

PETITION

COMMITTEE DATE: 10/8/2022

APPLICATION No. **22/00802/MJR** APPLICATION DATE: 13/04/2022

ED: **WHITCHURCH/TONGWYNLAIS**

APP: TYPE: Discharge of Condition(s)

APPLICANT: Velindre NHS University Trust

LOCATION: LAND TO THE NORTH-WEST OF WHITCHURCH
HOSPITAL PLAYING FIELDS

PROPOSAL: DISCHARGE OF CONDITION 17 (CONSTRUCTION
ENVIRONMENTAL MANAGEMENT PLAN) OF
17/01735/MJR

RECOMMENDATION : That condition 17 (Construction Environment Management Plan) of 17/01735/MJR shall be partially discharged and shall be undertaken in accordance with the updated document "CEMP version 7 (dated 28/06/22) and the email from the agent Mark Farrar dated 13/7/2022.

1. BACKGROUND INFORMATION

1.1 This application is reported to Planning Committee following receipt of a valid on-line petition of 267 signatures, which objects to this application on the grounds outlined in the 'representations' section of this report.

2. DESCRIPTION OF THE SITE AND AREA

2.1 The site comprises the proposed location for the new Velindre Cancer Centre, granted planning permission on 27th March 2018 under planning permission ref. [17/01735/MJR](#), with the site boundary indicated in red on the site location plan below.

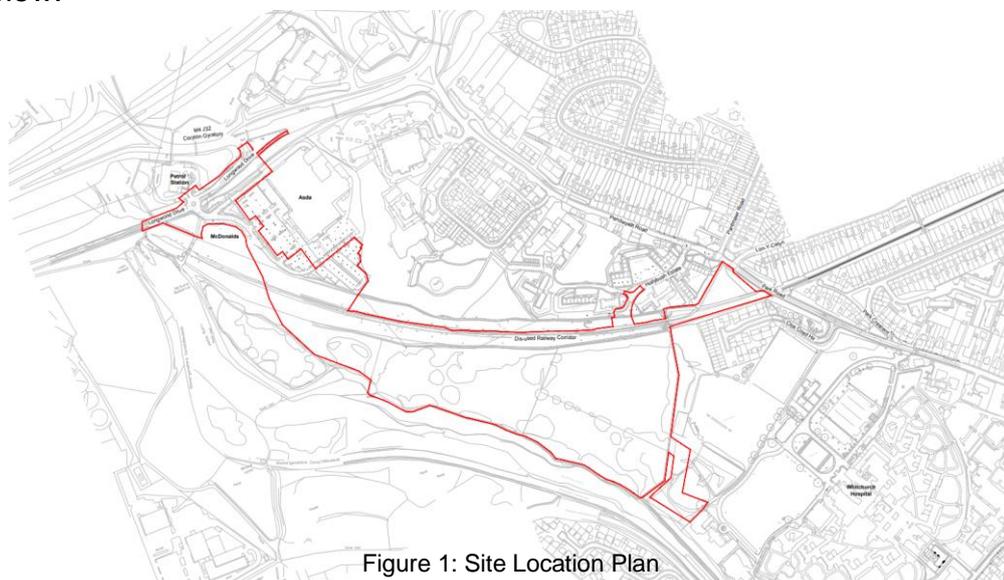


Figure 1: Site Location Plan

- 2.2 The site is 14.5 hectares in area and is undeveloped land that is characterised by rough grassland and scrub, enclosed by dense, broadleaved woodland and shrubs. The boundary of the application site includes the main site for development of the proposed Cancer Centre, and those areas required to facilitate access from the Coryton gyratory and the emergency access route from the Hollybush Estate.
- 2.3 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).
- 2.4 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.
- 2.5 This submission is concentrated upon the railway cutting (which is now a designated public right of way (PROW)) and in particular the locations of bridges and the triangular piece of land know as Lady Cory field (packages 1,3 &4 – see figure 2).

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 Technical approval is sought from the Local Planning Authority (LPA) for the partial discharge of condition 17 of planning permission reference 17/01735/MJR.
- 3.2 Planning permission ref. [17/01735/MJR](#) approved the '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',
- 3.3 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

- 3.4 Members should note that under application ref. [20/01515/MJR](#), Planning Committee has already approved (on 16th December 2020) the partial discharge of condition 17, with such details relating to the site clearance works to enable the construction of the bridges. This approval also notes that:

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.

- 3.5 The submitted details relate to Phase 1, being the construction of the main (Asda) bridge and the use of the Lady Cory Field and TCAR 1 and TCAR 2 (subject of a separate application), with the proposed 'packages' of works (packages 1,3 & 4) identified on figure 2 below.

