

COUNCILLOR OBJECTION, MS COMMENTS & PETITION

COMMITTEE DATE: 16/12/2020

APPLICATION No. **20/01515/MJR** APPLICATION DATE: 04/08/2020

ED: **WHITCHURCH/TONGWYNLAIS**

APP: TYPE: Discharge of condition(s)

APPLICANT: Velindre NHS Trust & Asda Stores Ltd

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

PROPOSAL: PARTIAL DISCHARGE OF CONDITIONS 17 (CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN), DISCHARGE OF CONDITIONS 10 (HIGHWAY AND PEDESTRIAN WORKS DETAILS), 13 (BRIDGE FINISHES), AND 14 (SOIL RESOURCE SURVEY (ACCESS AND ENABLING WORKS)) OF 17/01735/MJR

RECOMMENDATION 1: That the submitted conditions shall be discharged as follows:

Condition 17 (CEMP):

Is **partially** discharged and shall be undertaken in accordance with the scope of the works outlined 'enabling works' which are indicated under Figure 1.1: Enabling Works and described under 1.3: Implementation Programme in the Construction Environment Management Plan (CEMP) (prepared by Mott MacDonald dated October 2020 Revision D).

The applicant is advised that this condition will be required to be discharged for each phase of development including once a contractor has been appointed to undertake the enabling works.

Condition 10 (Highways and pedestrian works) is **discharged** and shall be undertaken in accordance with the following plans:

General Arrangement Emergency Access:

70066877-WSP-XX-XX-DR-CE-P2-0101 P01

Plan and profile Emergency Access:

70066877-WSP-XX-XX-DR-CE-P2-0102 P01

Contours Emergency Access:

70066877-WSP-XX-XX-DR-CE-P2-0103 P01

Cross sections Emergency Access:

70066877-WSP-XX-XX-DR-CE-P2-0104 P01

Road Restraint System Emergency Access:

70066877-WSP-XX-XX-DR-CE-P2-0401 P01

Drainage Plan Emergency Access:

70066877-WSP-XX-XX-DR-CE-P2-0501 P01
Drainage Details Emergency Access:
70066877-WSP-XX-XX-DR-CE-P2-0502 P01
Pavement Details Emergency Access:
70066877-WSP-XX-XX-DR-CE-P2-0701 P01
Pavement Standard Details Emergency Access:
70066877-WSP-XX-XX-DR-CE-P2-0702 P01
Kerbs and Footways Emergency Access:
70066877-WSP-XX-XX-DR-CE-P2-1101 P01
Kerbs and Footways Standard Details Emergency Access :
70066877-WSP-XX-XX-DR-CE-P2-1102 P01
Traffic signs and Road Markings Emergency Access:
70066877-WSP-XX-XX-DR-CE-P2-1201 P01
General Arrangement Emergency Access 1 of 2:
70066877-WSP-XX-XX-DR-CE-P2-001 P01
General Arrangement Emergency Access 2 of 2:
70066877-WSP-XX-XX-DR-CE-P2-002 P01
Proposed pedestrian path Coryton Railway plan:
70066877-WSP-XX-XX-DR-CE-P3-0101 P01
Proposed pedestrian path Coryton Railway profile:
70066877-WSP-XX-XX-DR-CE-P3-0102 P01
Proposed pedestrian path Coryton Railway profile:
70066877-WSP-XX-XX-DR-CE-P3-0103 P01
Proposed pedestrian path Coryton Railway profile:
70066877-WSP-XX-XX-DR-CE-P3-0104 P01
Proposed pedestrian path Coryton Railway contours:
70066877-WSP-XX-XX-DR-CE-P3-0105 P01
Proposed pedestrian path Coryton Railway kerbs and footway 70066877-WSP-
XX-XX-DR-CE-P3-1101 P01
Proposed pedestrian path Coryton Railway standard detail 70066877-WSP-
XX-XX-DR-CE-P3-1102 P01
Proposed pedestrian path Coryton Railway Signs 70066877-WSP-XX-XX-DR-
CE-P3-1201 P01

Condition 13 (Bridge Finishes) is **discharged** subject to implementation of the following plans

Asda Bridge Proposed Finishes 1 of 2:
70066877-WSP-XX-XX-DR-CE-P1-001 F1 P01
Bridge finishes Asda Bridge Proposed Finishes 2 of 2:
70066877-WSP-XX-XX-DR-CE-P1-002 F2 P01
Emergency Access Proposed Finishes 70066877-WSP-XX-XX-DR-CE-P2-001
F1 P01

Condition 14 (Soil Resources) is **discharged**, subject to implementation, in accordance with Motts Soil Resource Survey Soil Resource Survey 347168-MML-028-XX-RPT-CIV-2000-002 (but does not authorise the stripping of the main site)

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) of a number pre-commencement conditions that were imposed on the planning permission reference 17/01735/MJR, these being:

Condition 17 Construction Environmental Management Plan (CEMP) reads as follows:

Prior to the commencement of any site clearance, construction works or development (except for demolition), a Construction Environmental and Management Plan (CEMP) for the whole site shall be first submitted to and approved in writing by the Local Planning Authority. The CEMP 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 CEMP shall include:

- a. An implementation programme;*
- b. A Construction Traffic Management Plan, to include but not limited, to the management of site access, parking (to be within the main body of the site) and wheel washing facilities;*
- c. Details of site hoardings (including the erection, maintenance, security and any decorative displays) and means of enclosure to prevent unauthorized access during construction;*
- d. Details of the storage of plant and materials (including any oils, fuels and chemicals), construction compounds, any temporary facilities for construction staff;*
- e. Dust Management Plan and measures to control the emission of dust and dirt from construction and minimise sediment loading*
- f. A Noise Management Plan and measures to control and monitor noise, the details to be submitted shall include the suggested information (including phasing) outlined in Chapter 9: Noise and vibration Environmental Statement dated October 2017;*

g. Measures to control cementitious materials;
h. A Site Waste Management Plan for the recycling and/ or disposal of all waste resulting from construction works;

i. A Construction Drainage Scheme indicating how surface water and land drainage run off will be dealt with to prevent contamination, nuisance, subsidence or flooding;

j. a Green Infrastructure Construction Protection Strategy (GICPS) detailing measures for the protection of the ecological (habitats & protected species), arboricultural, landscape, soil, open space and SuDs resource during clearance and construction, including those existing elements proposed for retention and translocation, and those proposed to be created or enhanced as part of the application. The GICPS shall comply with the approved Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan and the approved Soil Resource Survey and Soil Resource Plan for that site/ land and shall include but shall not be limited to:

