

P-05-1001 Hold an independent inquiry into the choice of site for the proposed new Velindre Cancer Centre, Correspondence – Petitioners to Committee, 14.03.22

Dear members of the Senedd Petitions Committee,

Thank you for taking the time to consider our petition calling for an independent inquiry into the choice of site for the new Velindre Cancer Centre (nVCC). We urge you to support our call and work to halt the project and investigate the decisions taken and those who have taken them. Please work with the other Senedd committees to commission an independent inquiry into the choice of site for the new Velindre Cancer Centre and its clinical, environmental, and economic impacts.

Significant developments in the new cancer centre have occurred in the time since the petition was last considered by this committee on 09/02/21. Therefore, we would like to take this opportunity to update the case for an independent inquiry into the choice of site for the nVCC.

- This issue has now been picked up by a member of the public undergoing treatment at Velindre. They have expressed disquiet about lack of freedom for clinical staff who question the stand-alone model for the new centre. Only an independent inquiry can get to the bottom of whether proper consultation with staff and other experts drove the development of the plans for the nVCC from the beginning.
- The plenary debate occurred on 03/03/21, over a year ago.
- The events around the debate last year live in our memories. We've still had no explanation from Senedd as to why a member wishing to support our petition was not allowed to do so at the debate or why the other petition's group got advanced notice of the debate's scheduling. This does not engender trust in Senedd short debates.
- Therefore we ask the petitions committee to work with other Senedd committees to secure an independent inquiry into the new Velindre Cancer Centre and the clinical, environmental, and economic consequences of allowing such a dangerous development to go ahead.

Since the committee last considered our petition, the Welsh Government has provided no action to guarantee that planning committees enforce their own planning conditions. This invites scrutiny of Welsh Government's role and assumptions from at least 2014 in relation to this project and the use of the meadow, Whitchurch Hospital, and Velindre land. In the time since our petition was last considered:

- Protests have been held against the development on numerous occasions, and save the northern meadows formed a part of the COP26 coalition march in Cardiff.
- Planning permission was granted to begin enabling works with the discharge of a number of planning conditions in December 2021. The committee approved the GIMs, which did not consider the implications of the whole site, rather the enabling works alone. This means no plan is in place to deal with the water runoff which will occur from the newly concreted site to Forest Farm Nature Reserve and the Melingriffith residential area, which flooded in 2020, and other residential spaces which are within the high risk flood zone in the updated TAN15.
- [Two women were arrested](#) in October 2021 as Velindre completed works on the site. Despite not having complete planning permissions (conditions were not discharged until December 2021), vegetation clearance occurred on site without the presence of ecologists. Cardiff Council did not provide notice to the community of the works starting, and no safety fencing was erected during the work.
- In December 2021, attempts to drill boreholes on the public right of way through the railway cutting were [observed by community members](#), who's work ensured appropriate health and safety measures were applied - this included asking for diversion signage and safety fencing to be put in place before a drill was moved on the public footpath. Injunction documentation clearly shows this did not occur before the drill was moved, placing the community's physical and mental health at risk. This borehole began to collapse during the christmas holidays, and the community put up safety signage and fencing to prevent an accident.
- An injunction was served by Velindre against four women and 'persons unnamed', who have [since spoken out against the intimidation](#) and fear they felt being faced with fines, asset seizure, and imprisonment because of potential actions perceived to be direct action. The injunction site covers residential areas, Forest Farm nature reserve and the public rights of way. Despite the injunction, papers have never been served to the individuals, rather, these were posted on social media displaying the names to individuals who have harassed and threatened campaigners.
- [Further protests occurred](#) in January 2022, as Velindre started enabling works on the Northern Meadows. This led to the creation of a nature emergency community camp opposite the entrance to the building site. The camp operates every Tuesday and Friday, and monitors work occurring on the work site. The work by the people at the camp has ensured violations of planning conditions are recorded and reported.

