# **2014/00813/SC2** Received on 7 July 2014

Welsh Government, C/o Agent Tom Clancy, Parsons Brinckerhoff, 29, Cathedral Road, Cardiff, CF11 9HA

## Five Mile Lane, Barry

Five Mile Lane improvements

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 1999 (as amended)

REGULATION 10 - REQUEST FOR SCOPING OPINION

### INTRODUCTION

A request has been made under Regulation 10 of the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 (as amended by Town and Country Planning (Environmental Impact Assessment) (Amendment) (Wales) Regulations 2006) for a Scoping Opinion prior to the preparation of an Environmental Statement to accompany an application for the Five Mile Lane Road improvements.

The submission has formed the basis of the Council's consultations with statutory and non-statutory bodies, with comments received informing the scoping report, and such responses to be provided to the applicants. Formal consultations will, of course, also be undertaken at application stage.

This scoping opinion will inform the applicants as to the content of the Environmental Statement (ES) as part of the Environmental Impact Assessment (EIA) process. It will consider the applicants submissions and identify aspects of the proposal which require attention during the preparation of the ES. The Council reserve the right to request and further information which, as part of the EIA process, may be subsequently required to inform consideration of the scheme at application stage.

## SITE AND CONTEXT

The existing A4226 is a single carriageway road, in a rural location, which links the A48 to Barry (between Sycamore Cross and Weycock Cross respectively).

The road has recently had improvements to the north to a create improvements at the A48 junction but maintains the character of a winding rural lane mid-way between the A48 to Barry.

The site is close to a number of protected areas of Barry Woodland SSSI and either side of the existing five mile lane are designated Special Landscape areas for Nant Llancarfan (west) and Duffryn Basin & Ridge Slopes.(East)

## DESCRIPTION OF DEVELOPMENT

Road improvements to the Five Mile Lane, A4226

The proposal is to make use of the existing and improved part of the highway and to align the more winding and rural section of the road. The alignment will begin 1.5km from Sycamore Cross and will again meet the existing road approximately 1km from the Weycock cross roundabout.

The proposed alignment will include a combination of earthworks and 'in cutting to widen and align the road over this distance. The road will be widened from 7.3m to 9.3m. The proposals may involve underpasses and overbridges to provide access to plots to the west of the site. The works will also include drainage works, which are likely to require attenuation of water on land adjacent to the new alignment.

## PLANNING HISTORY

**2014/00499/SC1**: A4226 Five Mile Lane, between Sycamore Cross and to the north of Weycock Cross, Barry - Proposed highway improvements - Environmental Impact Assessment (Screening) - Required 5 June 2014.

**2013/00584/SC1**: Whitton Mawr - Proposed solar farm - Environmental Impact Assessment (Screening) - Not Required 31 July 2013.

**2008/00199/SC2**: A4226, Five Mile Lane, Barry - Road improvements. 18 February 2008.

**2007/01166/SC1** – Road Improvements- Screening opinion – EIA required.

## CONSULTATIONS

A number of statutory and non-statutory consultations have been undertaken on this request for a formal scoping opinion, with responses received from the following bodies (and their representations summarised and discussed below in the main issues of the report): -

Barry Town Council was consulted on 15 July 2014. No comments have been received.

PSE Community Council was consulted on 15 July 2014. No comments have been received.

St. Nicholas and Bonvilston CC was consulted on 15 July 2014. No comments have been received

Wenvoe Community Council was consulted on 15 July 2014. Their comments advise that the application is noted.

Highway Development was consulted on 15 July 2014. See main report for comments.

Environmental Health (Pollution) was consulted on 15 July 2014. See main report for comments

GGAT was consulted on 15 July 2014. See main report for comments

Cadw, Ancient Monuments was consulted on 15 July 2014. See main report for comments

Dwr Cymru Welsh Water was consulted on 15 July 2014. No comments have been received

Ecology Officer was consulted on 15 July 2014. See main report for comments.

Highways and Engineering was consulted on 15 July 2014 . No comments have been received.

