

## PETITION

COMMITTEE DATE: 17<sup>th</sup> July, 2022

APPLICATION No. **22/00475/MJR**

APPLICATION DATE 08/03/2022:

ED: **WHITCHURCH**

APP: TYPE: Discharge of Condition

APPLICANT: Transforming Cancer Services, Velindre NHS Trust

LOCATION: **ENTRANCE TO WHITCHURCH HOSPITAL/PARK ROAD**

PROPOSAL: DISCHARGE OF CONDITION 9 (SCHEME OF HIGHWAY WORKS TO PARK ROAD AND THE WHITCHURCH HOSPITAL ENTRANCE) OF 20/01110/MJR

---

### 1. BACKGROUND INFORMATION

1.1 Planning permission was approved (reference [20/01110/MJR](#)), subject to conditions, at the November Planning committee meeting in 2020 for a temporary construction access route for the approved Velindre cancer centre, for a period of no more than 48 months following the completion of the related highway improvement works, or until 30/11/24, whichever is first.

1.2 Condition 9 (the subject of this application) was imposed at the request of the Highways Authority requiring the technical details for works to the adopted highway to be submitted for consideration by the Local Planning Authority. The condition reads as follows:

*No part of the development hereby permitted shall be commenced until a scheme of highway works to Park Road and the Whitchurch Hospital entrance, as shown in principle on the approved plans, and the 'low cost improvements' referred to in the application have been designed, safety audited, submitted to and approved in writing by the LPA. The schemes are to include, but not be limited to, details of the construction and layout, including as required surfacing, kerbs, edging, drainage, lighting, lining, signing, soft and hard landscaping and street furniture as required as a consequence of the schemes. No use of the development shall be made until the approved scheme has been implemented to the satisfaction of the LPA.*

*Reason: To provide safe commodious pedestrian and vehicle access in the interests of highway safety in accordance with Policies T1 & T5 of the adopted Local Development Plan (2006-2026).*

1.3 This application is brought before the planning committee as the current scheme of officer delegation requires applications that have a valid petition of over 50 signatures to be determined by the Planning Committee.

## 2. DESCRIPTION OF THE SITE AND AREA

- 2.1 The application site comprises the adopted highway known as Park Road and the access entrance to the Grade II listed Whitchurch Hospital and Grade II listed registered Parks and gardens.

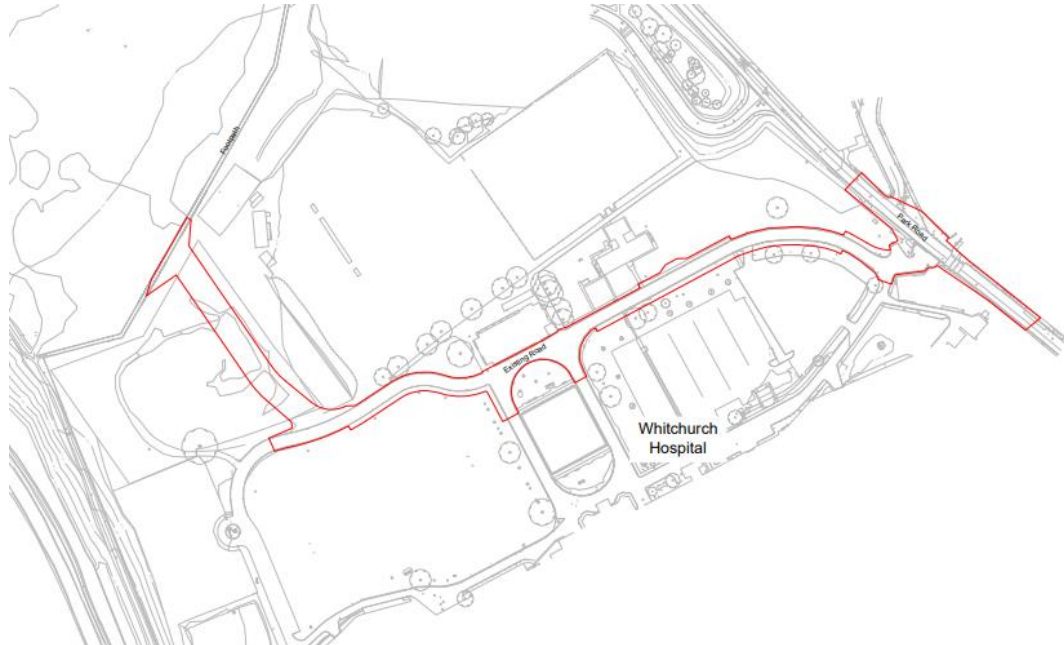


Figure 1: Site Location Plan



Figure 2: Site Location – Entrance Aerial View

- 2.2 The site is not located within a Conservation Area and no protected trees are affected by this discharge of condition application.

