - *Earthworks.*
 - *Hard surfacing materials.*
 - *Existing and proposed services and drainage above and below ground level.*

Planting plans shall be supplemented by:

- *Schedules of plant species, sizes, numbers or densities prepared by a qualified landscape architect.*
- *Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect.*
- *Topsoil and subsoil specification for all planting types, including full details of soil assessment, protection, stripping, storage, handling, amelioration and placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be supplied, including certification in accordance with British Standards and interpretive reports by a soil scientist demonstrating fitness for purpose and a methodology for handling, amelioration and placement.*
- *Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect. The submitted details shall be consistent with other plans submitted in support of the application and the landscaping shall be carried out in accordance with the approved design and implementation programme. The approved GIMS, and any subsequent amendments as shall be agreed in writing by the Local Planning Authority, shall be implemented in accordance with the approved details and programme for implementation. Should monitoring and/or surveys indicate a failure of the mitigation measures or a decline in population or distribution, remedial measures shall be agreed in writing with the Local Planning*

Authority and shall be implemented as agreed. Reason: To protect and enhance the Green Infrastructure resource of the site and to protect priority habitats and species.

- 1.2 The application has been submitted to ensure that, if approved, the applicant can apply to Natural Resources Wales (NRW) for a European protected species licence (EPS) and commence the felling of trees on the railway cutting before the beginning of the bird-nesting season. Further EPS licences will be required for other works on the main site.
- 1.3 The structure of the submission is as follows: the Motts GIMS document version 7 provides the broad framework for the site with the scheme GIMS adherence statement covering those matters which are for consideration, in this case Phase 1.

2. DESCRIPTION OF THE SITE AND AREA

- 2.1 The planning application site, as shown by the red line, is 14.5 hectares in area and is undeveloped land that is characterised by rough grassland and scrub, enclosed by dense, broadleaved woodland and shrubs. The boundary of the application site includes the main site for development of the hospital facility, and those areas required to facilitate access from the Coryton Gyrotory and the emergency access route from the Hollybush Estate. The land is gently undulating former pastoral farmland (The highest point of the main site area is the north-west boundary which ranges between 51m AOD (Above Ordnance Datum) and 57m AOD with the site sloping down to the south-east boundary where the ground level is between 41m AOD and 43m AOD). The site is subdivided into a network of fields of varying sizes with some overgrown field hedgerows remaining in private ownership. The site is no longer grazed by horses, but is crossed by informal and formal footpaths. The site has a non-statutory designation as a Site of Importance for Nature Conservation (SINC) for its natural grassland.
- 2.2 However, this submission, whilst considering site wide matters, relates to the works for site clearance/construction of the bridges along the railway cutting and the Lady Cory triangular piece of land.

3. PLANNING HISTORY

17/01735/MJR: Proposed Velindre Cancer Centre including specialist cancer treatment centre, centre for learning, research and development, primary means of access (from Coryton Interchange), emergency access (via Hollybush estate), temporary construction accesses, parking, energy centre, landscape works, pedestrian paths, and Maggie's Centre. Granted 27/03/2018.

4. POLICY FRAMEWORK

- 4.1 National Planning Policy:
 - Planning Policy Wales (10th Ed, 2018)

Planning Policy Wales Technical Advice Notes:

- Technical advice note (TAN) 5: Nature conservation and planning (September 2009);
- Technical advice note (TAN) 10: Tree preservation orders (October 1997);
- Technical advice note (TAN) 11: Noise (October 1997);
- Technical advice note (TAN) 12: Design (March 2016);
- Technical advice note (TAN) 18: Transport (March 2007);
- Technical advice note (TAN) 21: Waste (February 2017);
- Technical advice note (TAN) 24: The historic environment (May 2017);

Chief Planning Officer letter dated 23/10/19: securing bio-diversity enhancement;

Building Better Places: The Planning System Delivering Resilient and Brighter Futures: Placemaking and Covid 19 recovery (July 2020).

4.2 Cardiff Local Development Plan 2006-2026:

KEY POLICIES

KP5 (Good Quality and Sustainable Design);

KP6 (New Infrastructure);

KP15 (Climate Change);

KP16 (Green Infrastructure);

DETAILED POLICIES

ENVIRONMENT

EN6 (Ecological Networks and Features of Importance for Biodiversity);

EN7 (Priority Habitats and Species);

EN8 (Trees, Woodlands and Hedgerows);

EN10 (Water Sensitive Design);

EN11 (Protection of Water Resources);

EN13 (Air, Noise, Light Pollution and Land Contamination).

COMMUNITY

C3 (Community Safety/Creating Safe Environments);

C6 (Health).

- Supplementary Planning Guidance:

Green Infrastructure (including Technical Guidance Notes relating to: Ecology and Biodiversity; Trees and Development; Public Rights of Way and Development; River Corridors; Protection and Provision of Open Space in New Developments; Soils and Development) (November 2017);

Planning for Health and Wellbeing (November 2017).

5. INTERNAL CONSULTEE RESPONSES

5.1 Public Rights of Way : No objections

5.3 The Council's Trees and Landscaping officer states:

I support the principle of creating a diverse, native species woodland with a layered canopy, the specification for specimen tree planting as part of this should accord with best arboricultural practice and the planting palette and specification generally should be based on the outcome of a soil resource survey and plan. The planting of an excessive number of large species trees at close spacing will result in plantation style woodland and trees with defects of form due to gross mutual suppression that result in a reduced safe, useful life expectancy. Consequently planting should focus on ensuring that specimen trees are able to achieve optimal size, spread and seed production, to encourage a natural process of succession. I understand these principles will be addressed in further submissions and therefore I raise no objections.

5.4 The Council's Ecologist states:

Thank you for forwarding Natural Resources Wales letter of 03/12/20. On this basis of that letter, we can be satisfied for planning purposes that NRW would be likely to grant a licence in respect of impacts upon dormice, subject to further information to be submitted at the European Protected Species licensing stage. Therefore, in accordance with case law ('Morge' ruling) we should not refuse to discharge this condition based on the measures that it proposes to manage the impact of the enabling works and construction access upon dormice

6. EXTERNAL CONSULTEE RESPONSES

6.1 Natural Resources Wales (NRW):

Thank you for reconsulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 19/11/2020.

We do not object to the partial discharge of condition 16 (Green Infrastructure Management Strategy) of 17/01735/MJR and comment as follows.

European Protected Species

Further to our correspondence of 28/8/20, 14/10/20 and 4/11/20, we note the submission of the following additional and revised information in support of the above application:

- Letter from Elisabeta Torok (WSP) to Cardiff Council dated 10 November 2020.