- an assessment of the impacts*
- a plan showing green infrastructure to be lost, retained, enhanced, translocated and newly created and its phasing*
- a plan showing protection zones for the ecological (habitats & protected species), arboricultural, landscape, soil, open space and SUDS resource for the construction phase, which shall include but not be limited to a 15m wide buffer zone alongside the Glamorgan Canal / Long Wood SSSI precautionary measures to avoid harm to previously undetected dormice and badgers;*
- pre-construction checks Mott MacDonald | new Velindre Cancer Centre Construction Environment Management Plan 347168-MML-028-XX-RPT-CIV-2000-001 | 14 October 2020 2*
- details of site clearance and construction methods and measures to be taken to minimize the impact of any works*
- phasing / timing of works*
- a lighting scheme, including measures to reduce light spillage from construction onto key habitats and corridors.*

k. List of on-site contacts and their responsibilities and arrangements for ecological site inductions for contractors working on site; the details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied within in full throughout the construction period.

l. Details of the remediation and timescale of the triangular piece of land to the east of the Hollybush Estate.

m. The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied within in full throughout the construction period

Reason: To manage the impacts of construction in the interests of highway safety, and protection of the environment and public amenity in accordance with Policy KP16 of the adopted Cardiff Local Development Plan (2006-2026

In support of partial discharge (the application description was changed as not all points of the condition can be discharged at present) and it must also be noted that given the complexity of the development, Conditions 17 and 14 will be required to be re-discharged as the scheme progresses.

The details currently before committee relate to Phase 1, being the site clearance works to enable the construction of the bridges. As noted within the submitted CEMP, the condition will need to be re-discharged once a contractor has been appointed.

Condition 10 (Highway and pedestrian works details) reads as follows:

No part of the development hereby permitted shall be commenced until a scheme of highway works to provide an emergency access connection to the Hollybush Estate road (including details of the proposed barriers and their operation) and pedestrian and cycle connection to Park Road and Coryton Station as shown in principle on the approved plans has been submitted to and approval in writing by the LPA. No part of the development shall be occupied until the approved scheme has been implemented to the satisfaction of the LPA. Reason: To provide safe commodious pedestrian, cycle and emergency vehicle access to the proposed development in the interests of highway safety in accordance with Policy T5 of the adopted Cardiff Local Development Plan (2006-2026).

The submitted plans relocate the adopted path away from the existing trees and aligns with the road. These plans were considered under the principal permission but have been refined with drainage and signage. The existing 5 bar gate would be replaced with removable bollards.

Condition 13 (Bridge finishes) which reads:

“Prior to commencement of development, details of the finish and colour of the proposed bridges shall be submitted to and approved in writing with the Local Planning Authority, and implemented in accordance with the approved details. Reason: To ensure the development harmonises with its environment in accordance with Policy KP5 of the adopted Cardiff Local Development Plan (2006-2026)”

The pillars would be finished in pattered profiled finished concrete with the bridge beams finished in corten steel, which retains a rust colour. The 1.8 metre high steel parapet wall would be finished is a mid Brunwisck Green.

The emergency access bridge would be concrete with parapet wall would be finished is a mid Brunwisck Green (same as the Asda bridge).

Condition 14 (Soil resource survey & plan) which reads:

“No development shall take place until a Soil Resource Survey and Plan, prepared in accordance with the 2009 DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and covering each phase of development, has been submitted to and approved in writing by the LPA. Reason: to ensure that a valuable soil resource is efficiently and effectively

protected from harm and re-used as appropriate for landscaping purposes in accordance with Policy KP15 of the adopted Cardiff Local Development Plan (2006-2026)."

Motts Soil Resources survey and plan dated 16th January, 2020 is a 59 page report that has considered the Soil Resource Survey Methodology, Soil Resource Survey results, Soil Management Plan (including soil monitoring and aftercare).

- 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. (March. - Oct.)

2. DESCRIPTION OF THE SITE AND AREA

- 2.1 The planning application site, corresponds to the red line boundary indicated on the site location plan. The site is 14.5 hectares in area and is an 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 to them from the Coryton Gyratory 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 size 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 neutral grassland.
- 2.2 However, this submission is concentrated upon the railway cutting and in particular the locations of bridges and the triangular piece of land know as Lady Cory field.

3. PLANNING HISTORY

- 3.1 Within the last 5 years:

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);
KP17 (Built Heritage).

DETAILED POLICIES

ENVIRONMENT

EN6 (Ecological Networks and Features of Importance for Biodiversity);
EN7 (Priority Habitats and Species);
EN8 (Trees, Woodlands and Hedgerows);
EN9 (Conservation of the Historic Environment);
EN10 (Water Sensitive Design);
EN11 (Protection of Water Resources);
EN13 (Air, Noise, Light Pollution and Land Contamination).

TRANSPORT

T1 (Walking and Cycling);
T5 (Managing Transport Impacts);
T6 (Impact on Transport Networks and Services).

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);

Managing Transportation Impacts (Incorporating Parking Standards) (July 2018).

Planning for Health and Wellbeing (November 2017).

5. INTERNAL CONSULTEE RESPONSES

5.1 The Operational Manager (Traffic and Transportation) states:

My comments are limited to condition 17 and condition 10, other conditions are not considered to relate to highway or transportation matters.

Partial discharge conditions 17 (construction environment management plan).

The submitted CEMP, chapter 2 looks in detail at construction traffic management under the headings below.

- 2.1 Northern Access Arrangements,
- 2.2 Southern Access Arrangements,
- 2.3 Travel to/from site on external roads,
- 2.4 Site Roads,
- 2.5 Emergency Access,
- 2.6 Car Parking during Construction,
- 2.7 Wheel Washes.