### 3. DESCRIPTION OF DEVELOPMENT

3.1 Technical approval is sought from the Local Planning Authority (LPA) for the partial discharge of condition 9.

3.2 The proposed changes to the adopted highway - A4054 Park Road – provide for an upgrade of the existing Park Road junction with Whitchurch Hospital to also provide access for construction traffic during construction of the new hospital. It is understood that construction will last 18 months, and that the junction arrangement will remain in place after construction has finished. The works include the following:

- Widening of the existing Whitchurch Hospital access junction;
- Pedestrian refuge island within the existing Whitchurch Hospital access junction;
- Improvements to the existing zebra crossing including the provision of a build-out on the western side of Park Road to widen the footway;
- Provision of tactile paving on the Whitchurch Hospital access junction;
- Vegetation removal;
- Drainage improvements;
- New pedestrian access to the hospital site on the northern side of junction;
- Widened footway on the western side of Park Road north of the Whitchurch Hospital access junction;
- Lady Cory Field - Provision of new 3.0m wide pedestrian/cycleway to serve as route from new Velindre Hospital to A4054 Park Road.

3.3 The following reports and plans have been submitted in support of this discharge of condition 9 application:

- Stage 1 Road Safety audit (RSA) (including action plan as agreed with Cardiff's Highways Authority) - produced by WSP dated December 2021 – ref: 70066877/RSA1/1/0;
- S.278 intervention plan - ref: 70066877 S278 SK100 Revision A;
- Access junction general arrangement- ref: 70066877-WSP-XX-XX-DR-CE-P4-0103 Revision P02;
- Swept path analysis- ref: 70066877-WSP-XX-XX-DR-CE-P4-0102-Revision P02;
- Lady Cory Field general arrangement- 70066877-WSP-XX-XX-DR-CE-P3-0101 Revision P03

3.4 It is noted that the Road Safety Audit (RSA) makes recommendations to Lady Cory Field and the cycle route to the cancer centre site. Whilst these are in line with those matters in discharge of condition 10 of planning application reference 17/01735/MJR (planning reference [20/01515/MJR](#)) they cannot be considered under this application as they fall outside the scope of the redline and description of development (see red line in Figure 1 above).

#### 4. PLANNING HISTORY

4.1 The site has the following relevant 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. Approved 27/03/2018
- [20/01110/MJR](#) Temporary construction access route for the construction of the approved Velindre cancer centre, for a period of no more than 48 months following the completion of the related highway improvement works, or until 30/11/24, whichever is first. Approved 02/02/2021
- [22/00725/MJR](#) Discharge of conditions 8 (construction management plan) and 10 (mitigation and monitoring) of 20/01110/MJR- undetermined;
- [21/01723/MJR](#) Discharge of conditions 4 (arboricultural method statement and tree protection plan), 5 (soft landscaping details), 7 (ecological management plan) and 11 (air monitoring unit) of 20/01110/MJR

#### 5. POLICY FRAMEWORK

##### *National Policy*

- 5.1 The **Well-being of Future Generations (Wales) Act 2015** (WFG) imposes a duty on public bodies to carry out 'sustainable development' in accordance with the 'sustainable development principle'.
- 5.2 'Sustainable development' means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.
- 5.3 'Sustainable development principle' means that Local Authorities must 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.
- 5.4 Well-being goals identified in the Act are:
- A Prosperous Wales
  - A Resilient Wales

- A Healthier Wales
- A More Equal Wales
- A Wales of Cohesive Communities
- A Wales of Vibrant Culture and thriving Welsh Language
- A Globally Responsible Wales

5.5 The **Environment (Wales) Act 2016** has been designed to complement the WFG Act. It imposes a duty to require all public authorities, when carrying out their functions in Wales, to seek to “maintain and enhance biodiversity” where it is within the proper exercise of their functions. In doing so, public authorities must also seek to “promote the resilience of ecosystems”.