Natural Resources Wales was consulted on 15 July 2014. See main report for comments

## REPRESENTATIONS

No neighbour consultations have been requested or are required to be undertaken as part of a request for a Scoping Opinion.

## REPORT

In reaching a scoping opinion, the Council must have regard to the matters listed in Paragraph 10 (6) of the Regulations, which requires that the following matters are taken into account: -

- (a) the specific characteristics of the particular development;
- (b) the specific characteristics of development of the type concerned; and
- (c) the environmental features likely to be affected by the development.

In assessing the environmental impact of the development, the main issues required to be addressed in the Environmental Statement – in addition to those raised in the applicants' submissions – are as follows:

## Air Quality & Noise and Vibration

It is recognised that traffic and transport issues in general will primarily be dealt with through a comprehensive Transport Assessment (TA), which should provide an overarching assessment of transport impacts. The scope of the TA is to be discussed in detail prior to the submission of the planning application.

However, in respect of the Environmental Impact Assessment, the Environmental Statement should include an assessment of noise and air quality impacts as a direct consequence of traffic associated with the development, along with an assessment of any potential impacts on hydrology. In this respect, the ES should be informed by the TA and the traffic projections.

With regards to the Air quality assessment set out the Councils Environment health- Pollution Section have outlined concerns that the report does not consider the Welsh Hawking Centre as a Noise Sensitive Receptor, especially given a residential dwelling is within 25 metres and the neighbouring property is within approximately 70 metres.

Accordingly, as a matter of a sound assessment the Environmental Health section request that the Hawking Centre and Barry College be included in the full assessment with the application.

## Cultural Heritage

## Historic Landscape

The EIA should consider the presence of historic landscapes in the area and the potential impact that the proposed development may have on these. The scope of the landscape assessment set out on the Scoping Report has been assessed and formally commented on by CADW. The main areas of concern set out by CADW are the following

 Methodology- Cadw have initially highlighted that while they do not oppose the methodology outlined in the English Heritage document, it should be noted that in Wales the conservation principles identified by CADW, rather than those of English Heritage, should be used in the assessment.

In addition, it is questioned why a zone of 1km wide has been determined to be sufficient to identify designated monuments where the proposed works could have an impact on their setting

- Limited identification of High Value sites- Cadw have identified 5 more sites that are within the 1km zone and should be added to the list as high value sites. The following sites have been identified as within the 1km zone- Coed y Cwm Ringwork, Moulton Roman Site, Castle Ringwork, Ty'n y Coed and the remains of Highlight church.
- Use of 2009 information when more up to date information can be sourced- It is noted that the information for some of the sites of high importance are taken from a study in 2009 while the extensive geophysical surveys undertaken in 2010 in area surrounding the Roman Villa have not been mentioned. These updated studies along with sites identified in the report, indicate that evidence for significant settlement surrounding the villa site is likely to be found.

Please find the full comments from CADW attached as appendix A

The Glamorgan Gwent Archaeological Trust (GGAT) were consulted and they have highlighted that the proposals has a archaeological restraint. GGAT appear to be satisfied with the methodology for undertaking the assessment as outlined in the scoping report and ask that the work is undertaken by suitably professional qualified archaeologists.

A further issue to consider is that recently geophysical survey has produced good results in identifying features in this area and if used in relation to this project may also identity features that would provide further information in preparing a detailed mitigation strategy.

# **Ecology and Nature Conservation**

The EIA should consider the following:

- Statutory Nature Conservation Sites (SAC, SPA, SSSIs etc.);
- Non-statutory Nature Conservation Sites (SINC's);
- Legally Protected Species;
- UK and Local Biodiversity Action Plan Habitats and Species;
- Landscape

The Councils ecology officer agrees with the recommendations made in the report, however, it is also recommended that surveys for birds, and in particular ground nesting birds are carried out to allow the LPA to fully assess the impact and for appropriate mitigation /compensation to designed. The locality has breeding and overwintering lapwing and skylark, and these are both species included on the Section 42 list of the Natural Environment and Rural Communities Act 2006 (NERC) which make them species that are of principal importance for conservation in Wales.