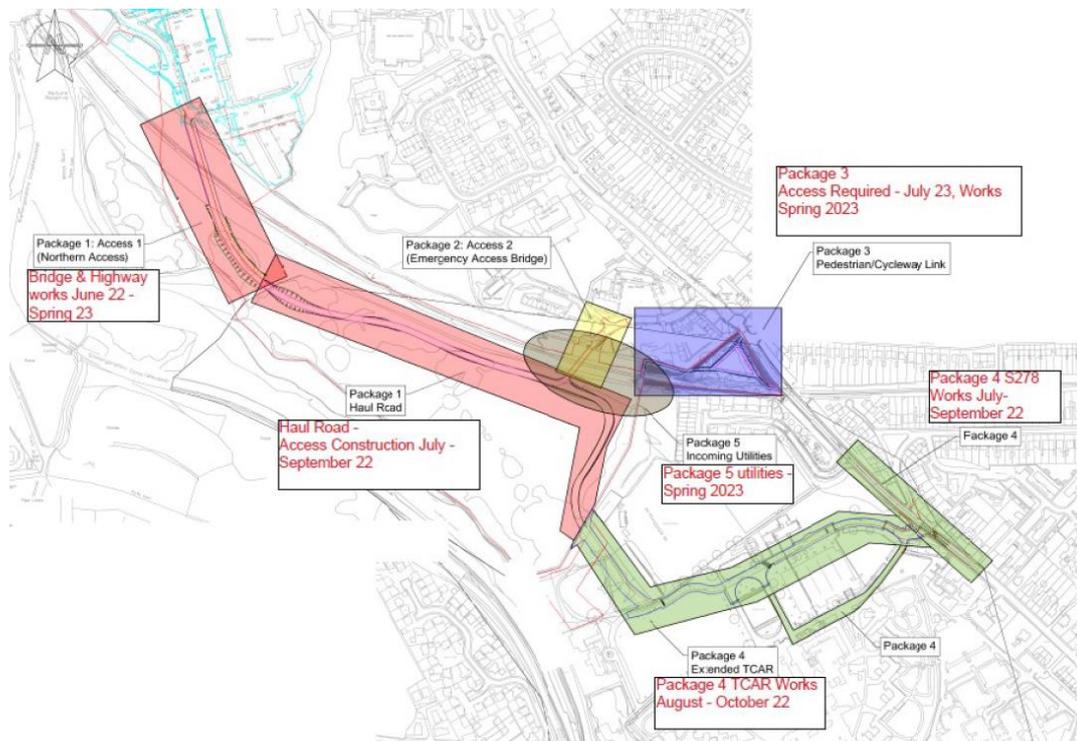


Figure 2: Schedule of Works 'Packages'

- 3.6 Notwithstanding the above (which shows 5 areas of works) given the necessary level of detail required some of those works (package 5) have been removed from consideration of this CEMP and will be submitted at a later date (ahead of such works commencing). It also excludes the 'emergency access bridge' (package 2)
- 3.7 While relating to the whole site, the CEMP is thus limited to enabling the bridge(s) to be built, the use of Lady Cory Field and Temporary construction route 1 (TCAR1) near to the existing city hospice. Committee will also note that consideration has also been given to the possibility of use of TCAR2, which is also reported to Committee concurrently (planning reference 22/00725/MJR). These routes will allow the timing of the main (Asda) bridge to be constructed within the timeframe outlined above
- 3.8 To facilitate these works, construction access will be via Lady Cory field and the railway cutting public right of way (PROW). Both of these routes would be closed to the public for health and safety reasons. The suggested closure period and diversion raise no objections from technical consultee and are therefore acceptable, in planning terms. There is a separate legal process for the closure of these areas that the applicant has undertaken. The railway cutting diversion would, based upon previous diversion, be along the adopted highway that runs along the boundary with Whitchurch Hospital and along the PROW route that runs along the SSSI. However, this is subject to separate legal order and due process.
- 3.9 Members should note that the phasing of development on such a complex site is not unusual, with the critical part of such technical conditions being to ensure that the development as it progresses has appropriate controls in place to ensure no unacceptable impacts arise from construction works. In this respect,

officers and technical consultees are satisfied that the CEMP satisfactorily controls all construction related impacts to the initial phase of development, and that appropriate controls will remain in place through the need for further submissions for later phases of development. This is set out within the introduction of the CEMP as follows:

