

## PETITION

COMMITTEE DATE: 16/3/2023

APPLICATION No. **22/02644/DOC**

APPLICATION DATE: 07/11/2022

ED: Whitchurch and Tongwynlais

APP: TYPE: Discharge of condition

APPLICANT: Acorn Consortium

LOCATION: Land to the North-West of Whitchurch Hospital Playing Fields, Cardiff

PROPOSAL: Discharge of Condition 16 (GIMS) of 17/01735/MJR

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### 1. BACKGROUND INFORMATION

- 1.1 This application is reported to Committee as the application is the subject of a petition of more than 50 signatures, which states as follows: -

We, the undersigned, are of the view that the above listed application will have a major effect on the immediate and wider community. We therefore request that the planning application is called before Cardiff Council Planning Committee to enable a thorough, transparent, public examination of the documentation and decision making, for the views of communities to be heard, and enable any concerns to be recorded and resolved.

### 2. DESCRIPTION OF THE SITE AND AREA

- 2.1 The site comprises the land to the North West of Whitchurch Hospital Playing Fields, which is the subject of outline planning approval (ref. 17/01735/MJR) for a proposed new Velindre Cancer Centre (see Figure 1 below).



Figure 1: Site Location Plan

### 3. DESCRIPTION OF DEVELOPMENT

3.1 This application seeks technical approval from the Local Planning Authority for the discharge of condition 16 (GIMS - Green Infrastructure Management Strategy) of planning application 17/01735/MJR, which reads as follows: -

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

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

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

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

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

- Bat roosts and bat habitat connectivity as outlined in Table 6.9 in Chapter 6 (Ecology) of the Environmental Statement dated October 2017*
- Precautionary methods of vegetation clearance to avoid harm to dormice if present*
- A contingency for the eventuality that dormice are detected during vegetation clearance*
- A contingency for the discovery of previously undetected Great Crested Newts in terrestrial habitats on site*
- Provision of bird nesting habitat, including within new buildings on site.*

*Enhancement measures for bats and birds shall be in accordance with the advice given in 'Designing for Biodiversity: A Technical Guide for New and Existing Buildings, Second Edition. RIBA Publishing, London. Gunnell, K. et al., 2013', or most recent subsequent edition thereof.*

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

*Planting plans shall be supplemented by:*

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

*and/or surveys indicate a failure of the mitigation measures or a decline in population or distribution, remedial measures shall be agreed in writing with the Local Planning Authority and shall be implemented as agreed. Reason: To protect and enhance the Green Infrastructure resource of the site and to protect priority habitats and species.*

- 3.2 This application builds upon the partial approval the committee gave for the framework set under planning references 20/01481/MJR and the enabling works reference 22/00802/MJR. The combination of these 3 applications would, once fully implemented, allow the condition to be fully discharged.
- 3.3 The document New Velindre Cancer Centre. Green Infrastructure Management Strategy (Rev C) by Acorn dated January 2023 incorporating appendices has been amended to take into accounts comments received from technical consultees.
- 3.4 The submitted information provides a time for works to be completed on the main cancer site, this being June 2025.
- 3.5 The GIMS submission covers all the points of the condition.

#### Supporting Information

- 3.6 The approved outline development is EIA development and, therefore, the application to discharge the condition is treated as a 'subsequent application' under the [Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017](#), ('the EIA Regulations') and therefore there is a need to consider whether the initial Environmental Statement is still sufficient for the purpose of testing environmental impacts.
- 3.7 It is considered that the environmental information set out in the Environmental Statement, submitted in support of the outline application, and the ES addendum submitted in support of reserved matters reference 22/02231/RES are adequate to assess the environmental effects.
- 3.8 The assessment below has had regard to all environmental information submitted within the ES and addendum along with the comments of statutory consultees on the information supplied, and the comments, observations and representations provided by members of the public have been taken into consideration in the recommendation.
- 3.9 All documentation relating to the application, including plans, can be viewed on the Council's website using the following link: [22/02644/DOC](#)