Natural Resource Wales (NRW) were consulted and outline that they agree with the approach and methodology proposed in Chapter 7 of the scoping report, which focuses on ecology and nature conservation. However, if the EIA concludes that the loss of the SSSI habitat is unavailable then it should set out an appropriate and robust mitigation package.

NRW also suggest conducting a bird survey. Given the scale of the project and the presence of at least one breeding section 42 species (yellowhammer) it is requested that a bird survey is carried out to establish the bird's activity in the area. NRW would also advise that an assessment is undertaken to establish if there were likely significant effects from the project on barn owls.

## **Protected Species**

The EIA should include a detailed and comprehensive assessment of those protected species that may be affected by the proposal, including any species that occupy adjoining land, but which may use the proposed site. The assessment should include an evaluation of the population and detail any mitigation measures that will be necessary and implemented to ensure that the population is maintained.

NRW note the intention to use survey data gathered from 2008 and 2009 and welcome the scope of further works to review the available desk study information and update the following European Protected Species: -

- Great Crested Newts
- Dormouse nest tube survey
- Bat activity surveys

Bat roost inspections/tree climbing inspections

It is requested that the surveys are undertaken following best practice guidance and survey methodologies and that full detail is provided in the Environmental Statement (ES).

NRW also request that otters are considered in the EIA

## Landscape and visual effects

The EIA must include a description of all the existing landscape interests within and in the vicinity of the proposed development. This could be done using CCW's LANDMAP methodology (www.landmap.ccw.gov.uk). NRW would expect any Environmental Statement to demonstrate use of all five data sets in the Landscape and Visual Assessment for the proposals.

The EIA should consider protected landscapes in the vicinity of the proposals. It is vital that the landscape and visual impact assessment utilises appropriate viewpoints to consider the impacts of the proposals on these protected landscapes as there is potential for the proposals to be visible from a wide area.

# Flood risk, Road drainage and the Water Environment

The majority of the site is outside of any flood risk area as as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15). However, a section of the road in part located within Flood Zone C1 and B,. This is an area classified as being an areas to have known to be flooded in the past and an area without significant flood defence infrastructure.

NRW have noted that sections of the road fall within the floodplain of the River Waycock as highlighted within section 12 of the scoping report, which considers road drainage and the environment. Therefore, it is suggested that if any changes are made to the scheme at any of these locations which could affect flood storage or conveyance, they should be investigated as part of a Flood Consequences Assessment (FCA). If the EIA concludes that an FCA is to be undertaken this should include an assessment of water features.

#### Contamination

With regard to contamination, NRW have some concerns regarding the controlled water from the construction and operation of the road; this would include groundwater abstraction from licensed and private water supplies.

Accordingly, while the scoping report identified that contaminated land is a relatively minor issue in the rural area, NRW suggests that the applicant undertakes a risk assessment to investigate the potential for land contamination along the route as there is a historical landfill to the west of the existing route at Black lands Farm. Further details could clarify whether the route will cut through this landfill but from the details submitted this is not perfectly clear

NRW would also require information on the proposed drainage from the road, particularly with the use of soakaway. It should be noted that the area around Sycamore Cross is underlain by a principal aquifer, which is sensitive to controlled waters.

In addition, a ground water observation borehole is located on the grass verge of Sycamore Cross. If the development is likely to impact upon this borehole then please let NRW aware of the impact.

NRW comments are attached as Appendix B

### Materials

Consideration of the generation of waste from the development, and of the potential to manage such generation within the site, and reuse and capture recyclable materials should be considered.

### RECOMMENDATION – OFFICER DELEGATED

That the applicants be advised that, in addition to the scope of the ES identified in the supporting submissions, that the proposed ES cover those matters raised in the report above and identified in greater details in the consultation letters, copies of which should be provided to the applicant.