- This document refers to, supplements and builds upon the previous CEMP documents produced by Mott MacDonald (ref [347168-MML-028-XX-RPT-CIV-2000-01](#)) and WSP (ref ASC CEMP rev D 70066877/GW/ASC CEMP/D).
- This document also references the European Protected Species License (EPSL) for Dormice (ref SO89035/2), the Green Infrastructure Management Strategy (GIMS) (ref [347168-MML-028-XX-RPT-ECO-2000-01](#)) and the GIMS Adherence Statement Rev C (ref [70066877/GW/GIMS AS REV C](#)) as per the previous documents.
- Mott MacDonald Limited was commissioned to address the production of an Initial Construction Environmental Management Plan (CEMP) for the whole of the project and this was submitted in support of the discharge of Planning Condition 17 (ref 347168-MML-028-XX-RPT-CIV-2000-01).

3.10 During the course of the application the CEMP has been amended (Version 7) to respond to comments raised by technical consultees. In addition, the following clarification was received from the agent in an email dated 13th July 2022): -

- *“That CEMP is partial discharge to allow the building of the bridge(s) and that the proposal doesn’t authorise wider drainage, which will have to have its own CEMP;*

Correct, a future CEMP will be submitted for the reserved matters scheme

- *That no works, including water, will be going through the SSSI;*

No works required within the enabling works will be going through the SSSI. Surface water from the enabling works will not be directed into the SSSI.

- *Can you please provide (direct me within the CEMP) where it states how construction water will be dealt with on site?*

This is specifically covered in sections 8.1 and 8.2, with Appendices 12.2 & 12.4. Sections 4.0 and 7.2 cover other protection measures (materials storage and oil handling).”

3.11 It is also emphasised that, given the complexity of the development, Condition 17 will be required to be re-discharged as the scheme progresses for each phase of development.

4. **PLANNING HISTORY**

4.1 Within the last 5 years, 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. Granted 27/03/2018.

[20/00357/MJR](#): Variation of condition 1 of planning permission 16/02351/mnr (retention of existing car park for a temporary period expiring on 31st December 2019) substituting 31st December 2024 for 31st December 2019 – undetermined;

[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 - Granted 2/02/2021;

[20/01481/MJR](#): Partial discharge of condition 16 (green infrastructure management strategy) of 17/01735/MJR Granted 16/12/20;

[20/01515/MJR](#): 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 – Granted 16/12/20;

[20/02632/MJR](#): Variation of part c of condition 1 to extend the time limit for the submission of reserved matters by 18 months to 27/09/22 and variation of part d of condition 1 to be: the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission - previously approved under 17/01735/MJR granted 27/01/2021;

[21/02620/MJR](#): variation to the design of the northern access bridge - previously approved under 17/01735/MJR- approved

[21/01954/MJR](#)- Partial discharge of Condition 17 (CEMP) of 17/01735/MJR – partial discharged

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 10: Tree Preservation Orders (1997)
 - TAN 11: Noise (1997)
 - TAN 15: Development and Flood Risk (2004)
 - TAN 16: Sport, Recreation and Open Space (2009)
 - TAN 18: Transport (March 2007)
 - TAN 21: Waste (February 2017)
 - TAN 23: Economic development (2014)
 - TAN 24: The Historic Environment (May 2017)
- 5.10 On 16th 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

- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP8 Sustainable Transportation
- KP15 Climate Change
- KP16 Green Infrastructure
- KP17 Built Heritage
- KP 18 Natural Resources

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
- EN14 Flood Risk

Transport

- T1 Walking and Cycling
- T5 Managing Transport Impacts
- T6 Impact on Transport Networks and Services

Community

- C3 Community Safety/Creating Safe Environments
- C4 Protection of Open Space
- C5 Provision for Open space, outdoor recreation, Children's play and sport
- C6 Health

Waste

- W2 Provision for Waste Management Facilities in Development

Supplementary Planning Guidance:

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

- Archaeology and Archaeology Sensitive Areas (July 2018)

- 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)
- Waste Collection & Storage Facilities (October 2016).

6. INTERNAL CONSULTEE RESPONSES

6.1 The **Operational Manager (Traffic and Transportation)** recommends that condition 17 (construction environment management plan) can be partially discharged.

6.2 **Public Rights of Way (PROW):** No objections but state that temporary closure orders will be required to shut the public rights of way. These are subject to separate regulations

6.3 The **Strategic Planning Trees and Landscaping Officer** states:

This updated CEMP discharge of condition seeks to allow the building of the bridge(s) in line with the principles set under planning application 17/01735/MJR. The proposal accords with the tree loss approved through planning application reference 17/01735/MJR and this CEMP accords with the general principles agreed by committee under reference 20/01515/MJR for the site wide CEMP. On this basis and subject to receiving arboricultural reports from the designated arboriculturist I raise no objections

6.4 **Shared Regulatory Services (Noise):** note the proposed CEMP and raise no objection to the partial discharge of condition 17. It is also noted that there is the potential for construction activity outside the agreed hours of operation which will be subject to a S61 application and may have additional restrictions beyond planning controls.