- An appeals committee found that the meadows constitute a public right of way (PROW), in addition to the PROW in the railway which was listed as a result of engagement with our local community. However, Cardiff Council have refused to implement the PROW, denying the community their legal right to roam on the northern meadows.
- During 2021, Cat Lewis [attempted to bring the](#) Welsh Government to [court via Judicial Review](#) over the decision to build on the meadows. On two occasions, a judge denied the request, and Ms. Lewis was ordered to pay over £30,000 in legal costs to the Welsh Government. On 04/03/22, an [Aarhus claim was granted](#) and these costs were revised to £5,000.

Lack of enforcement of planning conditions and construction activity around the Northern Meadows site invites the belief the matter carries no weight for Welsh Labour. Therefore, we urge this committee to urgently seek an independent inquiry into the choice of a Whitchurch site for the new cancer centre. This requirement has still not been met. This despite the significance of Velindre's decisions to the health and care of all Wales, and the significance of building on a significantly biodiverse site for the future of environmental policy in all of Wales.

Planning Permission and Enforcement

Violations of planning conditions within the first two months of work already include:

- Tree felling began in breach of a planning condition requiring a bat survey to first be completed.
- Ecologists conducting surveys for small mammals during works to cutback vegetation did not appear to be making any records of their activities.
- Wheel washing before entering the highway is not being done.
- Restrictions on construction vehicles to be outside of school opening and closing hours have not been followed and vehicles are obscuring active travel routes to primary and secondary school.
- Gaps in fencing so the site is not secure, kids and dogs able to run into the site unaware.
- Chainsawing trees and scrub down to ground level when they should leave 30cm.
- No gaps at base of fences for hedgehogs and other creatures.
- Workers carrying around jerry cans of diesel, not following safety procedures.

- Security guards smoking on site right next to working vehicles and unsecured Jerry cans.
- Security guards sitting in vehicles with engines running for hours at a time.
- Black smoke observed leaving chipper, planning documents state no black smoke will happen.
- Noisy work and bright lights outside of working hours and impacting residential properties in the area.
- Repeated breach of dormouse licence.
- Personal data breach of a video taken by David Powell on site, then appearing on facebook posted by a random member of the public.
- Unsafe public right of way (PROW) diversion.
- Illegal clearance occurred before the PROW had been diverted.
- Clearance beginning before planning permission was granted for 21/01954/MJR.
- Ecologist not doing any ground level checks before strimming.
- Registered suspicion of Wildlife Crime re disturbing / destruction of bats and /or bat roosts at Forest Farm to PC McKee, incident number 2200037147.

When challenging the Council for enforcement action to be taken, a member of the public was sent a letter, attached to the email, stating enforcement of planning conditions is discretionary. Therefore despite the impact of the above named violations, there is no way for the community to ask for even basic planning conditions to be implemented. In the long term, this will lead to harm to biodiversity and to individuals, and places children at high risk of harm as work for the project increases. Some estimations within the planning documentation stated over 200 vehicles could move to the site every day. This will undoubtedly cause harm.

Air Pollution

In addition, [concern has been raised](#) by parents from Coryton Primary, about the air pollution increasing in the community. At present, NO2 air pollution in Coryton is as high as that on Castle Street, as demonstrated by the additional WSP Air Quality monitoring Summary. If construction continues, air pollution will undoubtedly increase. The air quality and the effect on air quality that the construction will have was not adequately assessed in the planning stages. The removal of trees which are well known to clean the air was not factored into air quality changes.

The results that we have accessed were provided through an unnamed source within the Council, as no correspondence on the results of the monitoring has been forthcoming from Velindre or Cardiff Council. Cardiff Council stated in September 2021 that - ‘another “real-time, indicative, automatic analyser” will be put in place close to Coryton Primary School which will monitor for particulate matter (PM10 and PM2.5) and NO2 and the data will be publicly available.’ Yet no one has been provided the details of where and who the information will be available from.

In every single location being monitored Nitrogen levels have increased over the months of construction. The increase at one monitor has been so extreme it has been pushed above the 40ug/m3 limit. This information has not been shared with the public by government, council or Velindre. We have asked for responses to these levels but have received none.