As before, we understand that it is intended to seek partial discharge of this condition as it relates to construction of the access roads only. We note the

documents submitted in support of the application also include information which relates to the subsequent phase of the development. Please note therefore that our observations in this letter relate only to those aspects relevant to the Construction of Access Roads. We make no observations on the acceptability of the other aspects of these proposals in this response.

Our primary comments on this proposal relate to dormice, a European Protected Species. We also address matters relating to lighting proposals.

Dormice

In our letter of 4 November 2020, we noted that dormouse habitat provision is to be a combination of new compensatory planting to be provided at the end of the Phase 1 construction period, alongside enhancement of retained habitats, which we are seeking at the outset. We welcomed clarification of the nature of the habitat to be enhanced as set out within the draft method statement submitted and that all habitats will now be subject to long-term management (30 years).

However, we sought clarification on some aspects of the proposed management.

In this context, further to the meeting between Cardiff Council, the applicant and their consultants to discuss the proposals on 5 November 2020 we note that the following letter has been provided to Cardiff Council for NRW's consideration:

- Letter from Elisabeta Torok (WSP) to Cardiff Council dated 10 November 2020.

The letter seeks to provide further information and clarification of the long-term dormouse habitat management proposals. It sets out the broad principles of management. Whilst this information and that within the previously submitted draft method statement will need further development to support a protected species licence application, it provides for an adequate basis upon which to review our position.

On the basis of the information previously submitted and the outline prescriptions in the letter, we have no further comments to make on the discharge of this condition at this time.

Lighting

With regards to lighting, we note the content of WSP's letter. We note that some temporary lighting may be required for the construction phase (where overnight works may be required – e.g. for concrete pours), and that in terms of the permanent lighting, only the ducting will be put in as part of Phase 1 of the works.

As indicated previously, in consideration that a partial discharge of Condition 16 is sought, and assuming that Cardiff Council is satisfied for partial discharge

to consider lighting to overarching principles only, then we would not object in this regard. We advise that full discharge of the condition is supported by a detailed lighting scheme, as required by the condition, that meets the overarching principles.

We make no further comments about lighting at this time.

We confirm we do not object to the partial discharge of Condition 16 (Green Infrastructure Management Strategy) of 17/01735/MJR.

It should be noted that the above advice relates to the determination of the planning application only. Further information will need to be submitted for a European Protected Species licence.

Further Advice - SSSI Buffer Zone Planting

We note the section in WSP's letter dated 10.11.20:

'Further Advice – relating to SSSI Buffer Zone Planting.

We will engage NRW in further discussion during later phases of the development to agree a suitable management approach for the habitats within the SSSI buffer zone to ensure the right balance is achieved. The management of the buffer zone will not be included in the licence application in relation to dormice for the Enabling Works.'

We advise that this is satisfactory.

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

- 6.2 Cadw: have considered the request to list the bridges and after a site visit and detailed assessment have concluded that the bridges do not meet the high threshold for listing.

7. REPRESENTATIONS

- 7.1 The application is a subsequent application under the EIA regulations, which requires the application to be publicised by site and press notice in addition to neighbour letter. These requirements have been undertaken which resulted in 350 letters of representation being received all of which object to this application. These objections are summarised below:

1. The developer keeps adding lengthy documents for which there is little time for the community to consider and research. This is a fundamental

violation of the community, especially as these submissions were submitted during the lockdown period and effects the mental health of the community to an acceptable level.

2. The proposal results in the destruction of 6.25 acres of land for the enabling works.
3. Loss of healthy trees, loss of habitat for dormouse, birds, bats and reptiles which will result in the loss of various species.
4. Permanent loss of approximately 40% of the SINC, Forest Farm Country Park, Coryton Heronry Wood SINC, Lowland Meadows, Semi-natural broad-leaved woodland - LBAP habitat - Loss of significant areas of broad-leaved woodland within the LNR. Loss of scrub habitat.
5. The proposal will result in the loss of access to the public to the meadow and railway cutting at a time when there is a urgent need to have access to green areas for peoples well being.
6. The submission is incomplete as it does not cover all matters within the condition.
7. This condition is contrary to Welsh Government Head of Planning bio-diversity advice and cannot be approved.
8. The acceptance of this condition would violate the Council's own regulations, the Welsh Governments additional legislation, including the Future Generations Act, the Environment Act, and the Building Better Places regulations released this year.
9. The proposed model of cancer care support by Velindre is outdated and is discouraged in England where Cancer care should be next to a general hospital and land has been offered by UHW for this all works should be halted until the review has been concluded.
10. The proposal fails to meet the Climate emergency declared by both Cardiff Council and Welsh Government.
11. This application should not be determined until the Senedd enquiry.

7.2 A petition of 97 signatures has been submitted by the 'save the northern meadows' group who object to this application on the following grounds:

- Velindre NHS Trust has not discharged Planning Condition 16 in 17/01735/MJR since it has not produced for consideration a Green Infrastructure Management Strategy (GIMS) which adequately covers the delivery, establishment and on-going management, maintenance and monitoring of green infrastructure for the whole site, for both the establishment phase and long term.

By its own admission, the design for the main works of the new Velindre Cancer Centre and car park has not yet been developed. Currently only outline design detail is provided for the main scheme design.

As such, under Planning Condition 16 in 17/01735/MJR no development or site clearance may take place until a GIMS covering all aspects detailed above is in place. Due to this, development and clearance can only take place after procurement of a main contractor and detailed plans for development are submitted. Any clearance/enabling work taking place prior to this is in breach of Condition 16 and therefore should be rejected on this basis.

- Once produced in full, the GIMS will have to properly attend to the deleterious impacts upon the SINC since these are likely vastly underestimated in terms of impact upon the surrounding LNR and SINC through, amongst other issues, habitat fragmentation. This is in line with the Section 6 Biodiversity Duty of the Environment (Wales) Act 2016, which notes the protection and enhancement of biodiversity. As highlighted by Chief Planner Neil Hemington in his letter 'Securing Biodiversity Enhancement', 'significant weight' will be given to the absence of biodiversity enhancement. Due to the absence of correct level of detail within the GIM, this condition shall be impossible to uphold, and the application must be rejected.
- In line with this, Section 5.109 of Cardiff's Local Development Plan states: "The network of SSSIs/SACs/SPAs and Ramsar Sites alone is not sufficient to maintain the biodiversity of Cardiff. It is therefore important to identify other locally designated wildlife sites such as Sites of Importance for Nature Conservation (SINCs) and Local Nature Reserves (LNRs)."
- With so many outstanding questions and objections locally and nationally, including:
 - Petitions to all associated planning applications;
 - A Senedd petition being considered for debate in mid-September;
 - A call-in of all associated applications to the Welsh Government, along with Westminster MP for Cardiff North Anna McMorrin calling for an independent clinical review of the medical model;

It is premature to allow any enabling works to be undertaken prior to all of these being considered and debated. Loss of this crucial green space will be devastating. The devastation will be even greater if enabling/clearance work is done and irreversible damage caused, only for the hospital to be relocated following the clinical review.