The documents also details the temporary bridge construction access route via Lady Cory Field, accessed from Park Road opposite the junction with Lon-y-Celyn and Pantmawr Road. This route will be used to access former railway cutting to allow construction of the two development bridges, located at Asda and Hollybush Estate. The submission advises that the access track will be constructed using temporary metal trackway matting, with the existing slope down into the cutting being made wider to accommodate vehicles.

Once construction of the access bridges is complete, the CEMP advises that the track will be taken up, excess materials removed and the rail cutting and Lady Cory Field reinstated to an agreed specification that will be developed with the Council. New footpaths will also be provided to connect Pendwyallt Road/Park Road with the railway cutting and the Velindre site, with these being constructed as part of the enabling works and detailed in discharge of Condition 10. The parent permission 17/01735/MJR limits the length of use of the Lady Cory Field construction access to a maximum of 9 months.

In terms of the wider construction management, it is identified that all

construction traffic will access from the north via the Coryton Gyratory. Once bridge construction is complete traffic will then access the site from the north via Longwood Drive and the Asda car park (2.1), or the south route via Park Road and the improved Whitchurch Hospital entrance (2.2).

As detailed in the Temporary Construction Access Road (TCAR) application 20/01110/MJR, construction traffic will be restricted in the times at which it can use the two entrances (Asda/Whitchurch Hospital) so as to avoid or minimise disruption to the local highway network. Thus construction traffic using Park Road will be timetabled to avoid school drop-off/pick-up and traffic using the Asda entrance will avoid peak store times. This principle is also enshrined in the submitted CEMP subject to these comments.

The CEMP advises (2.3) that construction traffic will be made aware of the access routes, with maps being provided to drivers to ensure designated routes are adhered to. Vehicles will be routed via main roads, avoiding indirect routes through residential areas, and all staff will be briefed in respect to the restricted delivery times/routes. The submission suggests that where feasible construction staff will be required to use public transport, in order to limit the number of vehicle movements to and from site.

The CEMP confirms that temporary site roads will be provided as required (2.4), and that parking for staff will be on site adjacent to the office accommodation (2.6), and that these will be maintained for use during construction. Wheel washes will also be placed at both access points to prevent mud being tracked onto public highway, with all construction vehicles leaving the site being required to pass through a wheel wash (2.7).

Paragraph 4 of the CEMP confirms that secure material stores, plant compounds and staff facilities will be established on-site and will not therefore directly impact use of the public highway. And paragraph 5 details dust suppression measures/protocol that will be implemented, limiting the impact of dust migration onto the adjacent public highway and properties.

Further references to construction hours, construction traffic and the enabling works programme are made in paragraph 6 of the CEMP, these references adding to and reinforcing the principles discussed above.

Paragraph 6.4.3.4 provides details in connection with the enabling works, road building, providing the following table of phases:

- Coryton interchange into Asda (April to June 2021);
- New approved southern access route across scrubland (May to July 2021);
- Bridge approach Asda side (May 2021 to Nov 2021);
- Asda bridge (Aug 2021 to July 2022);
- Hollybush Bridge (May 2021 to July 2022);
- Pedestrian/cycle link to Park Road and Coryton Station (May 2021 to July 2022).

It should however be noted that these dates are described as provisional,

subject to the appointment of the contractors and contract programmes. The applicant and contractor (once appointed) are reminded that licences and agreements under the Highways Act 1980 are required in respect of any works, permanent or temporary, to or that impact on the public highway or its use.

Having considered that submission and supporting documents I am content to agree partial discharge of the condition as far as it relates to the use of and impact of works on the public highway. I would also advise that the contractor (once appointed), in applying for full discharge of the condition is required to ensure that a record of HGV movements to and from the site is maintained and provided to the council for inspection as may be requested.

Full discharge Condition 10 (highway and pedestrian works details) –

No part of the development hereby permitted shall be commenced until a scheme of highway works to provide an emergency access connection to the Hollybush Estate road (including details of the proposed barriers and their operation) and pedestrian and cycle connection to Park Road and Coryton Station as shown in principle on the approved plans has been submitted to and approval in writing by the LPA. No part of the development shall be occupied until the approved scheme has been implemented to the satisfaction of the LPA. Reason: To provide safe commodious pedestrian, cycle and emergency vehicle access to the proposed development in the interests of highway safety in accordance with Policy T5 of the adopted Cardiff Local Development Plan (2006-2026).

Objectors contend (Petition Technical Objections submission) that Condition 10 is not satisfied inasmuch as the wording requires details of a ‘...pedestrian and cycle connection...’ to be submitted, and that as the submission does not include a cycle connection the condition cannot be discharged.

However, whilst I agree the description and title of the plans do not specifically reference cycling (referring as they do to pedestrian paths), it is clear from the drawings themselves that the intention is to provide shared pedestrian and cycle paths throughout. If we look at the submitted plans the width of the path is identified as 3m (the minimum for shared width path), and the ‘Traffic Signs and Road Markings’ plan (70066877-WSP-XX-XX-DR-CE-P3-1 rev P01) clearly indicates an intention to install shared cycle route signage. I must therefore conclude that the omission of the words cycle/cycling from the description is an oversight by the designer.

In considering what would be appropriate in terms of the path and any cycle facility, we must take into account the size and nature of the Lady Cory Field, and the impact the path would have on that setting. We must also consider what existing facilities the new path will connect with, in this case a rail station and Park Road to the east, and the Cancer Centre development to the west. Taking all the factors into account it is felt that it would be out of proportion to implement a fully segregated cycle facility that would involve the creation of a path with an overall width of some 5m for a length of less than 200m. In which respect it is noted that the proposed path does not tie into a segregated cycle facility at either

end and as such would represent an isolated stretch out of character with its surroundings.

The submissions in connection with the 'emergency access' bridge and connection to the Hollybush Estate have been assessed and are considered to be acceptable in discharge of this element of the condition, and I therefore have no comments to report in this regard.