The negative effect that this increase in air pollution could have on the local population is something that should have been investigated. A cost benefit analysis should have been carried out, looking at the costs to cancer care, respiratory illnesses, dementia and mental health from increased air pollution against the benefits of having this stand alone centre in this location.

This committee must act in order to prevent the significant harm which will impact the hundreds of children who live in Coryton and Whitchurch and must walk to school past the site entrances.

Clinical Concerns

It has become evident beyond doubt that ***an inquiry is now imperative for public transparency and for the future of best cancer care throughout Wales. The time for a petition ‘debate’ has passed:***

Here are some major revelations, shared with us by the medical campaign *Co-locate Velindre* these have emerged since our last petition submission was in late 2021:

- * **The Nuffield Advice (December 2021), has left a strong message for Velindre and government about the original choice of cancer centre site.** It insisted that any such choice should spring from ‘***a large-scale, full options appraisal***’.¹ It did not escape the panel’s notice that Velindre’s documents nowhere in 2014 and 2017 gave evidence of any such extensive appraisal. The choice of ‘*stand-alone*’ site over *co-location with a general hospital* lacks the usual underpinning. The narrative shows not a trace. And ‘large-scale’ means ‘very large’.²
- * **Yet more seriously, a recent Freedom of Information reply (January 2022) has sealed the matter dramatically.** Apparently Velindre management holds no evidence for *any* alleged, underpinning clinical consultation. None appear to stand behind the discarding of co-location. Records are missing for validating a massive £562m + + investment. See the

full FOI.³ But, as medical training teaches: 'if it's not written down it didn't happen'. So the decision for a stand-alone site lacks the mandatory grounding and assurance for thousands of patients. No Senedd member would want to pass over such an unsettling disclosure just because it's turned up late.

- * **The Judicial Review hearing of 17th November 2021, that concentrated on New Velindre processes, did not get to hear of this major discrepancy.** Velindre had moved its FOI reply date to the 23rd November 2021 (actually arriving in January). Heavier still, the *Outline Business Case* that secured government finance replicated the exact wording of the original documents. So the OBC too bears the same deficiency. Even more sobering, this OBC text was presented to the county court *as legal evidence*. At one point it's at the centre of the main legal contention.
- * **Moreover, since our last petition submission, an overwhelming clinical consensus has challenged the choice of the New Velindre site.** Last September, long after Nuffield, Prof Neil Burnet reiterated his advisory board's 2020 challenge to the New Velindre project, signed by all seven renowned cancer professors. The board's job is to monitor cancer research *in all of Wales*.⁴ 163 senior clinicians working in cancer also spoke out with a similar message. Their letter was immediately validated as genuine by government despite recent innuendo to the contrary. No clinician in cancer, apart from at Velindre, seems to back the stand-alone model.
- * **The recent pleas from politicians and cancer charities for a cancer strategy in Wales strengthens the case for an inquiry into choice of site.** We suggest that in Wales such a strategy in 2014 would have led to wider engagement with clinicians and more planned collaboration and co-located cancer care of excellence. Financial focus on UHW2 could have got it much more prepared for collaborating in a real cancer centre of excellence. UHW2 has already proven itself up a challenge of this kind.
- * **Recent narratives from a New Velindre only create embarrassment.** New Velindre's recent responses to the public regarding clinical assurance have left many scratching their heads. Apparently clinical assurance for the site choice now rests on Nuffield, Senedd and the Judicial Review. But Nuffield exposed the present *lack* of assurance. And Senedd and the courts have not so far diversified into DIY NHS clinical services. These can't do instead of an evidence-base.

Therefore, we believe the Senedd and this committee must **urgently commission an independent inquiry into the choice of site for the new cancer centre**. No independent clinical review of the clinical model has occurred despite the significance of Velindre to the health and care of south east Wales, and no independent assessment of the significance of the biodiversity to the county of Cardiff, and the wellbeing of local people has been made either. **If we are to address the significant impacts of the climate and nature emergencies, and provide the best cancer treatment to our loved ones, this committee cannot delay any longer.**

Kind regards,

Members of Save the Northern Meadows

¹*Advice on the proposed model for non-surgical tertiary oncology services in South East Wales*, Nigel Edwards and Hilary Wilderspin, Nuffield Trust, p.11.