#### 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
- **20/01108/MJR**: Proposed engineering works to longwood drive and the Asda access highway and car park arrangements, enabling access to the proposed Velindre cancer centre. Approved;
- **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
- **22/02280/FUL**: Temporary construction access route to the site of the approved Velindre Cancer Centre. The north-south connecting section is then proposed to be converted to provide a revised emergency access for the approved Velindre Cancer Centre. Approved
- **20/01481/MJR**: Partial Discharge of condition 16 (green infrastructure management strategy) of 17/01735/MJR. Approved (partially discharged – enabling works Phase 1)
- **20/01515/MJR**: Partial discharge of conditions 17 (construction environment management plan), 10 (highway and pedestrian works details), 13 (bridge finishes), and 14 (soil resource survey) (access and enabling works)) of 17/01735/MJR. Approved
- **20/00357/MJR**: Variation of conditions 1c and 1d of planning permission 16/01530/MJR to extend the timescales to submit a reserved matters application and commence development (Whitchurch Hospital site including the northern meadows). Approved.
- **22/02585/DOC**: Discharge of condition 11 (bus turning/loop and stop) of 17/01735/MJR; Awaiting determination.
- **22/02634/DOC**: Discharge of Condition 17 (CEMP): Reported concurrently to this Committee.
- **22/02635/DOC**: Discharge of condition 20 (Drainage) of 17/01735/MJR; approved.
- **22/02636/DOC**: Discharge of condition 21 (Gas Monitoring) of 17/01735/MJR; approved.
- **22/02637/DOC**: Discharge of condition 8 (Highways Details) of 17/01735/MJR: Awaiting determination.
- **22/02644/DOC**: Discharge of condition 16 (Green Infrastructure Management Strategy (GIMS)) of 17/01735/MJR. Reported concurrently to this Committee.

## 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 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

- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP7 Planning Obligations
- 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
- C6 Health

##### *Supplementary Planning Guidance:*

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

- 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)
- Planning Obligations (January 2017)

## 6. INTERNAL CONSULTEE RESPONSES

- 6.1 **County Ecologist:** Recommends that the condition can be discharged
- 6.2 **County Tree Officer:** Recommends the condition can be discharged

## 7. EXTERNAL CONSULTEE RESPONSES

- 7.1 **Natural Resources Wales:** has no objection to the discharge of condition 16 of 17/01735/MJR.

## 8. REPRESENTATIONS

- 8.1 The application was advertised on the Council Website and by way of neighbour notification letters and site notices. The application is a subsequent application under Regulation 19 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- 8.2 Following receipt of additional information in support of the application, namely: dormouse mitigation, additional publicity was undertaken in accordance with Regulation 24 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (requiring site notice and neighbour letters providing an additional 30 day's consultation). The additional information related to dormice mitigation.
- 8.3 To date, no letters of representations have been received, although a petition has been received requesting the matter is brought to committee on grounds (see 1.1) that the application will 'have a major effect on the immediate and wider community'.
- 8.4 Ward Councillors have been notified: No comments received to date

## 9 ANALYSIS

### Impact on Ecology

- 9.1 Future Wales Policy 9 Resilient Ecological Networks and Green Infrastructure requires developers to ensure the enhancement of biodiversity, the resilience of ecosystems and provision of green infrastructure. In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net-benefit), the resilience of ecosystems and green infrastructure should be demonstrated as part of development proposals.
- 9.2 LDP Policy EN 8 states development will not be permitted that would cause unacceptable harm to trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage value, or that contribute significantly to

mitigating the effects of climate change.