#### *National Planning Policy*

5.6 [Planning Policy Wales](#) (Edition 11) was revised and restructured in February 2021 to coincide with the publication of, and take into account the policies, themes and approaches set out in, [Future Wales - the National Plan 2040](#) (see below) and to deliver the vision for Wales that is set out therein.

5.7 The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.

5.8 PPW11 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision-making process.

#### *Technical Advice Notes*

5.9 PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

- TAN 5: Nature Conservation and Planning (2009);  
Noting also the Chief Planning Officer letter dated 23/10/19: securing bio-diversity enhancement;
- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- TAN 18: Transport (March 2007)
- TAN 24: The Historic Environment (May 2017)

5.10 On 16<sup>th</sup> July 2020 the Welsh Government published [Building Better Places: The Planning System Delivering Resilient and Brighter Futures](#) which provides planning policy guidance for local planning authorities and the development

industry on priorities for the planning system to deliver post Covid-19. The guidance is to be read in conjunction with PPW, which contains the principles and policies needed for Wales to recover from Covid-19 in a positive manner, putting placemaking at the heart of future development.

- 5.11 It also emphasises that development management decisions should focus on creating healthy, thriving active places with a focus on a positive, sustainable future for our communities. The planning system has an important role in supporting healthier lifestyles and reducing inequalities. This includes both direct and indirect opportunities such as the allocation of land for health facilities, ensuring good design and barrier free development, jobs and skills, improving air quality, soundscapes and protecting and improving access to recreation and natural green spaces. These can provide both physical and mental health benefits, improve well-being and help to reduce inequality.

#### *The Development Plan*

- 5.12 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.13 [Future Wales - the National Plan 2040](#) now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.
- 5.14 The Local Development Plan is the [Cardiff Local Development Plan 2006-2026](#) which was adopted in January 2016, and within which the following policies are of relevance:

#### KEY POLICIES

- KP8 Sustainable Transportation
- KP17 Built Heritage
- KP 18 Natural Resources

#### *Transport*

- T1 Walking and Cycling
- T5 Managing Transport Impacts
- T6 Impact on Transport Networks and Services
- T9 Cardiff City Region 'Metro' Network

## *Community*

- C3 Community Safety/Creating Safe Environments

5.15 The following [Supplementary Planning Guidance](#) (SPG) is of relevance to this application: -

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

## 6. INTERNAL CONSULTEE RESPONSES

6.1 The **Operational Manager (Traffic and Transportation)** advises as follows:

The submission has been assessed and is considered to be acceptable in discharge of the condition. The detailed design of the junction is based on the layout approved by the extant permission and has been subject to extensive discussions between Council Highways officers and the applicant's technical design consultant. While the submitted objections are noted, they are not considered material to determination of the discharge of condition application. For a detailed breakdown and consideration of the objections please see the analysis section of the report.

6.2 The Conservation Team raise no objection to discharging condition 9.

## 7. EXTERNAL CONSULTEE RESPONSES

Nil

## 8. REPRESENTATIONS

8.1 The application was advertised on the Council Website and by way of neighbour notification letters, and advertisement by site notice, the 30 day expire date for the notices was 22/4/2022.

8.2 In total 18 letters of representations have been received to date, all objecting to this application (on the same grounds as outlined in the petition below). It is noted that the 18 objectors are also signatures to the submitted petition.