7. EXTERNAL CONSULTEE RESPONSES

7.1 **Natural Resources Wales:** No objection to partial discharge of the condition 17 subject to the updated CEMP and the email from the agent dated 13/7/22.

7.2 **Dŵr Cymru Welsh Water:** No objection to condition 17 (Construction Environment Management Plan) being partially discharged.

8. REPRESENTATIONS

8.1 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 letters. 83 letters of representation have been received of which 52 object to this application. These objections are summarised below:

1. The CEMP does not cover the whole site, as required by the condition;
2. The CEMP is confusing as it relates to previous documents and additional information. This approach increases the risk of environmental breaches and poor management;
3. Concerning the lack of details into the construction of the Hollybush bridge. It is understood this is not going ahead. No works should be undertaken until this is clarified;
4. The CEMP proposes widening works through the use of a S171 agreement with the council, this is not the correct procedure and that a S278 is required along with a proper planning application. The use of Lady Cory Field is dangerous and the use of 'stop' 'go' signs is totally unacceptable as it will cause great danger to the public and should be rejected;
5. Concern over the lack of protection to the existing DCWW surface water drainage. I wish the committee to note no protection was in place during their last 3 visits;
6. Walters UK use throw away remark such "some further clearance will be required for the access for the bridge" the CEMP even suggest kill animals that get in their way.
7. The use of traffic marshal to manage the meeting of pedestrians and construction traffic where it meets the adopted highway/ PROW. This is dangerous and needs to be rejected;
8. The proposal refers to night time working, this should be rejected as the community have already suffered enough;
9. The construction access is closer to the City Hospice than approved;
10. The 'compound' already exists and from discussion with Walters will need to be bigger than shown;
11. A number of dates within the report are wrong and to be updated
12. Most of the works this CEMP seeks to cover have already taken place on site
13. Given the actions of Walters UK they will not adhere to this CEMP they have broken so many rules already;
14. The hours of operation and access to the Lady Cory field cannot be undertaken during school opening and closing times, this is not clearly stated in the report.
15. Objection to the stripping of the soil from LCF and the installation of an aggregate haul road, this will so damage LCF that it will not be possible to return it to its condition before the construction works. Original communication from TCS was that LCF would be used for 9 months. Condition 17 must set a time limit for the use of LCF as an access road and turning area, and this time limit must be acceptable to the local community.
16. The CEMP does not show the 60/40 split that Velindre promises the development would not exceed;
17. Enforcement of air quality needs to be addressed and what measures will be put in place should air quality limits are exceeded

8.2 An on-line petition of 267 signatures has been submitted and objects to this application on the ground outlined above.

8.3 Whitchurch and Tongwynlais PACT group objects to this application on the following grounds:

- Disagrees with the embargo times for the school and believes should be 8-9-15 & 2.30pm-3.30pm during tree felling vehicles were accessing the site during the above hours;
- Concern that Tongwynlais Village should be added to the list of no go area;
- How will the developer ensure no vehicles are parked on the adjoining roads;
- It is important that the road is kept clean for all users the 'much as possible' is not good enough;
- Has Welsh water agreed to allow discharging into their system
- How can the community be sure there will be no more loss of trees
- The council are requiring the public to inform them if there are breaches of condition but how would the public know?
- Not another email address but responses to complaints is slow, should be days not weeks.
- No extension of construction hours should be allowed as residents need to enjoy the summer months;
- How accurate is the traffic survey
- The proposal does not assess the impact upon the SSSI

8.4 20 letters of support have also been received which in summary state that:

1. They are pleased to see that this much needed hospital is making progress;
2. There is a need for this type of facility for the region;

9. ANALYSIS

9.1 Members' attention is drawn to the fact that this application is submitted to discharge technical matters associated with the approved planning permission.

9.2 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 in the assessment below. It is not, however, an opportunity to consider the merits of the planning permission or to question matters the Planning Committee has already agreed, such as the location of the bridges or the use of the railway cutting.