² 'Large-scale options appraisal'. Nuffield to Velindre.' (website *Co-locate Velindre*, January 6 2022), and 'Jaguar Electric v Rickshaw' (website *Co-locate Velindre*, November 12 2022)
<https://colocate-velindre.co.uk/large-scale-options-appraisal-nuffield-to-velindre/>
<https://colocate-velindre.co.uk/jaguar-electric-vs-rickshaw/>

³ Freedom of Information 'But where are the Velindre Minutes?' website *Co-locate Velindre*, January website *Co-locate Velindre*, January 31 202
<https://colocate-velindre.co.uk/%ef%bf%bc-freedom-of-information-response-but-where-are-the-minutes-decision/>



Air Quality Sampling Summary

DATE:	16 February 2022	CONFIDENTIALITY:	Confidential
SUBJECT:	WSP Air Quality Monitoring at Velindre TCAR		
PROJECT:	nVCC Enabling Works: 70066877	AUTHOR:	██████████
CHECKED:	██████████	APPROVED:	██████████

INTRODUCTION

Introduction

This Air Quality sampling summary reports the initial sampling results from the Temporary Construction Access Route (TCAR) for the Construction of the Approved Velindre Cancer Centre, Whitchurch Hospital, Park Road, Whitchurch, Cardiff, CF14 7XB.

This summary report is the initial report, and is intended to meet Cardiff City councils planning condition 11 (Cardiff City Council reference: 20/01110/MJR).

Potential impacts On Air Quality

In order to assess the potential impacts from vehicle exhaust emissions from construction traffic, nitrogen dioxide (NO₂) is currently being monitored on a monthly basis at 6 locations close to the site, using diffusion tubes (Figure 1).

In order to compare sampling performance between NO₂ diffusion tube and NO₂ reference methods, an addition triplicate of NO₂ tubes are routinely colocated at the castle Street continuous NO₂ monitoring reference site.

RESULTS

WSP NO₂ Sampling 25th November 2021 to 18th January 2022

Air quality sampling using NO₂ diffusion tubes has been undertaken over two periods to date, each period lasted a total of 4 weeks. Samples were placed at 6 pre-agreed locations close to the project site, as well as triplicate monitoring at the Cardiff City Castle Street site. The results of this monitoring are summarised in Table 1 below.

During the first sample round (26/11/2021 to 23/12/2021) sample tubes were found to be missing sample location 3 and 6.

Concentrations of NO₂ detected during sampling were generally well below the annual average objective level of 40 µg/m³, at all sample locations adjacent to the TCAR site. This is with exception to the sample collected upon the lamp post outside the Holybush, which had an average NO₂ concentration of 38.34 µg/m³ over the two sampling periods. This sample location is closer to the roadside than residential premises, or nearby footpaths, and is therefore likely to be impacted from emissions from vehicle exhausts, and not completely representative of exposure by local residents or pedestrians using the nearby footpath.



Table 1 Summary of Air Quality NO₂ Diffusion Tube Monitoring results TCAR, Whitchurch (Nov 2021 to Jan 2022)

Sampling Date	On	Off	On	Off
	26/11/2021 1	23/12/2021 1	23/12/2021 1	18/01/2022 2
Sample Location	NO ₂ Concentration µg/m ³			
1 - Lamppost 7, Pendwyallt Rd	25.97		30.83	
2 - Coryton Primary School	27.55		32.21	
3 - Opposite Lon-y-celyn	Missing Tube		27.40	
4 - Lamppost 10, Clos Coed Hir	26.41		34.56	
5 – Lamp post 1, Holybush Pub	35.92		40.76	
6 – Lamp post 24, Park Rd	Missing Tube		18.31	
7a -Castle Street 1	41.13		41.30	
7b -Castle Street 2	39.37		40.17	
7c -Castle Street 3	41.49		39.37	
Sample Blanks	0.10		0.20	

Figure 1 Nitrogen Dioxide Diffusion Tube Monitoring Locations, Velindre TCAR



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It might be worth including mention of this email in the submission. Have highlighted two bits in red where the council is basically saying they rely on the CEMP to keep developers in check and they don't enforce it. They say that clear breaches will be dealt with and yet they have not been so far.