- 9.3 The submissions in respect of the discharge of this condition are significant and very technical and have been the subject of ongoing discussions with the Council's ecologist and NRW, with both now recommending that the condition can be discharged. The details are also inextricably linked with the significant work undertaken and associated technical reports in respect of the reserved matters, which is reported concurrently to this Committee.
- 9.4 Notably, it is considered that the "*Acorn Green Infrastructure Management Strategy Revision C January 2023*" has satisfactorily addressed Green Infrastructure (GI) ensuring 60% of the site provides connected and diverse green infrastructure following development. The diversity of habitats is considered appropriate to benefit species present at the site, and surrounding the boundary, and where applicable, i.e. for reptiles an appropriate translocation will take place, or mitigation for habitat loss for dormouse. The GIMS provides for the delivery, establishment and ongoing management, maintenance and monitoring of green infrastructure for the whole site, for both the establishment phase and long term, especially via the Landscape and Habitat Management and Maintenance Plan. Monitoring is provided for 5 years post planting, followed by a further 25 year concession period.
- 9.5 As per the condition, "Should monitoring and/or surveys indicate a failure of the mitigation measures or a decline in population or distribution, remedial measures shall be agreed in writing with the Local Planning Authority and shall be implemented as agreed", and sufficient controls are in place through the condition to ensure this will be undertaken, given the monitoring arrangements indicated.
- 9.6 The document is also supported by several appendices applicable to protecting GI or ecological assets i.e. "RSK Biocensus, Reptile Mitigation Strategy Rev 02 11/01/2023", "RSK Biocensus Dormouse Mitigation and Management Strategy Rev 02 February 2023" and "RSK Biocensus Invasive Non-Native Species Management Plan rev 01 30th January 2023". All the documents above have been commented on several times, especially the "*Acorn. Green Infrastructure Management Strategy Revision C January 2023*" to ensure GI or ecological assets are protected/appropriately mitigated.

#### *European Protected Species*

- 9.7 As discussed on the reserved matters application, within the site there are European Protected Species and this is based upon the following:

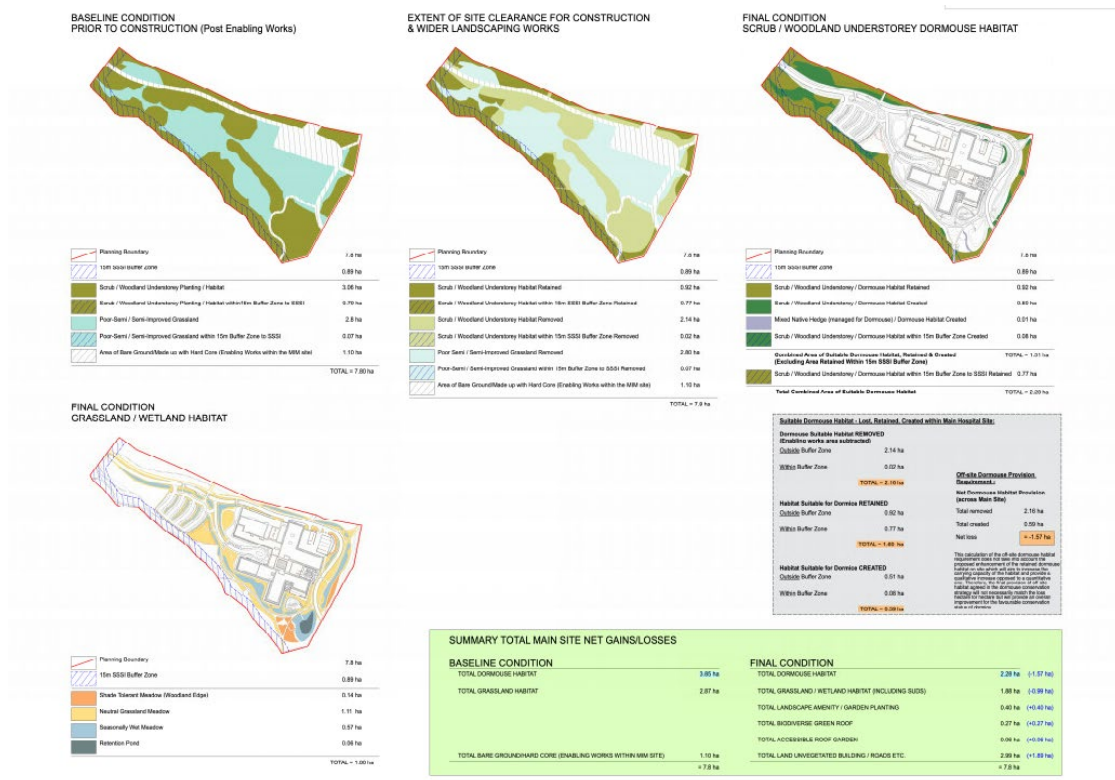
The 2016 survey involved the deployment of 150 dormouse tubes and returned likely absence of dormouse. Following the 2016 surveys a dormouse record adjacent to the wider Velindre site was made available by the South East Wales Biodiversity Records Centre (SEWBRc). Surveys conducted in 2019 involved the deployment of 155 tubes and 40 dormouse boxes and returned a single summer dormouse nest on the western boundary of the wider development site. An inactive winter nest was also found by an ecologist during vegetation clearance on the 28 October 2021, as part of the clearance activities completed