Condition 17 (CEMP)

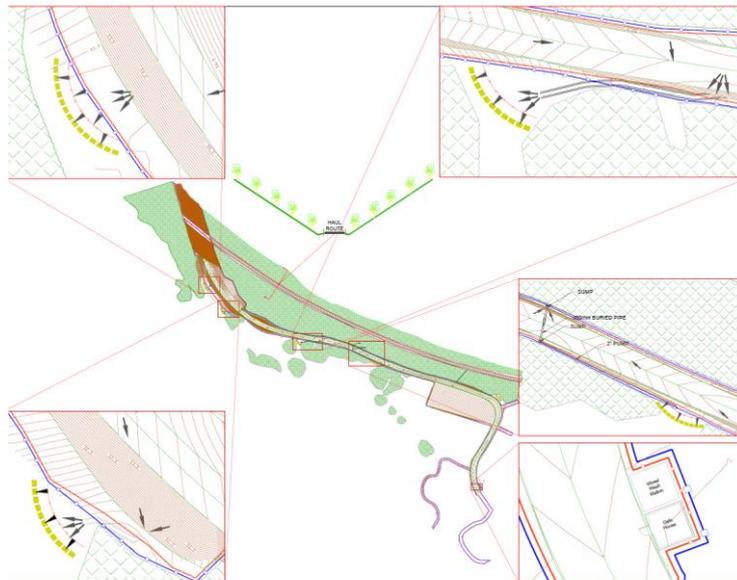
9.3 Condition 17 imposed upon the cancer hospital consent required various matters (12 points) to be discharged. The condition was constructed in order to allow a phased and progressive discharge of details at key stages of the construction programme to ensure that various relevant points can be considered 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.

9.4 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 demonstrates how it meets the framework that was approved by the planning committee under application reference 20/01515/MJR.

9.5 The key matters which are presented to Committee are summarised and assessed below:

Water Discharge

9.6 Concerns have been raised over surface water, and these are noted. The CEMP indicates, however, that any surface water would be localised to the railway cutting and would improve once the agreed replanting is in situ once the bridges are built. In terms of dealing with surface water management further details are provided within a 13 page surface water management plan and appendix 12.4a provides a plan of the location of straw and other mitigation (see below) with further details a monitoring, including action to be undertaken in an environmental emergency.



9.7 These details have been considered by the Councils' Drainage Officer and by Natural Resources Wales, who are both satisfied that for this phase of the build the details are acceptable to partially discharge the condition.

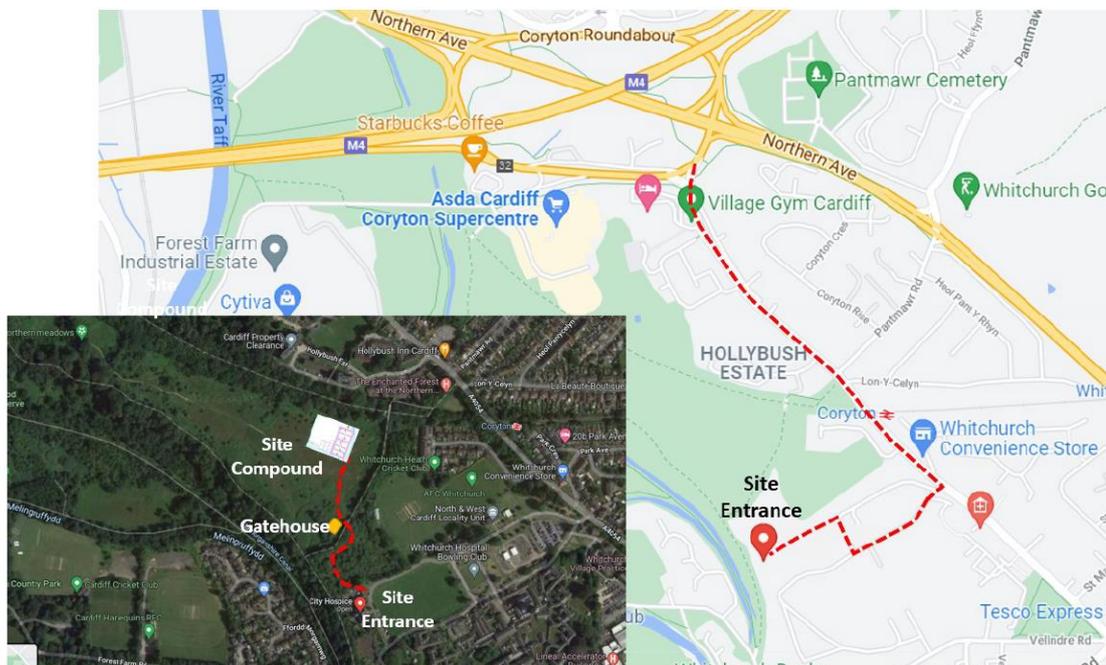
Traffic / Parking

9.8 The proposed construction access has been agreed through the principal Planning Permission, and proposes the first 9 months to be via the Lady Cory Field and via the Whitchurch hospital site (TCAR1). The submitted CEMP accords with this host permission.