The applicant is reminded that there are further processes associated with detailed design, licencing, implementation and adoption of the works which will be overseen by the Council. In relation to which, any works to the existing or proposed adopted public highway to be undertaken by the developer will be subject to agreement(s) under Section 38 and/or Section 278 of the Highways Act 1980 between the developer and Council.

I am therefore content that the submission in connection with Condition 10 is sufficiently comprehensive to agree discharge of the same

5.2 Public Rights of Way (PROW): No objections

5.3 The Strategic Planning Trees and Landscaping officer states:

The report submitted in discharge of Condition 14 (soil resource) is fine but it is important that the site monitoring proposed as part of the Soil Resource Plan (SRP) picks up on the requirements for remediation and that these are then explained to the LPA as part of soil scientist site monitoring reports sent to the LPA at different stages of development. Ripping depths, extents and methods for example, are of particular importance to ensure effective establishment and growth by larger trees. I also note the extent of the soil survey to the main site and that further works are proposed for assessment of the railway cutting.

5.4 The Strategic Planning Ecologist states:

In relation to the CEMP condition element of 20/01515/MJR, I have no concerns to raise as construction-related impacts pertaining to bats, dormice and the nearby SSSI have been considered by NRW and they have indicated that they have no objection to the CEMP. The issues that NRW do not consider, such as impacts upon reptiles, nesting birds and badgers etc are adequately addressed in the CEMP as far as it relates to the enabling works and temporary construction access route, provided these measures are implemented in full.

5.5 Shared regulatory services (Noise): note the proposed CEMP and raise no objection to the partial discharge of condition 17.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 Natural Resources Wales:

We have no objection to condition 17 (Construction Environment Management Plan) being partially discharged and provide the following advice.

We have no comments on conditions 10, 13, 14.

Condition 17: Construction Environment Management Plan (CEMP) We note the application seeks partial discharge of condition 17. We understand this application relates only to the 'enabling works' which are indicated under Figure 1.1: Enabling Works and described under 1.3: Implementation Programme in the CEMP (prepared by Mott MacDonald dated October 2020 Revision D).

Our advice is given in this context and we will provide further advice on discharge of condition 17 for each phase of works when submitted. In general, we are satisfied with the principles set out in the CEMP regarding protection of the SSSI, the water environment and protected species during construction. We provide the following advice on other regulatory matters and advisory comments for the developer to take forward.

Construction Drainage Scheme

We are satisfied with the proposal to discharge surface water run-off from the construction phases to the Melingriffith Feeder as described in Chapter 8 – Construction Drainage Scheme. This will bypass the sensitive Glamorganshire Canal. We note the CEMP states that a site specific Ground and Surface Water Management Plan (GSWMP) will be developed by the Principle Contractor, when appointed.

The following advice should be considered by the developer: 8.3.5 Discharge Quality This section refers to the '30/20/20 rule' as representing 'clean' water. This is not the case - clean water is uncontaminated rainfall, i.e. from roof tops. The limits referenced in this section are an example of permitted conditions for a discharge to surface water.

Depending on the circumstances, a water discharge permit could be issued with only a suspended solids limit condition. As such, if the developer cannot ensure discharge of only clean water, free from contaminants, they will need to apply for a water discharge permit from us. Our permitting team will then determine an acceptable level of water quality. More information on water discharge permits can be found on our website.

8.2.2 Discharge to a watercourse

The temporary outfall to the feeder will require a Flood Risk Activity Permit (FRAP) from us as the Melingriffith Feeder is classed as a main river. More information on FRAP can be found on our website. In terms of attenuation and control of flows, the run-off rate should be determined by the local authority as the Lead Local Flood Authority.

8.3.8 Excavation Dewatering Further information on whether any dewatering activities will require a permit can be found on our website or may need further discussion with our permitting team.

Construction Traffic Management Plan

2.7 Wheel washing: We note the proposals in terms of wheel washes. We recommend all wheel washing adheres to the guidance under GPP13: Vehicle

washing and cleaning. It would be useful if future CEMPs state the method of wheel washing and include the link to GPP 13

- 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 224 letters of representation being received all of which object to this application. These objections are summarised below:

1. Planning Condition 10 is not met as no submission for cycleway provisions has been outlined for within application 20/01515/MJR and therefore the conditions must not be granted;
2. Condition 17 is not met as there no noise or vibration limits outlined. This is completely disrespectful to the residents.

Condition 17 is further unmet as no adequate solutions for the problem of drainage of surface water from the site. Section 8.2.1 of the application states that: "disposal of surface water runoff via a soakaway or other infiltration to ground is unlikely and cannot be relied upon". The proposed solution is to drain surface water into the canal. This proposal outlined in section 8.2.2. for the discharge to a watercourse is wholly unacceptable and in stark contrast to the developer's claims that the impact on the SSSI will be minimal. This will have a devastating impact on the canal and SSSI. Further concern relates to the "disused track" and the proposed construction of an above ground drain and outfall into the canal. This is not a disused as stated and is in fact the access route to the upper path of the SSSI and used daily by the community.

Any drainage channel in this area would cause health and safety issues to users or make the area impassable. Both are an unacceptable impact on the SSSI, visitors to the nature reserve as well as local residents which use this route to access amenities such as Asda. Again, this misinformation, lack of local knowledge and utter disregard of the community is evident and harmful.

Furthermore, the surface water runoff into the heavily silted canal, will significantly increase the risk of flooding to thousands of homes living adjacent to the canal and along the river corridor in Whitchurch, Llandaff North, Gabalfa and the lower part of Danescourt, and in fact, beyond and into town.

3. The acceptance of these conditions 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

4. 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.
5. The proposal fails to meet the Climate emergency declared by both Cardiff Council and Welsh Government
6. This application should not be determined until the Senedd enquiry.
7. Concern over parking of construction traffic
8. Concern over dust, noise and vibration from works

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:

- Condition 10 does not provide for a cycleway provision;
- Condition 17 no noise or vibration limits have been set
- Condition 17: no adequate solution to surface water drainage
- Section 8.2.2: discharge into water course is wholly unacceptable!
- Construction traffic will undermine the existing bridges, which are under consideration for listing

7.3 Local Ward Members Phillips, Rees and Morgan have been consulted

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.