8.3 In addition to these objections the Chair of the Whitchurch and Tongwynlais PACT group also objects on the following summarised grounds:

- WG task force final report states that they expect short term speeds to drop relatively small amounts;
- Tongwynlais Community Speed Watch monitored Pendwyallt Road in June 2021 for one hour the group captured 45 vehicles travelling over 26mph which is the speed that is captured to inform drivers by letter they have exceeded the 20mph limit, of the 45 vehicles 18 vehicles were captured traveling over 30mph but it is noted that drivers are frustrated

and so accelerate at speeds over 30mph and speeds of over 40mph has been captured in the past;

- Over several years it must be noted that vehicles often do not stop at the pedestrian crossing at the Hollybush estate, where we have over 200 children at Coryton primary School. I speak frequently with the school patrol officer and have encouraged her to report such instances, these have also been documented by parents and the wider community this issue has been discussed at PACT meetings with both neighbourhood police and Ward Councillors;
- Proposed use of footpath from A4054 to the new development - I do not accept the change of the footpath to an openly cycle share path, pedestrians again are being moved sideways, given that the actual cycle path would be a short way, why can they not dismount and give way to pedestrians;
- That the zebra crossing at Whitchurch Hospital going to be raised higher than it is presently this could cause a thumping sound when traffic passes over it, have residents in the flats and houses been consulted, it must be noted that traffic does not slow down along Park Road just because there are speed humps and chicanes;
- My main objection and concerns are the use of the 20mph pilot scheme as traffic management for this busy A4054, traffic speed will take a great deal of time to reduce and I understand that the rules are safety engineering then enforcement. This developer is asking that traffic management be placed in the public's hands PACT is really not happy about that. Enforcement is the last deterrent, Community Speed Watch is an educational tool a request to add Park Road from Lon-y-Celyn to Whitchurch hospital has been requested risk assessment will have to be carried out, however Community speed watch is not there to support a construction company traffic proposal;
- I hope that planning will take on board Pact's concerns and look again at these conditions

8.4 The application has also been the subject of a 220 electronic signature petition (it is noted that a number of the signatures cannot be said to be reasonably affected by the proposal but it is considered that the minimum of 50 signatures for the petitioner to be afforded speaking rights at the committee is met). The petitioners object to this application on the following grounds:

- The Velindre Road Safety Audit 1 Report (RSA) because it was done at an unrepresentative time of traffic flow, as 'Traffic flow along Park Rd was light with no cyclists observed .... 5 pedestrians were observed'
- The new design for the Whitchurch Hospital entrance because it fails to acknowledge that Whitchurch Hospital entrance is a busy thoroughfare for pedestrians. There is no parking in Park Rd GPs surgery, and patients park



in both Park Ave and Whitchurch Hospital and then walk to the GPs surgery crossing Whitchurch Hospital entrance. We object that no account was taken in the RSA audit of the significant numbers of children and frail older people who walk across Whitchurch Hospital entrance;

- The RSA audit safe stopping distances and intervisibility are based on vehicles travelling at 20mph or less. The 20mph speed limit has only recently been introduced, and as the Welsh 20mph Task Force Group Final Report July 2020 states 'in the short term speeds are only likely to drop by a relatively small amount.' We object that data from the traffic monitor at Coryton Railway Bridge on average vehicle speed was not used to inform the RSA. GoSafe monitoring on Pendwyallt Rd shows vehicles exceeding the 20mph speed limit heading both north and south with vehicle speed recorded up to 37mph. We object that data from GoSafe was not used to calculate safe stopping distances and to inform all aspects of the RSA;
- The new junction design which has led to the RSA recommendation that the north bound bus stop is relocated further northbound on Park Rd. We also object to the failure to consider the effects of the new junction design on road safety related to the southbound bus stop.
- The new design of the Whitchurch Hospital entrance as it reduces the distance from the entrance to the north bound bus stop from 30 metres to just 15 metres. This has safety implications for pedestrians crossing Whitchurch Hospital entrance and for vehicles exiting both right and left from the entrance. It also increases the risk for vehicles exiting the junction north bound if they overtake a stationary bus, as the south bound vehicles will be coming over the brow of the hill and potentially will be unsighted. We object to the fact that intervisibility problems caused by the brow of the hill are not referenced at all in the RSA;
- Object on safety grounds to the cycleway being for joint use by cyclists and pedestrians;
- Object to the felling of trees in LCF and the footpaths, and damage to tree roots for the construction of the cycleway;
- Object on safety grounds to the design of the cycleway for cyclists rejoining the highway;
- Object to the failure in the new design of Whitchurch Hospital junction to widen the existing north bound footpath prior to the Whitchurch Hospital entrance which remains very narrow and dangerous;
- Object to the wholly inadequate low cost interventions to reduce vehicle speed;
- Object to the conflict of interest with WSP using WSP employees to undertake the RSA;
- In summary we object to these highway works to Park Rd and the Whitchurch Hospital entrance and to the 'low cost improvements' as they fail to provide safe commodious pedestrian and vehicle access in the interests of highway safety