under the Enabling Works development licence for dormouse (ref. S089035-3). Therefore, as outlined in the reserved matters application, by law, we have to assume the site does benefit from a dormouse population

- 9.8 Dormice, otters, great crested newts and all species of British bats are European Protected Species, legally protected under The Conservation of Habitats and Species Regulations 2017 (as amended). Legal protection relates to the animals themselves and the places they use to rest and breed.
- 9.9 Where a European Protected Species is present and development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range'.
- 9.10 These requirements are translated into planning policy through Planning Policy Wales (PPW) February 2021, section 6.4.22 and 6.4.23, and Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009). The planning authority should take them into account when considering development proposals where a European Protected Species is present.
- 9.11 Planning authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning permission subsequently not being granted derogations in relation to European protected species, planning authorities must take the above three requirements for derogation into account when considering development proposals.
- 9.12 Given the presence of dormouse, it will be necessary for the developer to apply for a development licence from the Welsh Government (relating to European Protected Species) before undertaking any development that affects such species, and the applicants are fully aware of such legislative requirements.
- 9.13 Before a licence can be granted the following 'three tests' specified in the Habitats Directive (below) have to be met:
  - (i) There is "no satisfactory alternative" to the derogation.
  - (ii) The derogation is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
  - (iii) The derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".
- 9.14 While this is a requirement of the license (a separate Regulatory regime controlled by NRW) where a European Protected Species is found to be present on site, the Local Planning Authority should consult with NRW to seek their advice on whether test (iii) is met before the granting of a consent, while the

Local Planning Authority is required to ensure that tests (i) and (ii) have been satisfied.

- 9.15 In considering test (i), it is notable that the site already has the benefit of outline planning permission for the new cancer care hospital, such that it is accepted for all the reasons expanded upon in this report that there is no satisfactory alternative to the site / development. Similarly in relation to test (ii), it is considered that the scale and nature of the application, and its acknowledged economic, social and other benefits, together with the significance of the mitigation and positive enhancements proposed by the proposal, mean that there are overriding reasons why this test is met.
- 9.16 The issue of dormouse compensation / mitigation has been the subject of detailed discussions with the County Ecologist and NRW, as part of the condition 16 (GIMS) details and, notably, the primary reserved matters application. NRW have noted that they welcome the submission of the following revised information:
- New Velindre Cancer Centre. Green Infrastructure Management Strategy (Rev C) by Acorn dated January 2023 incorporating (amongst other appendices);
    - Appendix H: INNS Management Plan by RSK Biosensus dated January 2023;
    - Appendix I: Dormouse Mitigation and Management Strategy by RSK Biocensus dated February 2023.
- 9.17 NRW also note that section 3.2.2 of the Landscape and Habitat Management and Maintenance Plan (LHMMP) submitted in support of the Reserved Matters application (22/02231/RES) sets out the management prescriptions for the dormouse habitats on site. A detailed *Habitat Monitoring Form* in Appendix B to the Dormouse Conservation Plan-Update Report, by WSP dated February 2023 (which forms Appendix I to the Dormouse Mitigation and Management Strategy by RSK dated February 2023) also addresses the desired/target condition for relevant habitats.
- 9.18 The overall loss of dormice habitat is 1.58ha that would need to be mitigated off site is identified on the image below:



9.19 In terms of specific dormouse mitigation, the proposals rely more heavily on habitat enhancement than creation, which is proposed to the north of the site, in areas of suboptimal dormouse habitat. Enhancement is being achieved through 20% canopy thinning, understorey planting and invasive species removal along with other matters. There will also be pockets of purely habitat creation for use by dormouse, surrounding a retained meadow area. Further to the north of the site, a dormouse bridge is proposed across Longwood Drive, with partial enhancement of vegetation either side of the M4 (but also retaining connectivity in this area), to which this dormouse bridge would connect. A dormouse bridge is also proposed beneath the M4 to link the site to the north of the M4. This will further connect to habitat enhancements adjacent to the Coryton Roundabout.