Specific concerns have been raised about the lack of provision for cycleways (Condition 10).

Condition 17 is not met as the proposed solution for removal of ground water is not suitable. We are extremely concerned that the applicant proposes to remove ground water via an above water pipe through the nature reserve to the Glamorgan Canal.

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 watercourse 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. Various other comments.

The following list predominantly address elements of the proposal we feel should be addressed and included as further conditions should these applications be passed.

- The Emergency Bridge abutments not same design as main bridge? Keeping the same design will minimise the impact on local environment?
- The abutments of the main bridge are individual columns, not wall. They are in line with cutting not at an angle to it. Making both same and minimise visual impact.
- The main bridges have H4A containments to solid parapets with 1.8M high metal coverings. As the main bridge will have low traffic and a cycle/pedestrian path to one side, and the emergency bridge has no traffic why are these considered necessary? A lower and open parapet would lessen the impact and improve the visual experience for users
- The emergency gate example shown is not appropriate to the sensitive landscaped area in which it is to be placed.
- Why does the water drainage from the emergency bridge go to a drain and not to a soakaway?
- Pedestrian crossings at the ASDA roundabout are shown as “to be determined”? We have asked for these for some years to link the pedestrian footpath from Pendwyallt Road to link with Longwood Drive. There is no safe crossing currently and none shown on the plans.
- Why is there a 2M verge beyond the highway and cycle/footpath? Wouldn't a narrower verge assist the
- comment to minimise break in the canopy
- The existing footpath to Lady Cory Field is shown as being removed and a new footpath in the field being created. Why?
- How many trees are being felled and at what distance from the bridges? It's not clear from the submitted information as to whether the request at planning to minimise the impact of tree felling has been complied with.
- The CMP required road safety measures to be incorporated, to minimise impact and maximise safety at the junctions of Hollybush Road, Pantmawr Rd, Lon y Celyn, Lady Cory Field, Coryton Station junction. A walk to school 20mph limit has recently been imposed, under the Covid programme but this does not cover the requirements of the CEMP.

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

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

Air pollution and dust as a result of the construction project

Constituents have expressed concerns about levels of dust the project will generate and the amount of traffic that will pass along the already congested Pendwyallt Road. I note from the previous planning meeting and discussions around 20/01110/MJR that a live air quality monitoring device will now be installed at Coryton Primary School. Who will monitor the readings and how often will this be done? What plans are there to provide evidence to residents? Construction traffic on Pendwyallt Road and Park Road While enforcement of the speed limit on Pendwyallt and Park Roads is for the road safety partnership and police, I would hope that the Planning Committee includes a

recommendation to the developer that it draws the speed limit on these roads to the attention of construction vehicle drivers. This should strongly emphasise the importance of not exceeding it to promote best air quality possible and ensure the safety of both pedestrians and cyclists.

Historic chapel at old Whitchurch Hospital

I note that Velindre has addressed the issue of vibration damage to the chapel with a series of mitigation measures – set out in the above document. Also I would seek an assurance that the proposed 20mph speed limit for construction vehicles on the temporary access road is strictly monitored. However many constituents and I remain concerned about this listed building and would seek further assurances that vibration levels at the chapel will be monitored at frequent intervals during the whole construction phase to ensure the chapel is not damaged. It will be vital to survey the condition of the chapel – including making sure there is photographic evidence – before work commences.

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 agreed, such as the location of the bridges or the use of the railway cutting. A number of matters have been raised by objectors and those matters that are material to the consideration of the determination of these conditions have been considered below:

8.2 Condition 17 (CEMP)

The condition imposed upon the cancer hospital required various matters (12 points) to be discharged. The condition was constructed in order to allow a phased and progressive discharge of details at key stages of the construction programme to ensure that various relevant points can be considered at the appropriate stage of development and also allow consideration of the wider site context at the same time.

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 CEMP report; but the report sets the scope of the submission and also sets a framework for the submission for discharging subsequent applications.

The key matters which are presented to Committee are therefore:

Water discharge

As noted by objectors the proposal seeks to discharge construction water into the Glamorgan feeder and towards the SSSI. The submitted documentation confirms however that there will a robust framework - through daily sampling and monitoring, to ensure that the water discharging into the feeder would not result in harm. NRW (who will also have to issue a permit) have considered the submission and raise no objections to the proposal.

The site is not within a flood zone and the proposed works (phase1) removal of trees from the railway cutting will not result in direct flooding caused by these works and this has been assessed in paragraph 2.8 of the soils report and paragraph 5.3.5 & chapter 9 of the CEMP and is in line with the submitted ES that formed part of the approval of the Cancer hospital. Concern over flow rates and flooding are noted and will be submitted in the next edition of the CEMP once the contractor is known. However, the creation of pools within the site to contain water for discharge/inspection is considered an acceptable approach. The key concern over discharge rate will be submitted within the next submission when the contractor is known and will be assessed and agreed with drainage colleagues taking into account those concerns raised.

Traffic

The proposed access is for the first 9 months via the Lady Cory Field and via the Whitchurch hospital site. This has been agreed through the principal Planning Permission. Chapter 2 of the CEMP accords with this permission.

The proposed mitigation of the Lady Cory field (paragraph 1.4 of the report) includes for the use of protective matting to protect the grass.

Proposed car parking is confirmed as being within the main application site with access via the temporary access route through Whitchurch Hospital. The Transportation Officer has considered the arrangement and raises no objection to the proposal.

Ecology

The impact on ecology and necessary mitigation has been assessed within section 9 of the report, which sets out a framework - including construction lighting. This are consistent with the GIMS submission which is before committee today.

These matters have been considered by the Council's Ecologist and NRW have considered these matters and consider the submission acceptable.

Noise and Vibration

Chapter 6 of the CEMP report sets within its 8 pages principles for noise and vibration but recognises the limitations given the method of construction, (including potential / necessary extent and methodology of pilling) has not been agreed as these will be matters for the contractor to discharge.

The report does set out that works would be undertaken during daylight hours; includes a strategy for complaint handing and communication with residents prior to undertaking 'noisy' work.