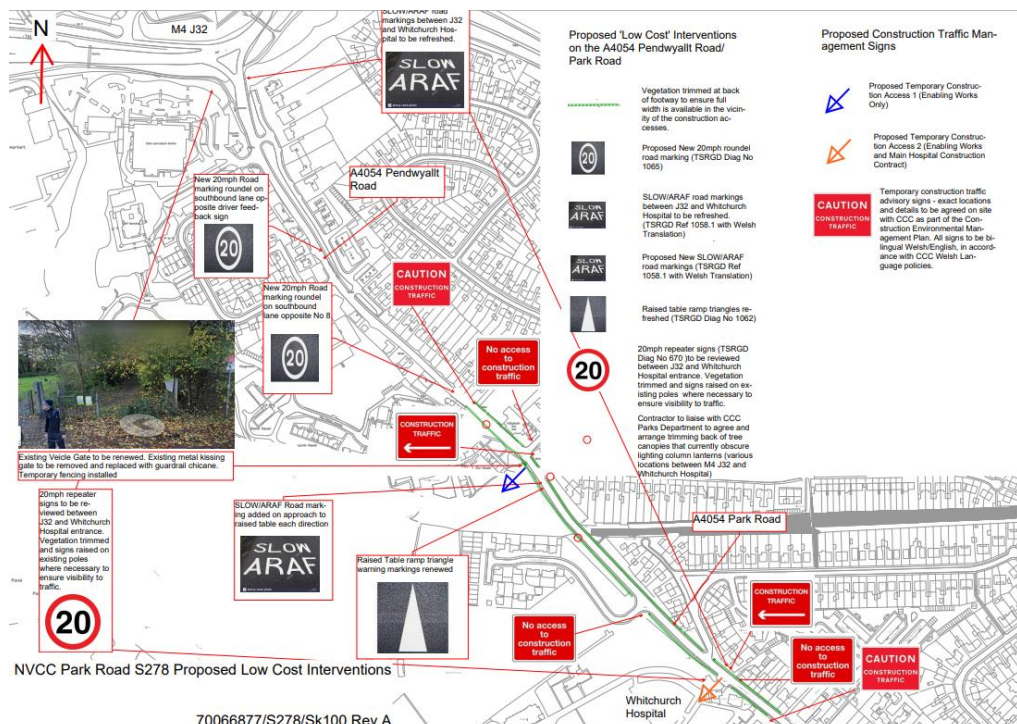
8.5 All public representations made on the application are available to view in full on the Council's website at: - [22/00475/MJR](https://www.welshcouncil.gov.uk/22/00475/MJR)

## 9 ANALYSIS

9.1 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 proposed changes. A number of matters have been raised by objectors and those matters that are material to the consideration of the discharge of this condition have been considered below:

### Impact on the Character of the Area

9.2 The approved parent planning application, reference 20/01110/MJR considered the principle of the development and the visual effects of the proposal, including the principle of the low cost scheme, and was considered not to harm the visual amenity of the area. The main visual effect will be from temporary construction signage, along with painted markings on the road (see impact below). These are consistent with the details that the previous committee considered to be acceptable.



### Transportation / Highway Impacts

9.3 As noted in the Highways Officers comments the submitted details have been the subject of detailed discussion between the Highway Authority and the applicant. The submitted details are in accordance with matters agreed with Highways Officers and are within the scope that Members considered in their determination of the parent planning permission that has been approved.