9.9 During the initial use of Lady Cory Field (paragraph 1.7.1 of CEMP) as the principal access for these works, vehicles would utilise the railway cutting, which would mean that construction vehicles would need to reverse down the

cutting and turn within the Lady Cory field to exit the site. This principle has already been agreed through the planning permission reference 17/01735/MJR and the site wide CEMP, reference 20/01515/MJR. These vehicles will be marshalled by 'banksmen' to ensure highway safety is maintained.

- 9.10 It is noted that local residents are concerned that this approach would undermine the safety of the users of the adopted highway, however the Transportation Officer is satisfied that this is an appropriate measure, and raises no objection to the discharge of the condition.
- 9.11 Having regard to the sensitivity of highway use around school drop-off and collection, the submitted CEMP precludes the use of the access between the hours of 8.00 - 9.30 am & 2.30-3.30pm. The CEMP states that this will be communicated to all stakeholders and access will be denied during such hours. Importantly, the CEMP states that any breaches will be reported and offending suppliers will be notified. Whilst representations indicate that this 'blackout' period is too short, it is nevertheless considered acceptable to officers as it strikes the appropriate balance between allowing school children to safely access their schools, and allowing the developer to undertake their lawful development.
- 9.12 The principle of using Temporary Construction Access route (TCAR1) (paragraph 1.7.2 of the CEMP) for construction activities has been agreed through the parent planning permission reference 17/01735/MJR and the site wide CEMP. This allows access and egress from Whitchurch hospital onto Park Road then the Coryton Roundabout.



- 9.13 From this access point would enter the main site from the Whitchurch Hospital. To ensure that the adopted highway and public rights of way (PROW) can be opened for as long as possible marshalls will be on site to regulate the traffic ensuring safe passage to users of the area. As for the Lady Cory field access, it is noted that local objectors consider this to be unacceptable, however it is

again reiterated that both the council's PROW and Highways Officers consider that this is an acceptable method of controlling conflict between construction traffic and users of the area.

- 9.14 Proposed car parking is confirmed as being within the main application site and on the former tennis courts sites with access via the temporary access route through Whitchurch Hospital. The Transportation Officer has considered the arrangement and raises no objection to the proposal. Committee will note that the parking arrangement for this and the other application (22/00725/MJR) before committee are the same.

Ecology

- 9.15 This submission seeks the method of the removal of the trees to be felled as part of the bridges works approved under application 17/01735/MJR. This CEMP submission follows the agreed principles of the site wide CEMP approved by Committee in the previous submission reference 20/01515/MJR and therefore this submission is acceptable.
- 9.16 Members' attention is drawn to the fact that during these works appropriate specialists will be on site to: a) ensure the felling of the trees accord with the submitted details, and b) ensure that any unexpected matters that are found on site can be assessed by environmental experts. The proposed mitigation (not the subject of this application) and timeline would follow the details committee approved at its meeting in December 2020.
- 9.17 Natural Resources Wales have considered these matters and consider the submission acceptable.
- 9.18 It is also noted that there is a requirement for a suitability qualified Arboriculturist to be on site during works to trees and provide the LPA with a report to demonstrate compliance with this submission.

Noise and Vibration

- 9.19 Chapter 10.4 of the CEMP sets out the need to reduce noise to City Hospice and nearest residential properties. The report identifies that works would be undertaken during daylight hours; and (at para. 6.1.2) states that there will be a stakeholder communication strategy, which includes a strategy for complaint handling and communication with residents prior to undertaking 'noisy' work. In addition, before works are undertaken an independent acoustic assessment will be taken in line with industry standards (BS5228).
- 9.20 Whilst it is not anticipated that the construction of the bridge(s) would exceed the levels set out in the previously approved CEMP, it is recognised that in the event of complaints being received, updated and in situ information will be required to make an assessment of the validity of the complaints. It is noted (paragraph 1.6) that piling (which is a noisy activity) is not proposed for this phase of development.
- 9.21 Committee will also note that Shared Regulatory Service (Noise) raise no objection to this proposal.