- Given Cardiff Council's own LDP acknowledges we do not currently have enough sites to maintain the biodiversity of Cardiff, it cannot allow such significant damage to be done prematurely and potentially without purpose should the plans for the build change location. For this reason the application must be rejected.

- As stated by the Woodland Trust: “Ash dieback will kill around 80% of ash trees across the UK. At a cost of billions, the effects will be staggering. It will change the landscape forever and threaten many species which rely on ash.”

Within the proposed area for development, there are numbers of healthy and strong specimens of ash trees, of significant age. These must to be preserved in order to support the species' reliant upon them and in order to restock supplies in the future and aid the recovery.

The willing destruction of healthy ash trees must be prevented and a request made for an independent, detailed assessment of the area in relation to ash trees before any enabling/clearance work takes place. Furthermore, within the railway cutting is a significant elm tree – a rarity in woodland - following Dutch Elm Disease. This adds to the biodiversity of the area and is significant to the preservation of the site. For these reasons, the application must be rejected.

- The two stone bridges in the railway cutting form part of the old Cardiff Railway – significant in our cultural and industrial history. These are currently under assessment by Cadw for listing consideration. Clearance and enabling works risk potential damage to the bridges through dust, vibrations and from the weakening of the structures by removing trees and vegetation, and disturbing roots. The movement of heavy vehicles and equipment also risk damage.

The subsequent new roads and bridges which follow this enabling works will also ruin the aesthetic qualities of the old stone bridges by obstructing the view of them, with aesthetic qualities being one of the categories Cadw consider in their decision. Should the bridges become listed there may also be a need to reconsider use of the railway cutting for storage of vehicles and equipment during enabling and construction works. For this reason, no work should take place until the listing decision is finalised and for this reason the application must be rejected at this time.

7.3 Local Ward Members: Phillips, Rees and Morgan:

We respectfully submit our objections to both of these planning applications. Along with many residents we remain significantly concerned with the environmental impact of these proposals, especially considering the complex interlink with planning application 20/00357/MJR (to which we have also objected).

We continue to be concerned at the progress of these proposals and would again highlight that the cumulative impact on the environment is not considered across the related applications.

We have numerous queries on the detail of elements of these schemes and given the nature and breadth of the submissions of these we are seeking the reassurance of officers that the minutiae have been robustly reviewed and the

quality of the potential implementation, should permissions be given, is suitable for the environment into which the development would go.

This is significant given the strength of local feelings against the development, and the sensitive environment around the site.

Our views echo many of those raised by the many comments displayed on the planning portal.

Where conditions set are not met, either in whole or in part, the application must be refused.

We have met with officers and the Cabinet Member for Culture and Leisure, alongside the Glamorgan Canal, specifically to discuss the major issue of water flow, silting, and water damage to pathways due to overflow which has already made some of the pathways inaccessible to vulnerable and disabled groups.

We have discussed the need for millions of pounds needed to be invested in order to return the canal and pathways to the required quality level.

We understand that surface run-offs and soakaways are unviable. Perhaps the site is unsuitable for development?

In an attempt to make it viable by concentrating potentially significant water flows into an already vulnerable water course is simply unacceptable to allow this development to add further to the issues. We all know about the flooding that occurred in this area at the beginning of 2020.

The feeder canal and Glamorgan canals both contributed to flood homes. We also take issue with the suggestion that the pathway that would be used for this course is unused.

This is simply not the case. It is well used by walkers and runners alike. When using the area for our own leisure purposes we do use these pathways, there is sign posting through this area highlighting the footpaths.

This development is seeking to continuously creep outside of its promised scope, first with the access road, now into the nature reserve as they learn of the unsuitability of the natural drainage on the site. Perhaps now is the time for planning to say stop.

Cardiff has just launched its One Planet documentation and consultation. This development is seeking to use public land and watercourses to solve its problems. We must protect our public environment and spaces.

7.4 Anna McMorrin, Member of Parliament for Cardiff North has been consulted: No comments received.

7.5 Julie Morgan (Member of the Senedd for Cardiff North) has commented as follows :

Loss of trees and biodiversity

In order for the access bridges to be built, I understand that a significant number of trees will need to be felled, vegetation cut back and scrubland lost. Constituents are very concerned about the loss of this biodiversity and the impact it will have on wildlife and future habitats. I am encouraged that within the Green Infrastructure Management Strategy it is confirmed that trees will be replanted in a 2:1 ratio, and that 'Understorey woodland planting will be introduced which will diversify the existing woodland and provide a new woodland edge ecotone'. I am pleased that tree planting will be of native species (and that non-native species will only be used if there is a specific reason to do so e.g. only where they would provide a known ecological benefit such as nectar for invertebrates or seeds / berries for birds). The updated GIMS document in October 2020 notes that, "lines of protective fencing will be installed to prevent damage from construction traffic. The installation of tree protection fencing will be supervised by a qualified arboriculturalist." I welcome the requirement that an arboricultural consultant has to be present before any tree root severance can be undertaken during excavation works and welcome the greater attention to detail included in the amended GIMS Adherence Statement formulated in response to NRW concerns in respect of protection of wild life habitat, in particular provision for dormice - 20 nest boxes are to be provided. However many constituents fear that no matter how many mitigation plans are put in place to save or replant trees and other important areas of biodiversity, the area will ultimately be dramatically changed and therefore wildlife that depend on this area will be impacted. I do however welcome Velindre's plans for the "complete eradication of non-native invasive plant species within the planning application site boundary."

8 ANALYSIS

- 8.1 This application is submitted to discharge technical matters associated with the approved planning permission. It is not an opportunity to consider the merits of the planning permission or to question matters the Committee has already considered and agreed. The acceptability of the partial discharge of this condition, as described, is the sole consideration of this application. A number of issues have been raised by objectors and are described in Section 7 above. In terms of material matters raised, they have been assessed as follows:
- 8.2 Condition 16 is limited in scope to the enabling works for the bridges and temporary access (phase 1) It was therefore not anticipated that all points of the condition would be discharged simultaneously. As a result and as noted by the objectors not all points have been addressed in the Motts GIMS report; but the report sets the scope of the submission and also sets a framework for the submission for discharging subsequent applications. The submitted 'Green Infrastructure Management Strategy Adherence Statement (Rev C Oct 2020) sets the framework that pulls the various plans and documents on how Condition 16 will be delivered throughout the project (but will be reviewed as the project progresses). This submission before committee is looking at Phase 1, site clearance but also accepting the wider principles set within the above GIMS document (not withstanding that further detail will need to be provided at the appropriate stage).