Paragraph 6.4.3.4 - enabling works has considered noise generation and concludes that proposal would not result in high levels of noise to residents but will none the less place suitable monitoring in relevant locations (details will again be submitted once the contractor has been appointed). The hours of operation would meet those outlined in the advisory note attached (Recommendation 2 of this report).

Committee will also note that Shared Regulatory Service (Noise) raise no objection to this proposal.

Impact upon the existing overbridges

Paragraph 6.5.3.2 considers this point and states:

“At this location a precondition survey will be undertaken of the existing masonry over-bridges to the disused rail corridor ahead of the commencement of construction, and records circulated. Further periodic condition surveys will be undertaken during construction to continuously review the condition of the structures and to identify any deterioration of them due to construction traffic and operations. If the periodic monitoring raises concerns on the condition of the asset during the works, the working methods will be reviewed and where appropriate adjusted to mitigate any further deterioration. Appropriate guarding and barriers will be positioned between the structures and the construction route for plant, equipment and vehicles. This temporary protection will be in place for the duration of the construction works.”

This principle is acceptable and it is considered appropriate that further information will be submitted once a contractor has been appointed.

Whitchurch Hospital Chapel

Paragraph 6.5.3.1 considers this point and states:

“A precondition survey will be undertaken of the chapel prior to commencement of construction and vibration monitoring undertaken during construction to monitor the impact on the historic structure. Further periodic condition surveys will be undertaken during construction to continuously review the condition of the building and to ensure no deterioration of the building due to construction traffic. The building will be protected from accidental damage by passing vehicles with temporary concrete barriers placed at the roadside, for the duration of the construction.”

This is considered acceptable to ensure that the chapel is protected during this application. It must be noted that these requirements will be in place before the commencement of the 4 year permission that committee resolve to approve at the September committee.

Air quality (including dust)

Chapter 5 of the CEMP has assessed these points including wheel wash facilities to reduce dust and speed reduced to 10mph on the site. Further detail is provided in paragraph 5.3.6 (Air Quality) which states:

- loaded vehicles that are carrying dust generating materials will be covered, for example with sheets, when leaving site;
- there will be no burning of materials on site;
- all plant and vehicles will be maintained in good order so that they do not emit dark smoke, grit or dust. Prior to start-up and on start-up, plant will be inspected daily to identify excessive smoke, leaks and other defects that may result in air quality issues. If such defects are observed, they shall be recorded, and the affected item of plant quarantined until it is repaired or removed from site and replaced;
- the use of diesel generators will be minimised, and battery powered

- generators or mains connection will be used where available;
- engines will be turned off when plant is are not in use to avoid 'idling';
- the site speed limit will be signposted and will not exceed 10mph; and
- perimeter real time monitoring stations will be installed

These principles are considered acceptable as a basis for an appointed contractor to augment

Summary

Such details as have been submitted are considered acceptable in principle and sufficient to allow a partial discharge of condition 17 (CEMP) 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.

8.2 Condition 10 (Highway and pedestrian works details)

The proposed plans, (including aspects of drainage) have been considered by the Highways Authority, as the some of the paths will likely form part of the adopted highway network. The Transportation Officer raises no objection.

The paths will have a shared use between both cyclist and pedestrian and will allow for a much enhanced and usable path than that which exists at present, this is considered positive and will create an enhanced and useable route for sustainable travel and access that will link into the new Velindre and the wider Forest Farm/ Taff trail. Consideration had been given to widening the path to create separation between cyclist and pedestrian but this was considered to undermine the greenness of the triangular piece of ground and that a shared path was the least visually impacting and appropriate option. The removal of the gate that separates the Lady Cory Field from the Pendwyallt Road is considered a positive to aid connectivity to the wider area

The proposed gated barriers to the emergency access bridge are considered acceptable as they have the benefit of maintaining views into the site rather than a solid barrier.

8.3 Condition 13 (Bridge finishes)

The proposed bridge finishes (profiled concrete base/pillars, Corten Steel and Brunswick green painted finishes parapet steel) are typical of modern civic structures and would complement the story of the railway cutting when viewed in the context of the existing brick overbridges. Once the proposed landscaping starts to establish this will ensure that the bridges will harmonise with their surrounding and meets the principles set by KP5 of the LDP.

8.4 Condition 14 (soil resource survey and plan)

The submitted report has been considered by the Strategic Planning Tree Officer who has considered the detail of the submission and report's conclusion and raised no objection to discharging the condition, subject to implementation.

Soil stripping, which forms part of phase 2 (main site), are not currently supported and will not be discharged under this application.

Other matters relevant to the consideration of this application

- 8.5 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.
- 8.6 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.
- 8.7 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.
- 8.8 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.