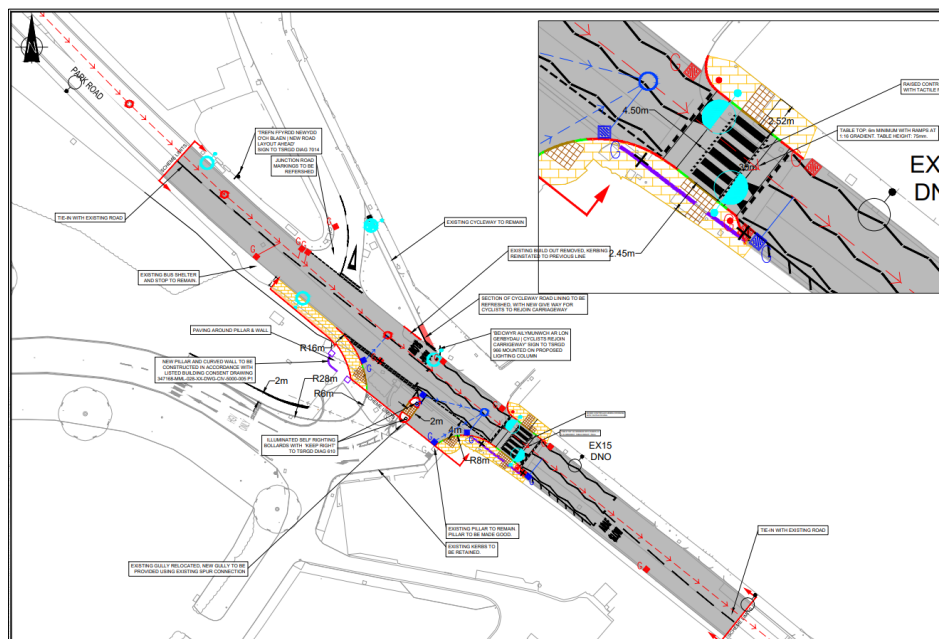
- 9.4 Concerns have been raised locally that the scheme has been designed to meet the legal speed limit for the road and not the speed the traffic actually travels and nor does the proposed changes seek to reduce road speed, and these are noted. However, the primary aim of the proposal is to modify the existing junction to allow larger vehicles into and out of Whitchurch hospital site without impacting the safety of traffic, not to reduce the speed limit on the adopted road. The submitted swept path drawing clearly demonstrates that the junction widening allows construction vehicles to access and egress the site in a safe manner.



- 9.5 Whilst it may be the case that cars are travelling above the posted speed limit (which is currently 20mph and does not rely on WG proposals) it does not follow that this itself invalidates the design or RSA. The only element of the scheme that could be affected by driver speed is the location of the bus stop at the improved access. This is largely unchanged from present and there is no evidence or record of a safety problem at this location. Nonetheless, minor improvements are being provided in this specific area and the matter will be kept under review as part of the RSA process. The proper assessment has therefore been undertaken, discussed with and accepted by the Highways Officer.
- 9.6 Concern has also been raised in relation to pedestrian and cyclists sharing the footway and cyclists joining the carriageway. Whilst it is acknowledged that the objectors do not agree with the submitted RSA, the RSA has considered these points and does not conclude that these changes to priorities and surface sharing are inherently prejudicial to highway safety. This view is supported by Highways Officers.

## Impact Upon Listed Buildings and Conservation Areas

- 9.7 LDP Policy EN9 (Conservation of the Historic Environment) requires any development relating to historic assets (including their settings) to demonstrate that it preserves or enhances that asset's architectural quality, historic and cultural significance, character, integrity and/or setting.
- 9.8 In addition to Policy EN9, for the nearby Listed Buildings there is also a statutory duty on the decision maker under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have *special* regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Case law has stated this is an important consideration and not a balancing exercise with other planning considerations.
- 9.9 The proposal widens the existing entrance to Whitchurch hospital which allows for a traffic island to be installed (see image below). The principle was agreed by the former planning committee when approving the parent planning permission to this discharge of condition 9 application. The submitted details are in accordance with the principles agreed and as a result the consideration of policy and law outlined above has been met. Members will note that the Council's Conservation Officer has been consulted and raised no objections to the discharge of this condition.



## Impact on Residential Amenity

- 9.10 The current zebra crossing is already tabled and the improved layout will be no higher than present. However, the table will have a longer top section, 6m as opposed to less than 5m currently; 6m meets current standards such that all of the axles of a bus or similar long vehicle are on the table before the front wheels descend. The ramps will also be at a gradient of 1 in 16, standards allow up to twice this gradient.