The document has comprehensively considered key matters of highway access and enabling works, green infrastructure protection, creation and management, habitat impact and mitigation. Other matters which are required to be considered under the current consent are not for consideration under this application.

In summary this GIMS and GIMS adherence statement achieves the following: The landscape mitigation and green infrastructure measures delivered as part of the Enabling Works will be first phase of the Green Infrastructure Guidelines Vision set out in Section 4.10.6 of the GIMS, to create a space that is well connected to the local landscape, that is multi-functional in the ecosystem services that it provides and that promotes a sense of calm and tranquillity for users of the site whilst remaining an open and accessible resource for the local community.

The works will adhere strictly to the overall strategy set out in the GIMS and will include; -

- Retain and improve access to public open space as an accessible resource for local people to reduce pressure on the SSSI and LNR; -
- New bat features to be built into all aspects of the works, including the two new bridges, on site above 4m from ground level;
- Provision of bird nesting habitat, including within new bridges on site; -
- Reptile hibernacula and grass snake egg laying heaps to be installed on grassy areas around the site; -
- Bug boxes/bug hotels to be installed as features around the site as log/brush piles in the informal areas of the site; -
- Woodland understorey planting to enhance existing woodlands in the rail cutting and adjacent the northern access -
- Native planting with an emphasis on planting to benefit pollinators and birdlife to include nectar and pollen rich species, night scented species, climbing/creeper species and early flowering bulbs to extend the length of the flowering period for pollinators and to link in with the formal bug hotels in this area; -
- Areas of increased biodiversity planting and biodiversity hedgerow planting; - Removal and management of invasive species;
- Sensitive external lighting systems designed to control light spillage to wildlife corridors and habitats (further details to be supplied);
- Footpath system through the site with connections to the wider footpath network; and -
Mitigation and habitat creation for dormice - Enhancement measures for bats and birds to be in accordance with the advice given in 'Designing for Biodiversity: A Technical Guide for New and Existing Buildings, Second Edition. RIBA Publishing, London. Gunnell, K. et al., 2013', or most recent subsequent edition thereof

Clarification on the above and has been provided by the applicant in their letter dated 10/11/2020, which states:

Dormice

We will provide a detailed timescale for all the proposed mitigation and enhancement measures as part of the development licence application for the Phase 1 Enabling Works. The management prescriptions will be extended to include clarity on the following points:

- The management prescription for Year One to remove ash *Fraxinus excelsior* trees present with ash die back *Hymenoscyphus fraxinus* is intended to remove 10% of the standing ash present in the woodland;
- Any existing hazel *Corylus avellana* will be coppiced in Year One as required (and as dictated by ground conditions);
- Vegetation clearance will aim to retain bramble *Rubus fruticosus* as this is an important food source for dormice;
- Replanting/interplanting of all existing gaps (gaps created by the targeted vegetation removal as well as natural gaps that may be present) will be undertaken in Year One and will be repeated after every vegetation clearance activity;
- Replanting/interplanting will be undertaken in the same winter as vegetation removal;
- The small-scale felling proposed every 4 years to achieve 5 holes in the tree canopy of 10x10m will first be undertaken in Year Five and will be continued for the 30 year management period;
- The coppicing of planted trees such as hazel and sweet chestnut *Castanea sativa* trees will be undertaken in a revised longer 20-25 year cycle than the 15 year cycle originally proposed;
- The amount to be coppiced in any one year will be removed from the management prescription. This will be replaced with a more flexible approach whereby a decision regarding the amount to be coppiced will be made on the ground based on the total amount of fruiting hazel and sweet chestnut present. The ecologist will decide every year what is considered appropriate ensuring that sufficient food source is retained for the dormouse population every year;
- Within the proposed review of the management prescription, to occur every 5 years, it will be specified that in year 10 and year 15 the need for coppicing will be reviewed to assess if the planted hazel and sweet chestnut is ready for earlier coppicing. This will provide flexibility should the plants reach the required maturity earlier than expected.

Lighting

We will provide information with regards to the proposed construction lighting for the Enabling Works as part of the development licence application in relation to dormice.

The permanent works constructed as Phase 1 Enabling Works will require street lighting on the northern access, emergency access and pedestrian/cycle link to Park Road/Coryton Station for staff/visitor/patient security and safety. The lighting will be designed in accordance with the guidelines and requirements set out in the GIMS to ensure light spill is minimised and lux levels are appropriate to minimise ecological impact. The lighting system will be 'dimnable' to ensure lux levels can be reduced during low hospital activity night-time periods. The lighting for the whole development will be designed holistically

as part of the main hospital development (Phase 2) and no permanent columns or lanterns will be installed as part of the Phase 1 Enabling Works contract.

The Enabling Works will include the installation of below ground lighting infrastructure (cable ducts and chambers) for the provision of permanent lighting in the future phase.

Further Advice – SSSI Buffer Zone Planting

We will engage NRW/Council in further discussion during later phases of the development to agree a suitable management approach for the habitats within the SSSI buffer zone to ensure the right balance is achieved. The management of the buffer zone will not be included in the licence application in relation to dormice for the Enabling Works.

The above has been considered by NRW, County Ecologist and Tree Officers who raise no objections to discharging the condition

9 Other matters relevant to the consideration of this application

- 9.1 Concerns have been raised by objectors in relation to the volume of documents submitted, the need for further consultation, and a perception that the system is biased towards the developer. The amendments address matters raised by technical considered. As the principal application was supported by an Environmental Statement (under Environmental Impact Assessment Regulations), this proposal is considered a “*subsequent application*” as required by the Regulation. Furthermore, and in line with the “*5 ways of working*” under WCFG Act, there is a requirement to notify interested parties, including residents on the submission and any updates. The plans and technical updates were necessarily long to allow technical consultees the ability to make a reasonable assessment.
- 9.2. Crime and Disorder Act 1998. Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 9.3 Equality Act 2010. The Act identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council’s duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.
- 9.4 Well-Being of Future Generations Act 2016. Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure

that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision. It is also noted that section 2(5) of the Planning (Wales) Act 2015 affords protection to decisions taken under Part 3 of the 1990 Act, in that the Well-being of Future Generations (Wales) Act 2015 does not alter whether regard is to be had to any particular consideration under section 70(2) of the 1990 Act or the weight to be given to any consideration to which regard is had under that subsection. This means the provisions of the development plan, so far as material to the application, and any other relevant other material considerations remain the primary considerations when determining planning applications.