Environmental Impact Assessment submitted should cover the matters referred to in Schedule 4 of the Town and Country Planning (Environmental Impact Assessment (England and Wales) Regulations 1999, as referred to in the information details as submitted with the request but should also include an assessment of the following:

1. In addition to the scoping report submitted, the proposed Environmental Statement should cover those matters raised in the attached Officers report and identified in greater details in the attached consultation letters

#### NOTE:

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development.

This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.



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ADJENDIX A

Mr M Howell Senior Planner Planning and Transportation Services The Vale of Glamorgan Council

mphowell@valeofglamorgan.gov.uk

Eich cyfeirnod Your reference

P/DC/IR/2014/00813/SC2

Ein cyfeirnod Our reference

Dyddiad Date

7 August 2014

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ov.uk

Dear Mr Howell

**TOWN AND COUNTRY PLANNING ACT 1990** PLANNING APPLICATION NO: 2014/00813/SC2

PROPOSED DEVELOPMENT: File Mile Lane Improvements

**LOCATION:** Five Mile Lane, Barry

I refer to our previous letter of 30 July 2014 in which we stated there were no designated historic assets affected by the above proposal and therefore Cadw did not have any concerns to raise in respect of this application.

These comments only relate to the direct impact on the designated historic assets. Further consideration has been made and the following comments relate to the EIA Scoping Report – Section 6 Cultural Heritage, submitted with the application.

6.1.1 As noted there currently is no guidance from Cadw on assigning the impact of development on the significance of the setting of historic assets. Cadw does not oppose the methodology outlined in the English Heritage document "The Setting of Historic Assets" being used, but it should be noted that in Wales the Conservation Principles identified by Cadw, rather than those of English Heritage, should be used for the assessment.

It is noted that this assessment will require professional judgement to be used, as such we would expect the work to be carried out by a Member of the Institute for Archaeologists who is fully conversant with the archaeology of South Wales.

6.2.2 We do not understand why a random zone 1km wide has been determined to be sufficient to identify designated monuments where the proposed works could have an impact on their setting. It is noted that in regard to Landscape and Visual Assessment section 8.22 states:-

"The study area for visual effects will extend to the area from which the project could be visible. The Zone of Influence (ZVI) will be established to show the area of land from which there could be a view of the proposed project including vertical changes and traffic". Whilst we do not contend that a view of the works will necessarily have an impact on the

Cadw yw gwasanaeth amgylchedd hanesyddol Llywodraeth Cymru, Ein nod yw hyrwyddo gwaith cadwraeth ar gyfer amgylchedd hanesyddol Cymru a gwerthfawrogiad ohono.

Cadw is the Welsh Government's historic environment service. Our aim is to





Welsh Government

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setting of a designated monument it would appear a more appropriate methodology to await the production of the ZVI and then determine which designated monuments may have views of the proposed works and if this is the case whether or not there would be an impact on their setting rather than fixing a zone at this time. This is particularly the case when it is considered that designated monuments in elevated positions, such as GM071 Castles Ditches Hillfort are likely to be included in the ZVI.

Section 6.3 It is noted that the information included in the section of the report has been derived by an earlier report. This may have led to some misunderstanding of the known historic assets in the area and clearly demonstrates that the data searches need to be redone as part of current studies.

The following errors are noted:-

6.35 The Roman Villa (GM253) is the Moulton Roman site located to the west of the proposed road route; however the text, here and elsewhere in the report, suggests that the author assumes that this villa is the one at Whitton Lodge ((PRN00382s) which is not currently a designated monument but is likely to be of National Importance. Given that the information is taken from a report prepared in 2009 the extensive geophysical surveys undertaken in 2010 in the area surrounding the villa have not been mentioned. These works, along with sites identified in the report, indicate that evidence for significant settlement surrounding the villa site is likely to be found.