EIA development

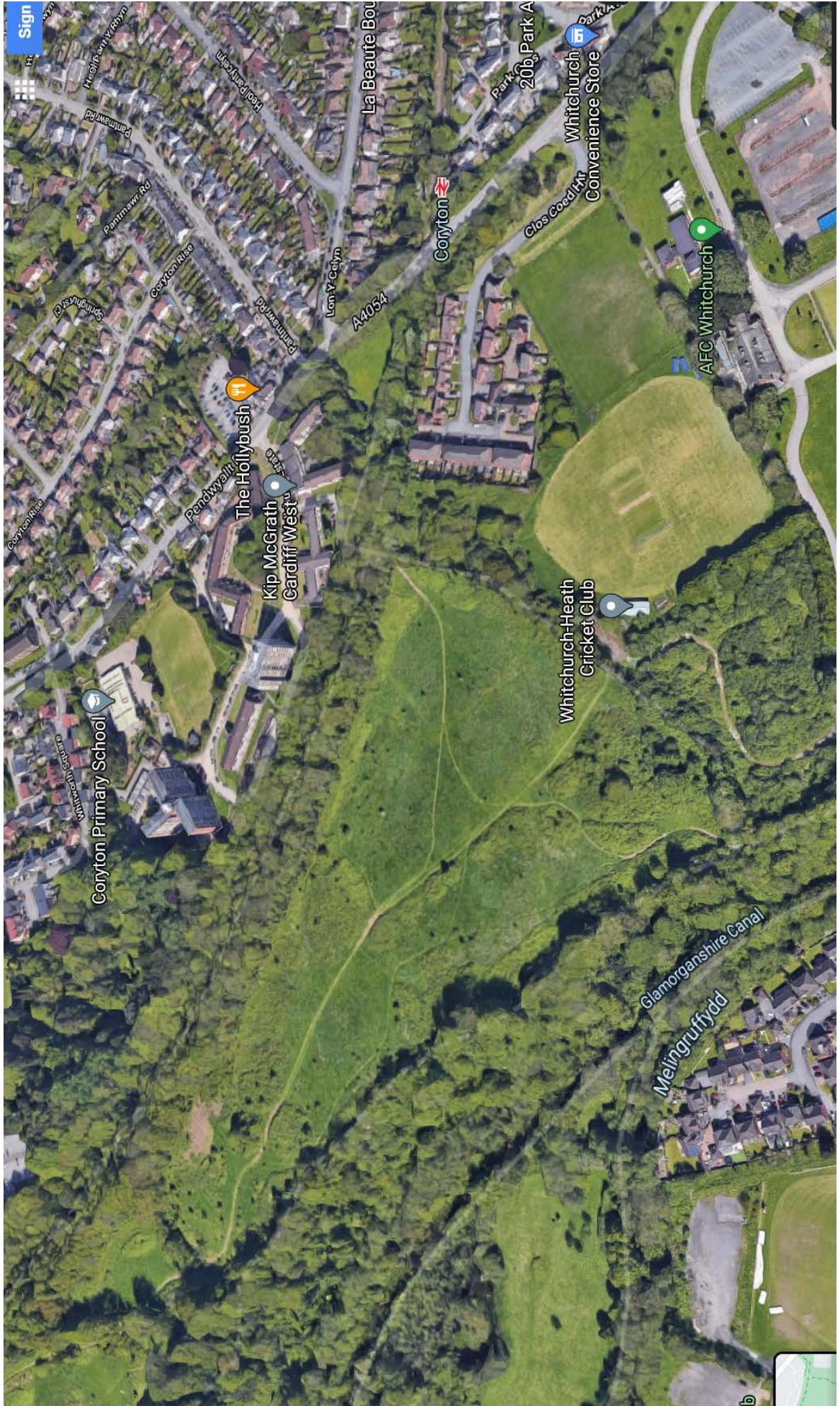
The application constitutes a 'subsequent application' for the purposes of Part 3, Regulation 9(1)(a) & (b) of the Town & Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. The application has been prepared in substantial accordance with the parameter plans, drawing and documents 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 Conclusion

- 9.1 It is recommended that conditions are discharged in the manner outlined above at this time and that given the complexity of the development and of the site, that the phased discharge of conditions at key points within the programme is acceptable and appropriate to control key elements of the project as it progresses. Concerns raised are noted, but are not material to this stage of discharging the condition i.e. Condition 17- flooding. However, it is recognised that further work is required for Conditions 17 and 14 and these will be submitted at the appropriate time.
- 9.2 Such details which have been submitted will require further updating and definition to achieve full discharge in due course.
- 9.3 There are no technical objections to the discharging of the conditions and the submission is in line with the plans considered by the committee in December 2017.
- 9.4 For the above reasons, the proposal is considered acceptable and it is recommended that the conditions can be discharged as outlined in recommendation 1 of this report.