9.5 Section 6 of Environment (Wales) Act 2016 subsection (1) imposes a duty that a public authority must seek to maintain and enhance biodiversity in the exercise of its functions, and in so doing promote the resilience of ecosystems, so far as is consistent with the proper exercise of those functions. In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular the following aspects:

- (a) Diversity between and within ecosystems;
- (b) The connections between and within ecosystems;
- (c) The scale of ecosystems;
- (d) The condition of ecosystems (including their structure and functioning);
- (e) The adaptability of ecosystems.

It is considered that the LPA has considered its duty under this Act and has met its objectives for the reasons outlined above.

9.6 EIA development

The application constitutes a 'subsequent application' for the purposes of Part 3, Regulation 9(1)(a) & (b) of the Town & Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. The application has been prepared in substantial accordance with the parameter plans, drawing and documents that were approved as part of the planning permission for the new Velindre Cancer Centre (LPA reference 17/01735/MJR, granted 27/03/2018). This current application, in relation to a condition of that permission, does not give rise to any significant effect on the environment, beyond those which were considered as part of the Environmental Statement that was approved under the above planning permission. The environmental information already before the local planning authority is considered adequate to assess the significant effects of the development on the environment, and has been taken into consideration as part of this application in accordance with the aforementioned Regulations. It is considered, therefore, that a further addendum to the Environmental Statement is not required to accompany this submission.

9.7 The Nuttfield trust review of the proposed Cancer model has been released and being considered by relevant parties but it is not a material consideration in the determination of this application.

- 9.8 CADW have confirmed that the existing bridges will not be listed however, the CEMP has submitted a robust monitoring of the bridges during the construction period (see application 20/1515/MJR)
- 9.9 The loss of access to NHS land and the railway cutting is noted, however the loss of access to the railway cutting is limited to the 9 months and that principle has been agreed through the principal permission. Technical consultees have not objected to this, and the PROW Officer has considered the potential temporary closure of the right of way and raises no objection.

10. Conclusion

- 10.1 The details submitted are considered acceptable to allow a partial discharge of Condition 16 (GIMS) at this point in the project programme with the expectation by all parties of further augmentation and further discharge of additional details at a later date. There are no technical objections to the partial discharging of the condition and the submission is in line with the plans considered by the committee in December 2017.
- 10.2 For the above reasons, the proposal is considered acceptable, and it is recommended that the Condition 16 can be partially discharged as outlined in recommendation 1 of this report.

- NOTES:**
1. POINT SCALE FROM THIS DRAWING. USE FIGURED DIMENSIONS ONLY.
 2. ALL LEVELS ARE IN METRES ABOVE DATUM.
 3. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE STATED.

- KEY:**
- PROPOSED KERBS
 - PROPOSED FOOTWAY
 - PROPOSED TACTILE PAVING
 - PROPOSED CARPARK
 - PROPOSED CARPARKWAY
 - PROPOSED MAIL ROAD CARRIAGEWAY
 - PROPOSED BATHWORK IN CUTTING
 - PROPOSED BRIDGE PARAPET
 - PROPOSED BRIDGE PARAPET
 - SITE CLEARANCE BOUNDARY
 - GATE
 - SITE EXTENT

DRAFT

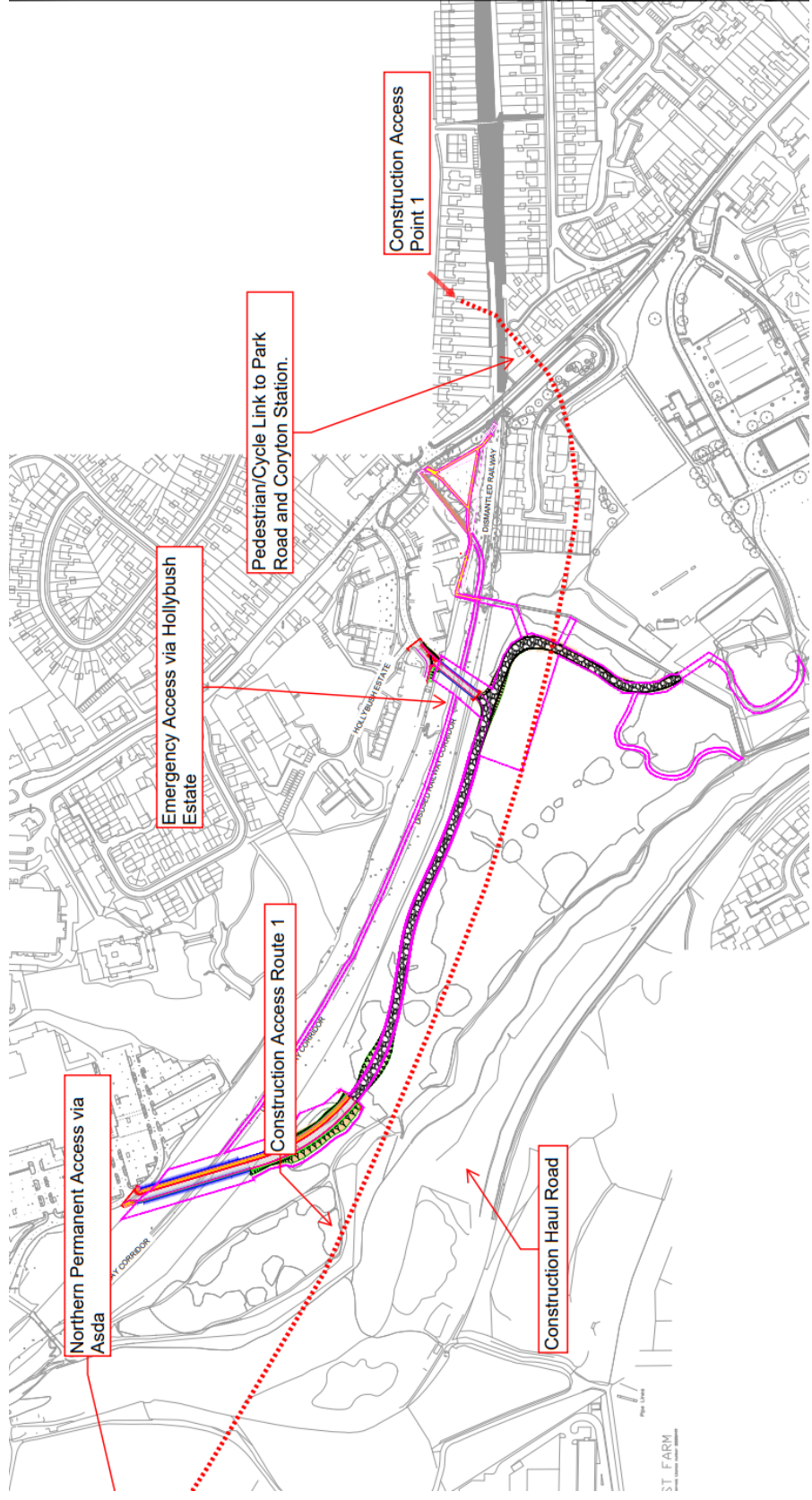
NO.	DATE	BY	DESCRIPTION	REV.	DATE	BY	DESCRIPTION

wsp

1 Capital Quay, Tyndal St, Cardiff, CF10 4EL, UK
T: +44 (0) 2920 210 020

VELINDRE UNIVERSITY NHS TRUST

ivCC ENBLING WORKS



ST FARM



KEY

- Planning Application Boundar
- Phase 1 Enabling Works Bou
- Work Area 1
- Work Area 1A
- Work Area 2
- Work Area 3
- Work Area 4
- Work Area 5
- Work Area 6
- Work Area 8
- Work Area 8A
- Work Area 9