- 9.11 These design features will help to reduce vehicle noise, are in accordance with current guidance and supported by Cardiff Bus. The scheme also increases the footway width of the crossing on the hospital side, thereby reducing pedestrian congestion caused by the substandard width and crossing beacon. It is important to note that these details are the same as those the committee considered in their approval of the parent application which concluded the proposal would not have any adverse impact on residential amenity

#### Drainage and Flooding

- 9.12 The proposed drainage will be within the adopted highway and will be maintained by the Council as Highways Authority. The Highways Officer in conjunction with the Council's drainage section have considered the information and raise no objection to the proposal on drainage or flooding grounds

#### Other Matters Not Assessed Above

- 9.13 As identified earlier in this report, a number of objections were received in response to the publicity exercise. In response to the main issues raised which have not been addressed elsewhere in this report, the following comments are made:

- Conflict of interest- the WSP RSA has been undertaken in line with industry standards (Design Manual for Roads and Bridges (DMRB) document GG 119). The report has been considered by the council's Highways Authority, who raise no objections to methodology used by WSP or disagree with the conclusions raised;
- It is noted that the entrance to the Whitchurch hospital site has widened but as a result there is now an island that will protect the elderly and children crossing the entrance where previously none existed. The Highways Officer is satisfied that the proposal does not prejudice pedestrian safety;
- It is considered problem 4 of the RSA has considered the matter of vehicles overtaking a stationary bus and the recommendation to relocate the bus stop further downstream is a solution to that issue. A review of the resultant visibility splay provision at the junction has been undertaken and the results indicate that the design is in accordance with current guidance. However, this matter will be kept under review and reassessed as part of subsequent RSA to be undertaken. It is therefore considered by the Highways Officer that these modifications do not make the road inherently unsafe.
- As stated previously these low cost design solutions are not designed to slow the traffic down but to ensure vehicles, including HGV, can access and egress the Whitchurch hospital site in a safe manner. It is considered by the Highways Officer the proposal meets those aim.

- It is noted that the objectors wish the up stream pavement (going to the GP surgery) to be widened. However, the application seeks to widen the entrance to hospital and not to make general improvement to the public highway, so this request is outside the scope of the permission approved.

## 10 CONCLUSION

- 10.1 Material matters raised by objectors have been considered and assessed within this report and by technical consultees, who raise no technical objections to the discharging of the condition. It is also noted that the submission is in line with the plans considered by the committee in November 2021.
- 10.2 For the above reasons, the proposal is considered acceptable and it is recommended that the condition 9 can be partially discharged as outlined in recommendation 1 of this report.
- 10.3 For clarity, 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) Regulations 2017. The application does not give rise to any significant effect on the environment, beyond those which were considered as part of the Environmental Statement approved under the outline planning permission. On that basis, the environmental information already before the local planning authority is considered adequate to assess the significant effects of the development on the environment, and should be taken into consideration as part of this application in accordance with the provisions of Regulation 9(2) of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017. For the reasons outlined above, it is the contention of the LPA that a further addendum to the Environmental Statement is not required

## 11 OTHER MATTERS RELEVANT TO THE CONSIDERATION OF THIS APPLICATION

- 11.1 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.
- 11.2 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.

- 11.3 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.
- 11.4 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.

## 12 RECOMMENDATION

That condition 9 (Scheme of highway works to park road and the Whitchurch hospital entrance) of 20/01110/MJR shall be partially discharged and shall be undertaken in accordance with the following plans and documents:

- 70066877 S278 SK100 Revision A - s.278 interventions plan;
- 70066877-WSP-XX-XX-DR-CE-P4-0103 Revision P02- Access junction general arrangement;
- 70066877-WSP-XX-XX-DR-CE-P4-0102 Revision P02- Swept path analysis; 70066877/RSA1/1/0- WSP Road Safety audit December 2021 (recommendation 1 & 4 only)

### ADVISORY NOTE:

The applicant is advised that those elements relating to the Lady Cory Field namely: plan reference 70066877-WSP-XX-XX-DR-CE-P3-0101 P03- Lady

Cory Field general arrangement and paragraph 2.2.2 PROBLEM 2 & 3 and appendix B of the WSP RSA cannot be discharged under this application as they fall outside the scope of the parent permission reference 20/01110/MJR.