9.20 Within the site itself, scrub and woodland enhancement for dormouse will take place, along with areas of creation. This provides connectivity around the entire site, with breaks connected via multiple dormouse bridges. The lighting has been controlled to ensure minimal spill on the boundaries and specific higher quality habitats. Further dormouse boxes will be provided and log piles, for use by dormouse throughout the year. The scrub will be tailored towards providing resources for dormouse.

9.21 NRW have confirmed that they have no objection to the discharge of condition 16 of 17/01735/MJR (with details of necessary off site mitigation to address the identified 1.58Ha deficit addressed through the reserved matters, satisfying test (iii) above).

## Bats

- 9.22 With regards to specific mitigation regards bats, all woodland within the boundary will be retained, including buffering of the Glamorgan Canal SSSI to the west. Connectivity will be retained around the site for commuting and foraging bats, with a broad range of habitats created, including a pond, that will provide foraging opportunities during the active season. The lighting has been controlled to ensure minimal spill on the boundaries and specific higher quality habitats. A range of bat boxes will be erected on trees and the building.

## Reptiles

- 9.23 Reptile mitigation strategy (appendix J) provides a comprehensive assessment, including the expansion of the existing reptile fencing on site including 200 article refuges to be placed across the site.

Figure 3: Permanent Style Reptile Fencing

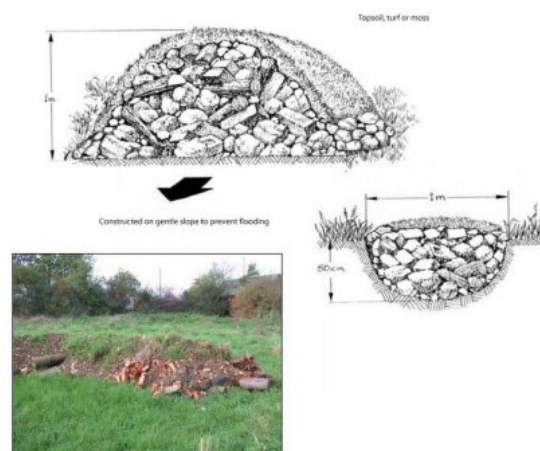


Figure 4. Example hibernacula (from English Nature, 2016)

- 9.24 Translocation will be undertaken March- June 2023 to receptor sites B,C,D and F, that have been agreed with the Council's Ecologist and Parks Department.





## Lighting

- 9.25 Given the protected species light levels and location have to be carefully controlled. The plan below identifies the proposed light spill and lux level which vary across the site between 0.5 -100 which is considered acceptable to NRW and the County Ecologist, in providing an appropriate balance between ecology and public safety.



## Conclusion

- 9.26 The requirements of the various parts of the condition have been submitted and updated based upon technical consultees responses. The revised documents and appendices are considered acceptable to discharge the condition. It is considered that having regard to the submitted information, including the amended ES addendum submitted in support of reserved matters reference 22/02231/RES that the proposal would not have a significant impact upon the environment for the LPA to refuse to discharge the condition.

## 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.

## 11 RECOMMENDATION

### 11.1 RECOMMENDATION 1:

Having taken the environmental information into consideration on this subsequent application, that the details below are approved in FULL discharge of condition 16 (Green Infrastructure Management Strategy) of planning permission 17/01735/MJR, granted on 27/03/2018, subject to implementation and completion in full accordance with the approved details outlined below

1. New Velindre Cancer Centre. Green Infrastructure Management Strategy (Rev C) by Acorn dated January 2023 incorporating appendices dated January 2023