Sources: Esri, Maxar, GeoEye, Earthstar
Geographics, CNES/Airbus DS, USDA, I
AeroGRID, IGN, and the GIS User Comr



Client:

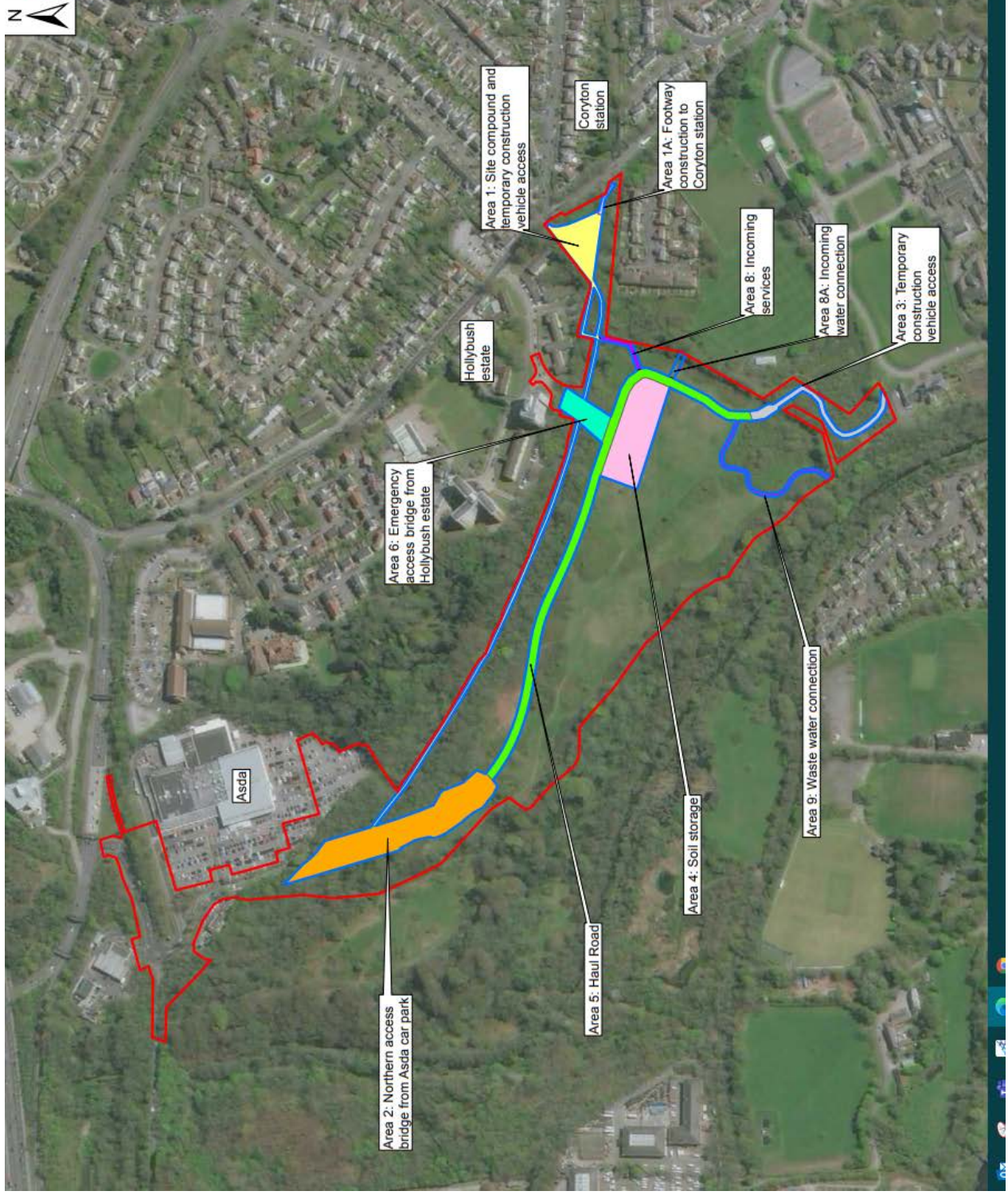
VELINDRE NHS TRUS'