- 6.3.6 The first statement in this paragraph is very simplified. Evidence for the early medieval period in Wales has been difficult for archaeologists to locate, rather than it "not being strongly represented". Moreover, there is clearly significant historical evidence for this period and recent archaeological research has started to identify ephemeral evidence for this period. It is noted that a glass bead of 6<sup>th</sup>/7<sup>th</sup> century AD date was found during the excavations at Whitton Lodge possibly showing some form of Early Medieval activity in the area.
- 6.37 As well as the 2 identified heritage assets of medieval date identified in the report GM613 Castle Ringwork 850m ENE of Ty'n-y-Coed and GM344 Remains of Highlight church are inside 1km of the proposed works.
- 6.38 It should be noted that parts of the Vale of Glamorgan was enclosed in the early post medieval period normally without Parliamentary Acts and that cartographic evidence depicting these enclosures and boundaries exist from the early 17<sup>th</sup> century including detailed estate maps, it is likely that the majority of existing hedgerows will meet the criteria of being "important" under the Hedgerow Regulations 1997.
- 6.4.1 We assume that the identified Cottrell Park Standing Stone is referring to designated monument GM116 Coed-y-Cwm Chambered Cairn.
- GM117 Coed y Cwm Ringwork, GM253 Moulton Roman site, GM613 Castle Ringwork 850m ENE of Ty'n-y-Coed and GM344 Remains of Highlight church are designated monuments inside the 1Km zone and should be added to the list of high value sites.
  - 6.4.2 The determination of the value of sites in the scoping report appears to be premature as it is the purpose of the EIA. In this case the more recent work carried out since the 2009 report has identified a number of archaeological sites which are likely to be of at least medium and could well be of high value. We are concerned that the current statement undervalues the value of archaeological resource.
  - 6.5.1 The author has concluded that there will be only limited effects on the settings of the high value sites. Given that not all have been identified in this document any conclusion should wait until the assessment is complete.
  - 6.6 The proposed methodology gives information on how the value of the archaeological sites will be determined but fails to give any information as to the sources of information that

will be used to identify the sites. A summary of knowledge in 2009 is given in section 6.3 but no information on how this is going to be updated is given. As noted above, detailed geophysical survey has been carried out on parts of the development area since 2009 and there have also been new discoveries made by aerial photography. New techniques such as LiDAR, have also been developed, which could produce important information. More significantly, it is also clear from this scoping document, that there is going to be a need for more information on the potential archaeological resource to be provided, probably by archaeological evaluation, if the value is going to be determined. For instance in 6.4.2 the presence of human burials at Whitton Lodge are identified and the assessor has suggested that these are of medium value but they "may indicate the location of more extensive cemetery sites". An extensive cemetery would not only be of high value but potentially be a significant risk to the whole project, especially if the burials were of Early Medieval date, such as those recently found in the Vale of Glamorgan at Llandough and Atlantic Trading Estate, Barry.

Yours sincerely

Downs

Adele Davies

Diogelu a Pholisi/ Protection and Policy



The Vale of Glamorgan Council Development Control Docks Office Subway Road Barry CF63 4RT Ein cyf/Our ref: SE/2014/117772/01 Eich cyf/Your ref: 2014/00813/SC2

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FAO: Ian Robinson

12 August 2014

Annwyl Syr/Madam / Dear Sir/Madam

# FIVE MILE LANE IMPROVEMENTS - FIVE MILE LANE, BARRY.

Thank you for consulting on the above scoping report, which we received on 15 July 2014.

APRODIX S

We have reviewed the Environmental Impact Assessment Scoping Report prepared by Parsons Brinckerhoff dated July 2014 (Document Reference: 3512646D –HHC) and we provide the following advice.

### **Ecology**

We agree with the approach and methodology proposed in Chapter 7 of the scoping report which focuses on Ecology and Nature Conservation. We note that the proposed scheme may lead to some loss of woodland habitat which forms part of the Barry Woodlands SSSI. We wish to stress that if the Environmental Impact Assessment (EIA) concludes that the loss of SSSI habitat is unavoidable, then it should set out an appropriate and robust mitigation package. We would be happy to provide comments on the proposed mitigation strategy.