Air Quality (including dust)

9.22 CEMP (paragraph 5.1) outlines a number of steps to minimise generation of dust by utilising, where site conditions dictate, the following control measures:

- Establish Site Rules that mitigate dust pollution such as:
 - Speed limits
 - Arrangements for access, egress, and routes of travel
 - Requirement for sheeting road lorries
 - Switch off engines when stationary - no idling.
 - No burning of materials on site at any time
- Limiting removal of vegetation to as small an area as possible to implement the works.
- Installing hard surfaces (compacted crushed aggregate or the like) to long term haul routes.
- Regularly dampening down un-surfaced haul routes and working areas in dry conditions.
- Mist cannons should be deployed where required, such as during excavation works, moisture control works, dampening down of stockpiles.
- Drop heights of excavated/backfill materials will be minimised.
- Stockpiles will be shaped to avoid steep sides and sharp edges to reduce entrainment of dust by exposure to wind. Stockpiles of fine grained, friable materials requiring open storage will be sheeted or otherwise contained until they are required.
- All powders shall be stored in sealed bags, containers, or silos.

9.23 In addition, static dust collectors will be positioned around the site. These monitors will be inspected by the consultant and the dust samples analysed in a UKAS accredited laboratory to provide fortnightly reports. These reports shall be summarised in the monthly progress reports to the client and made available to the local authority upon request.

9.24 The proposed control measures are considered appropriate.

Closure of the Public Right of Way (PROW)

9.25 Previous legal orders have been undertaken to close various PROW within and around the site, and as identified earlier, to facilitate these works construction access will be via Lady Cory field and the railway cutting public right of way (PROW), with both of these routes required to be closed to the public for health and safety reasons.

9.26 The suggested closure period and diversion raise no objections from technical consultee and are therefore acceptable, in planning terms. The principle of the closures are thus agreed, albeit there is a recognition that there is a due legal process that needs to be undertaken with the council's PROW team and highways asset management team. Whilst these closures will cause inconvenience, appropriate routes will be provided to allow access where it is safe to do so.

Communication

- 9.27 Following concerns expressed during earlier works to trees on the site, the communication strategy has been strengthened in the CEMP. There will now be weekly meetings with the developer and the council (including ward councillors). The complaints protocol now has a bi-lingual email address nVCCconcerns@wales.nhs.uk or pryderonCGFn@wales.nhs.uk but the remainder of the strategy is the same i.e. advance communication with key stakeholders including the school and ward councillors.
- 9.28 As commented by objectors the response to complaints has been slow, and this is acknowledged, however there is a need to allow appropriate investigation of matters raised, however there is a recognition by Velindre and the contractor that timely responses are required.

Other Matters in CEMP

- 9.29 Members should also note that the CEMP provides details above the requirements of the condition, covering general matters to comply with Health and Safety regulations e.g. locking gates to compounds. However it is not the role the LPA to enforce general good practise or Health and Safety legislation.

Summary

- 9.30 As identified earlier, this application seeks technical approval of a condition requiring approval of a Construction Environmental Management Plan. The condition was imposed in the interests of highway safety and public amenity.
- 9.31 A major new development will always have impacts and cause disruption, with the purpose of a CEMP being to manage such construction impacts to ensure that these impacts are minimised as much as possible. In this context, the CEMP has been revised throughout the course of this application to address identified issues, with the final version of the CEMP having been reviewed by all technical consultees (notably highways and Shared Regulatory Services) who have considered the impact upon residential amenity and highway safety and raise no objections to the discharge of the condition.
- 9.32 Accordingly, the submitted details are considered acceptable and sufficient to be approved under condition 17 (which will be partially discharged given the need to comply with the approved details, and for further submissions relating to future phases).

Other Matters

- 9.33 Having regard to the representations received on the application, the following addresses those matters that have not been considered above: -
- Concern over the cross referencing with approved documents from the wider approved CEMP is noted. Officers acknowledge that the submission is complex in nature due to the complexity of the site and proposal. It is emphasised, however, that these are technical matters reserved for subsequent approval following the grant of planning permission for the

development in question. Nevertheless it is noted that the majority of the submission is information that was already approved under reference 20/01110/MJR and has been submitted to demonstrate how this submission accords with the principles approved by the Planning Committee.