Figure 1.1: Enabling Works





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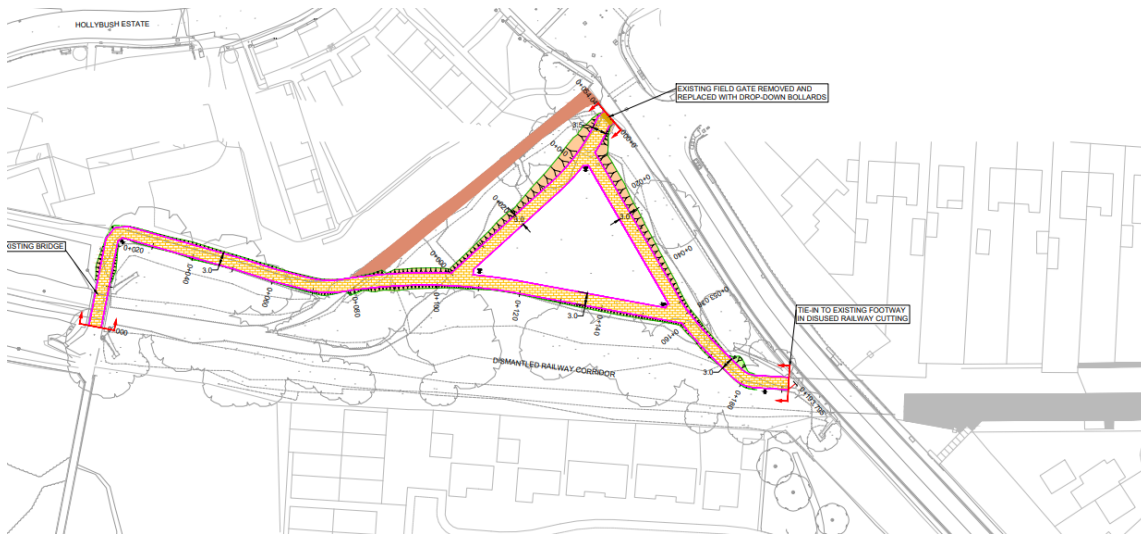
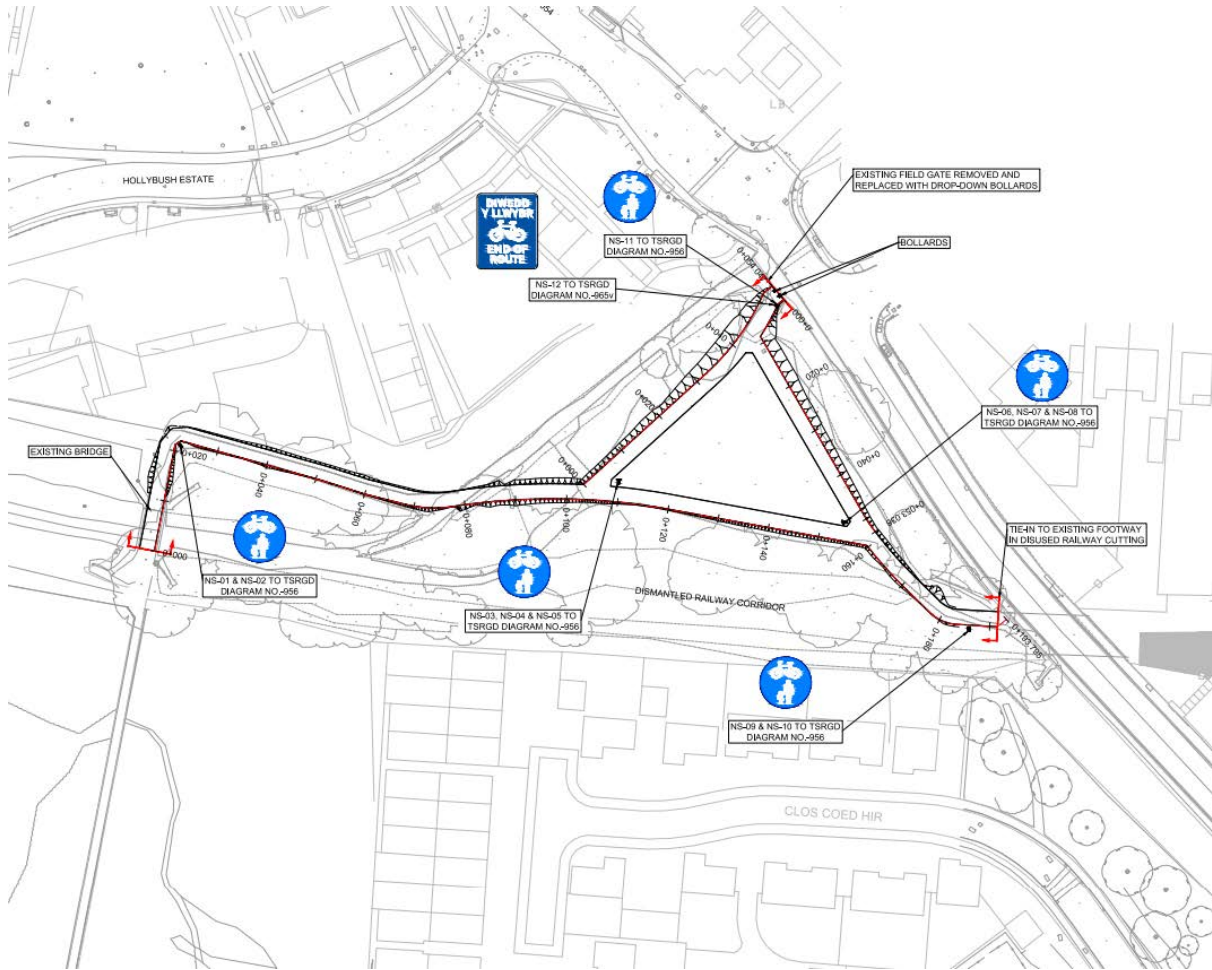
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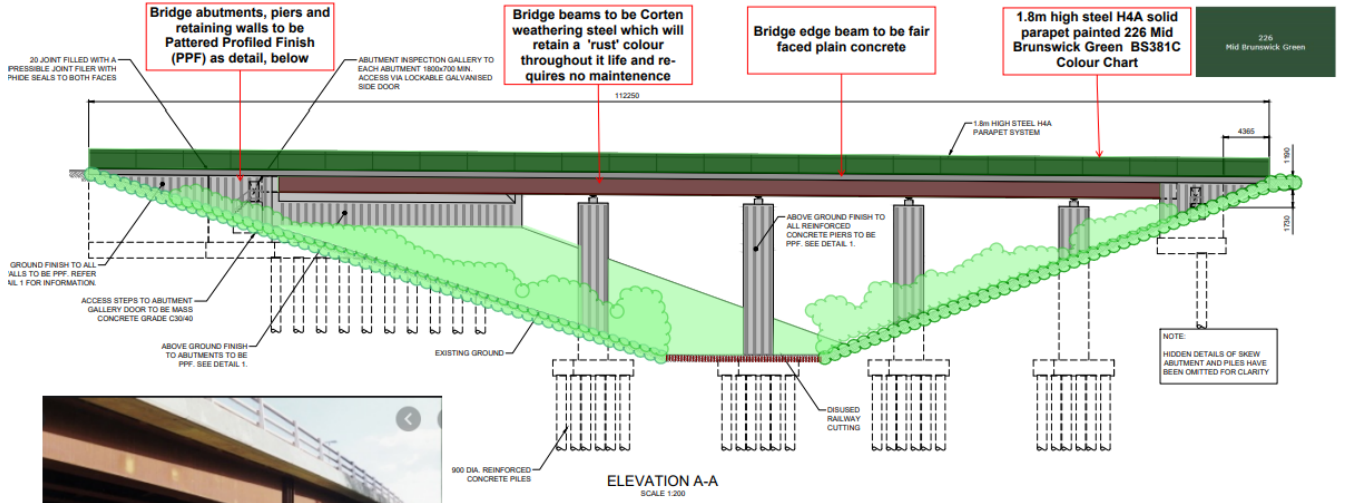
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CONDITION 10

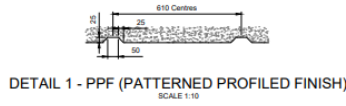


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 - 1100 SERIES - KERBS AND FOOTWAYS
 - 1200 SERIES - TRAFFIC SIGNS AND ROAD MARKINGS
 - 1300 SERIES - STREET LIGHTING
- KEY:**
- PROPOSED FOOTWAY
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CONDITION 13 (ASDA)



Example of Corten Weathering steel bridge beam



Comprehensive woodland and under-storey planting to be undertaken either side of new bridge to be continuous with existing rail cutting woodland

Shade tolerant planting to continue beneath the bridge side spans