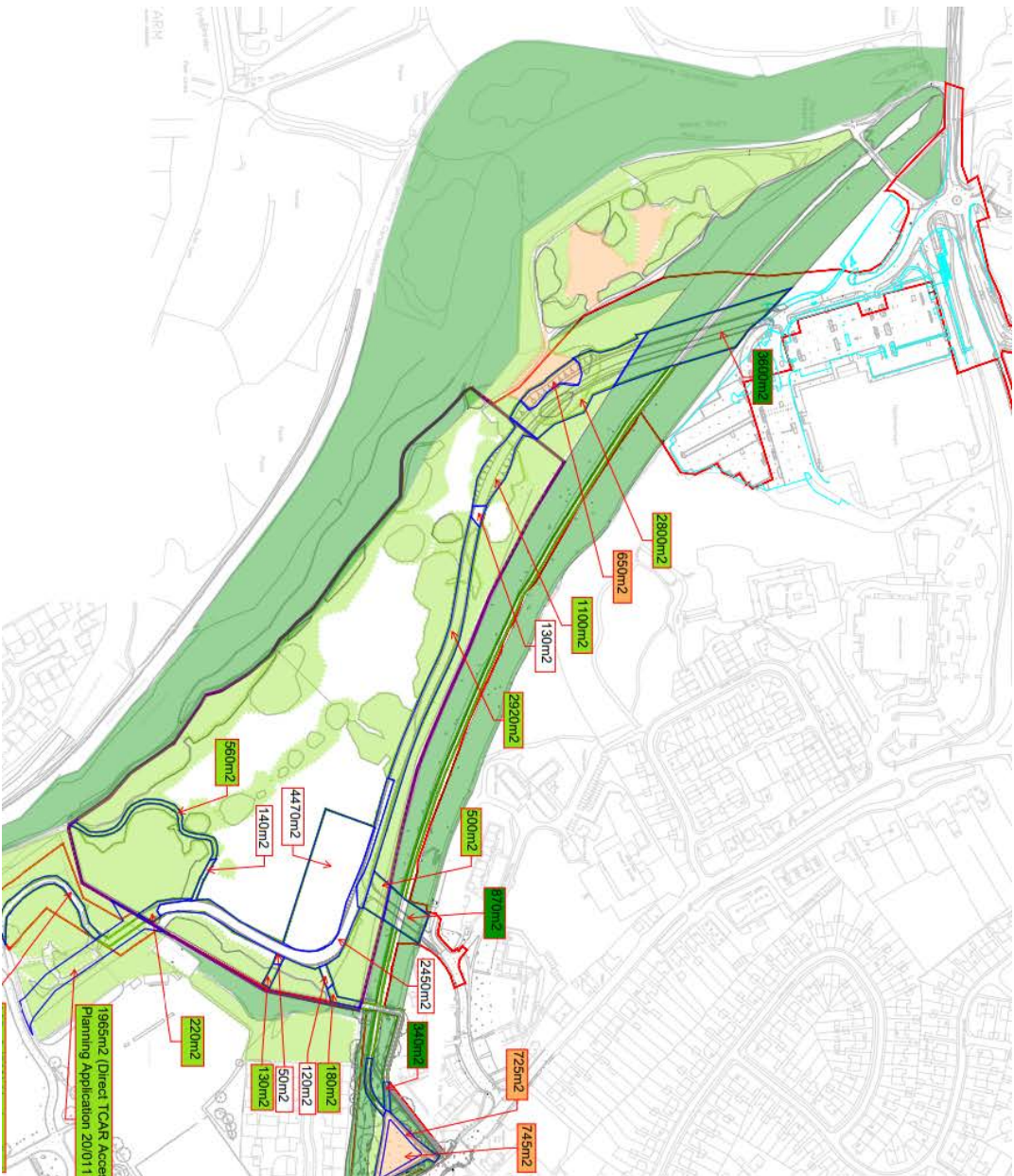
Project:

VELINDRE HOSPITAL
HIGHWAY ACCESS WORK
DORMOUSE LICENCE APPLIC

Title:

SITE LOCATION





Phase 1: Enabling Works Impacted Habitat

Habitat	Permanent Enabling Works	Temp. Haul Road, TCAR, Construction Accesses and Working Areas	Total
Broad Leafed Woodland - Semi Natural	5,010m ²	0m ²	5,010m ²
Scrub - Dense Continuous	3,810m ²	7,130m ²	10,740m ²
Total Woodland and Scrub (terrestrial habitat)	8,820m ²	7,130m ²	15,750m ²
Natural Grassland - Semi-improved	1375m ²	745m ²	2,120m ²
Poor Semi-improved Grassland	170m ²	7,190m ²	7,360m ²
Total	10,165m ²	15,065m ²	25,230m ²

Note: Area measurements are approximate, based on a combined Ordnance survey and topographic survey data mapping.

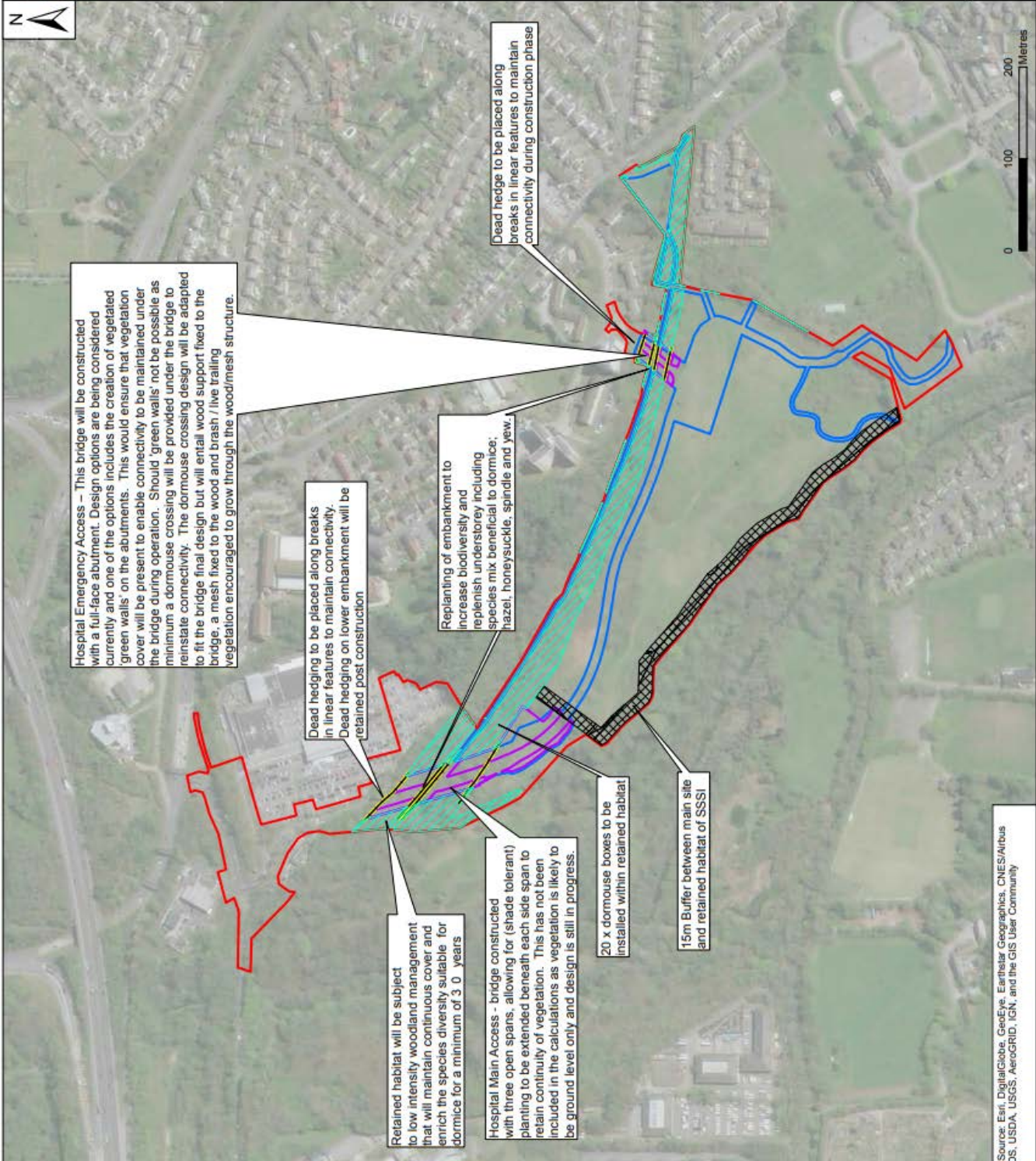
19655m² (Direct TCAR Access)
Planning Application 20/0110/MJ/R