- The route within the CEMP is the same as that approved through the site-wide CEMP and the principles set by the planning application 17/01735/MJR
- Concern over flooding from the loss of the trees and soil is noted but is considered to affect the railway cutting and would be limited in time and area. Technical consultees raise no objections to the proposals.
- Access to the site accords with the principles set within the planning approval. The submission accords with the overarching CEMP that committee approved in December 2020;
- As discussed, and agreed by committee in December 2020, condition 17 is an overarching condition and that for various phases of development not all points are applicable;
- Welsh Water raise no objections to the partial discharge of this CEMP;
- Concern over the correct legal process of the Highways Act is noted i.e S171 V 278. The Council's Highways Officer notes the concern but has advised that the condition can be partially discharged.
- Concern has been raised that there is the *potential* for night-time working. This will be considered and assessed through a S61 licence to the council's shared regulatory services, where a strong justification will be required to allow the licence that will come with strict controls, beyond that the planning system can impose. *If* such a licence is agreed then the applicant will need to seek to vary this CEMP and their European Protected Species licence (EPSL). It is considered all these factors will ensure that any night-time working be limited to protect residential amenity and ecological concerns
- Concern over parking is noted. The CEMP states that parking would be within the compound on the site and within Whitchurch hospital. The CEMP provide how this would be regulated and enforced. However, as was evidence when the tree felling was undertaken, there were occasions where visitors to the site were not informed of where they needed to park but the CEMP has addressed this point through their enhanced communication strategy.
- Ecological considerations have been considered within the CEMP and conclude no over effect upon the SSSI or protected species during the building of the bridge(s). In addition, during the construction activity the CEMP states that an ecological clerk of works will be on site supported by appropriately qualified ecologist and arboriculturalist. Committee will note that no objection has been raised by the Tree Officer or NRW on environmental matters.

- Concern over traffic data is noted but the assessment is based upon likely traffic movements of up to 100 HGVs per day (200 movements). The background assessment both in the application and the approved CEMP were pre-covid levels. It is noted that the Highways Officer raises no objection to the partial discharge of this condition.
- Concern over the assessment of the cleanness of the road is noted. The CEMP states that wheel washing facilities will be provided and that regular inspections of the road will be undertaken and recorded. Where it is noted that due to the construction activities then appropriate cleaning of the road will be undertaken. These assessments and remediation are standard practises on large sites and lessons have been learnt from the felling of the trees within the site. Again, it is noted that the Highways Officer has considered this point and recommends that the condition can be partially discharged.
- As noted by the objectors the compounds outlined within the CEMP have been used during the felling of the trees and are in line with the site wide approved CEMP. It is noted that the objectors believe the compound will need to be bigger than seeking approval. However, consultees are satisfied that the compound will be sufficient with no unacceptable impacts arising on the public highway.
- Concern has been raised that the planning process does not provide meaningful dialogue with the community affected by this proposal and that the LPA are only undertaking consultation as a 'tick box exercise'. The requirements for community engagement are a legal requirement under the EIA regulations and there is a legal duty to consider representations made. This report is considered to represent the concerns raised and provides an assessment to allow the committee to make an informed planning judgement based upon the matter for consideration;
- As discussed above and reiterated here, this application does not allow the reopening of the principles set by the planning permission or the overarching CEMP discharge approved by the committee in 2020;
- The discharge of this condition accords with the principles set under planning permission 17/01735/MJR which was the subject of the EIA regulations and as such the environmental impact has been considered and the submitted Environmental Statement remains fit for purpose. It is also recommended that an ecologist and arboriculturist are on site to supervise the works being undertaken to ensure the environmental considerations are met on site.
- Concern over the regrading of the Lady Cory field are noted but allow a suitable gradient for cyclist and future users the existing land will need to re-graded and have been approved by the committee through the discharge 10 of the planning application 17/01735/MJR (ref. 21/01954/MJR).

10. OTHER MATTERS RELEVANT TO THE CONSIDERATION OF THIS APPLICATION

- 10.1 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.
- 10.2 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.
- 10.3 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.
- 10.4 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.

10.5 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.

11. CONCLUSION

11.1 It is recommended that condition 17 is partially 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 this condition 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.

11.2 As noted in the report, further submissions will be required to cover later phases of the development as it progresses, and such submissions will be iterative and be able to take on board lessons from the experience of the initial phases of the development as it progresses.

11.3 There are no technical objections to the discharging of condition 17 and the submission is in line with the plans considered by the committee in December 2017.

11.4 For the above reasons, the proposal is considered acceptable and it is recommended that the condition 17 can be partially discharged as outlined in recommendation 1 of this report.

12. RECOMMENDATION

- **RECOMMENDATION** : That condition 17 (construction environment management plan), of 17/01735/MJR shall be partially discharged and shall be undertaken in accordance with the updated document "CEMP version 7 (dated 28/06/22) and the email from the agent Mark Farrar dated 13/7/2022
- **INFORMATIVE 1**: The applicant is reminded that during the works an arboriculturist and ecologist are on site before, during and after the whole works and provide a report to the Local Planning Authority to demonstrate compliance with the approved details.

- **INFORMATIVE 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.