From: Planning Velindre / Cynllunio Felindre [REDACTED]

To: [REDACTED]

Cc: [REDACTED]
[REDACTED]

Sent: Tuesday, 22 February 2022, 10:24:35 GMT

Subject: RE: Planning regulations enforcement

Dear [REDACTED],

I refer to your recent emails in relation to the Velindre development.

As you may be aware, we have been receiving a significant number of emails in respect of the site, which have also been copied to numerous other parties. What the Council is seeking to do is to put in place appropriate arrangements to ensure that the concerns from the local community are appropriately targeted and addressed. As part of this please note the new Council email address planning.velindre@cardiff.gov.uk which will now be used by the Council, and to which any communication should be sent (subject to below process).

I appreciate your submissions about enforcement, and I am very aware of the strength of feeling towards the development of the site. However, I would respectfully advise that volume of incident reporting, whilst well intended, is becoming unmanageable in terms of its volume, and is notably largely identifying matters where limited control lies with the LPA (for example you refer to NRW who are responsible for the licensing in respect of European Protected Species).

In terms of monitoring, throughout Wales there are very few (if any) 'monitoring officers' whose job is to visit development sites to ensure full compliance with every aspect of a planning permission or its associated conditions. Indeed, both in terms of available resources and generally the way in which Local Planning Authorities (LPAs) manage new development, it is simply not possible for such proactive monitoring/enforcement of development sites to be undertaken, especially for an Authority such as Cardiff where we deal with over 3,000 applications a year.

There is also an acceptance that many development projects will have implications for a locality throughout construction, whether that be from noise, dust or highway related matters. However, these impacts are managed to an acceptable level by conditions, including the CEMP attached to the relevant planning permission. In such circumstances, I would emphasise that the Council is very unlikely to be able to respond to every concern raised, but instead focus on any critical breaches identified.

Notwithstanding the above, whilst enforcement is a discretionary function of the LPA, the Council has Planning Enforcement Officers who, where there are clear breaches of planning control that cannot be resolved through discussion, and it is in the public interest to do so, will consider the expediency of taking the necessary formal action to remedy matters.

With this in mind, and based on the agreed CEMP which refers to monitoring of complaints, the Council is in the process of agreeing a protocol to deal with local concerns. This would see all such matters directed first to the Trust (ideally direct by complainants, but if not through the Council) to provide them the opportunity to address and respond to matters first. We would be copied into all their responses, and would intervene to investigate as appropriate should matters identify breaches of planning, or if we (or a complainant) are not satisfied with the response given on a material planning matter. As noted above, the power to act against material breaches of planning remains with us at all times, should it be in the public interest to take such action.

In the intervening period before such a protocol is finalised, I would respectfully request that you direct any further complaints initially to handlingconcernsvelindre@wales.nhs.uk and (should you so wish) copying in our new planning.velindre@cardiff.gov.uk email address. We will use this email to record all local concerns, while we will seek to ensure all parties are appraised of how the complaints process is working. However, I would advise that we will be passing matters to the Trust to consider, and therefore will only respond directly should we feel that any email raises urgent issues that we feel could constitute a material breach of planning.

I appreciate that this will not address the underlying concerns of the Community regarding the development itself, but trust that this response will satisfy you that the Council take the concerns of residents seriously, and that the actions we are taking will ensure that you are able to raise any concerns through the appropriate channels, and that the Council remain as the primary regulator of development at the site should it be necessary to take action in the public interest.

Kinds regards

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Cyngor Caerdydd / Cardiff Council

E-bost / Email: [Redacted]

[Redacted]

[Redacted]