REV	DATE	BY	DESCRIPTION	GW	GW
R1	19/10/20	GM	Issue on Area Measurements added		
A1	24/03/20	GM	Final Issue		



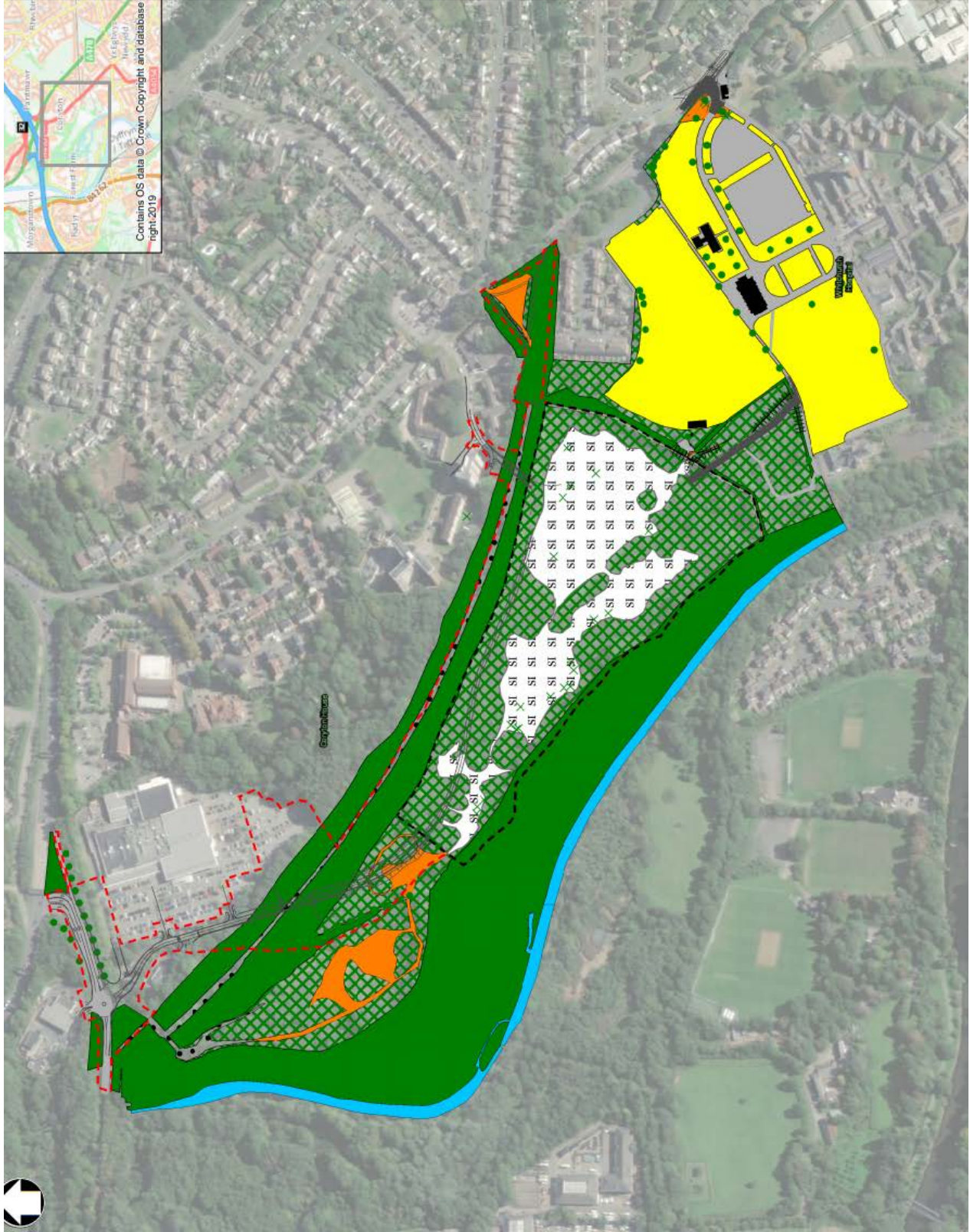


- Key**
- Planning Application Boundary
 - Phase 1 Enabling Works Boundary
 - Areas or proposed landscaping for Access Road
 - Dead hedges
 - SSSI Buffer
 - Retained Habitat



Date:	VELINDRE NHS TRUST
Project:	VELINDRE HOSPITAL HIGHWAY ACCESS WORKS DORMOUSE LICENCE APPLICATION
Title:	MITIGATION PLAN
Drawn by:	JSDS
Checked:	MMD
Approved:	ET
Figure No:	FIGURE 4A
Date:	09/07/2020
Scale:	4,000 @ A3

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus JS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



- - - Main nVCC* site boundary
- - - Planning application boundary
- - - Detailed design
- X A2.2 - Scrub - scattered parkland/scattered trees
- A3.1 - Broadleaved parkland/scattered trees
- A3.1 - Broadleaved parkland/scattered trees
- J2.1.2 - Intact hedge - species-poor
- HHHH J2.4 - Fence
- A1.1.1 - Broadleaved woodland - semi-natural
- A2.1 - Scrub - dense/continuous
- B2.2 - Neutral grassland - semi-improved
- SI B6 - Poor semi-improved grassland
- C3.1 - Other tall herb and fern - ruderal
- G2 - Running water
- J1.2 - Cultivated/disturbed land - amenity grassland
- J3.6 - Buildings & infrastructure
- J4 - Bare ground
- J5 - Hardstanding

* nVCC - new Veilindre Cancer Centre

Notes

1. For information only, not for construction
2. Contains Ordnance Survey data © Crown copyright and database rights 2019 Ordnance Survey. All rights reserved. Mott MacDonald OS Licence: 0100207991.
3. Contains survey data from 2016 and 2019.

Rev	Date	Drawn	Description	Chgd	Appd
P1	19/02/20	GO	For information	KP	CW

M M MOTT MACDONALD
 Met MacDonalld
 2 Callaghan Square
 Cardiff
 CF10 5BT
 T +44 (0)2920 467800
 W www.motdmac.com



Client: Velindre NHS Trust

Title: The new Veilindre Cancer Centre Phase 1 Habitat Plan

Designed	K. Farrington	KP	Eng. Check	K. Farrington	KP
Drawn	G.D. Donovan	GC	Coordination	R. Minston	RM
GIS Check	H. Wheldon	HW	Approved	C. Williams	CW