We note the applicant's intention not to conduct a bird survey. When considering the length of the road and the presence of at least one breeding section 42 species (yellowhammer), we advise you that surveys are conducted as part of the EIA to establish bird activity within the local area. These baseline conditions should then be used to inform the EIA and whether the project is likely to have a significant effect. We would also advise that an assessment is undertaken to establish if there were likely significant effects from the project on barn owls.

Notwithstanding the above, we consider there to be opportunities for the planning application to secure ecological enhancement along the route of the road (verges and hedges etc.)

## **Protected Species**

We provide the following comments in principle and without prejudice, without seeing the specific details of any survey.

We note the intention to build upon survey data gathered in 2008/2009 as part of the proposed Five Mile Lane improvements application. We welcome the initial scope of further works to review the available desk study information and update the following European protected species surveys:

- Great crested newt
- Dormouse nest tube survey
- Bat activity surveys
- Bat roost inspections/tree climbing inspections

We cannot comment on the adequacy of these proposed or previous surveys at the current time, given that the survey methodologies or are not detailed in the scoping report. However we advise that the above surveys are undertaken following published best practice guidance and survey methodologies, and recommend that full detail is provided in the Environmental Statement (ES). The proposed alignment has not been provided with this consultation however we would also advise that otters are considered in the EIA

Please note that if European Protected Species (EPS) are present and likely to be impacted by the proposals, we advise that the EIA sets out detailed conservation proposals, monitoring proposals and where necessary long term habitat management details. In this context the EIA should set out how the proposal will meet the three tests as set out in Regulation 53 of the Habitats and Species Regulations 2010, as amended.

### **Potential for Contamination**

We have some concerns regarding controlled water from the construction and operation of the road; this would include groundwater abstraction from licensed and private water supplies.

We would suggest that the applicant undertakes a risk assessment to investigate the potential for land contamination along the route. We note that there is a historical landfill noted to the west of the existing route at Blacklands Farm. It was not clear from the route plan if the proposed route would cut through this landfill.

We would also require information on the proposed drainage from the road especially if proposing to use soakaways. Please note that the area around Sycamore Cross is underlain by Principal aquifer, which is considered highly sensitive with respect to controlled waters.

We also note that we have a groundwater observation borehole located on a grass verge at Sycamore Cross. The borehole monitors the Carboniferous Limestone at this location and is an important water level and quality monitoring borehole with a long time series record. It is not clear whether the proposal will impact on the observation borehole at ST 075 739

Sycamore Cross. We ask that the applicant confirms whether the road development will impact the borehole.

#### Flood Risk

We note that several sections of the road fall within the floodplain of the River Waycock as highlighted within section 12 of the scoping report which considers Road drainage and the water environment. Therefore we advise that if any changes are made to the scheme at any of these locations which could affect flood storage or conveyance, they should be investigated as part of a Flood Consequences Assessment (FCA). If the EIA concludes that an FCA is to be undertaken this should include an assessment of water features.

## Advice to the applicant

We advise that a method statement demonstrating how any potential impact on watercourses in the area will be mitigated. The developer should refer to Pollution Prevention Guidance document PPG5 produced by The Environment Agency, now adopted by Natural Resources Wales (Works in, Near or Over Watercourses). The guidance note is available at the following link: <a href="https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/290145/pmh">https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/290145/pmh</a> o1107bnkg-e-e.pdf

The applicant should also produce a waste management plan detailing how any waste generated by the scheme will be disposed of. We suggest that the applicant seek advice on any permits that may be required regarding the use of waste materials. We direct you to our Environmental Management team at our Cardiff office, who can be contacted on 02920 245 239.

If you have any further queries, please don't hesitate to contact us

Yn gywir / Yours faithfully

R H. Evara

#### **Miss Ruth Evans**

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Ein pwrpas yw sicrhau fod adnoddau naturiol Cymru yn cael eu cynnal, gwella a'u defnyddio yn gynaliadwy, yn awr ac i'r dyfodol.

Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.