

Andrew Farrow
Director of Environment
Cyfarwyddwr yr Amgylchedd



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Your Ref / Eich Cyf: BP-f-012

Our Ref / Ein Cyf: C22/0661/19/SC

Date / Dyddiad: 15/11/2022

Ask for / Gofynner am: Mr Rhys Cadwaladr

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Annwyl Miss Sioned Edwards,

Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 - Regulation 14 Scoping Opinion

New vehicular access and alterations to Ffordd Waunfawr, internal access and temporary use of land for storage, retention of concrete batching plant and recycling and export of finished materials/products – Seiont Quarry, Caernarfon

Referring to your request dated the 17th of July, 2022 for a formal scoping opinion under the under the Environmental Impact Assessment regulations for the development described above.

The Screening Opinion (dated 19/05/2022) established that the proposed development falls under 'Schedule 2, Paragraph 10 Infrastructure projects (a) Industrial estate development projects: the area of development exceeds 0.5 hectare'.

This Scoping Opinion is provided on the basis submitted to the Mineral Planning Authority (MPA) on the 17th of July, 2022 in addition to consultation responses received. The advice does not prejudice any decision made by the MPA in relation to the development and does not preclude the MPA from requiring further information to be submitted with a subsequent application for development under Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 ("*The 2017 Regulations*").

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1. Introduction

The MPA have received a request by Cadnant Planning (On behalf of Jones Bros) under regulation 14 of the 2017 regulations for a Scoping Opinion in relation to a proposed development for: *New vehicular access and alterations to Ffordd Waunfawr, internal access and temporary use of land for storage, retention of concrete batching plant and recycling and export of finished materials/products.*

The request was accompanied by a report 'Jones Bros Ruthin (Civil Engineering) Co Ltd, Former Seiont Brickworks, Caernarfon, EIA scoping report' that outlines the details of the proposed development, a site description and broad assessment of any potential environmental effects in the scope of the Environmental Statement (ES). The MPA is satisfied that the request received on the 17th of July, 2022 meets the requirements of the regulation 14 (2) of the regulations.

The MPA has considered the requirements of the 2017 regulations, Welsh Office Circular 11/99: Environmental Impact Assessment, as well as current best practice towards preparation of an ES. In accordance with the 2017 regulations, the MPA has consulted on the report and the responses received from the consultation bodies have been taken into in adopting this Opinion (see below).

2. Site description

The site is shown on the Site Location Plan 'Drawing no. A.Site' and Proposed Site Layout 'A.02.03' (contained within the scoping report) showing the site in relation to its surroundings, the layout of the proposed site compound and haulage road. Additional drawings detailing the proposed new access arrangement from Ffordd Waunfawr (drawings numbers 9432-SK-1003 Rev. F & 9432-SK-1009 Rev.A), concrete batching plant (A.02.08), workshop fitter shed (A.02.07) and location of concrete plant/recycling area/fitter shed/parking area/storage area etc. were provided with the request for a Screening Opinion (reference C22/0314/19/SC). These have not been submitted with the scoping opinion but it is assumed that these are still relevant.

The site is part of the Seiont Brickworks and Quarry located to the south of Caernarfon. Access is currently gained to the site by Ffordd Felin Seiont (an unclassified public highway) or by a temporary access (opened in association with the Caernarfon-Bontnewydd bypass works) onto Ffordd Waunfawr (Class 1 public highway). Numerous dwellings are located immediately west of the site along Ffordd Felin Seiont, Ysbyty Eryri is approximately 60m north/north-west, the housing estate of Hendre 100m north and the Peblig Industrial Estate around 300m north east. The newly opened Caernarfon – Bontnewydd bypass passes along the southern and eastern boundaries of the site.

The proposed site compound, recycling area, concrete batching plant and parking area is located in the western portion of the Seiont Quarry Works and is bounded by the Afon Seiont. The 'Afon Seiont' SSSI and 'Y Fenai a Bae Conwy' SAC designations are located 300m and 2km downstream from the site. The haulage road extends in north easterly direction from the compound through agricultural before accessing Ffordd Waunfawr by a new proposed junction arrangement.

3. Site history

The most recent and relevant planning permissions for this site relate to works associated with the construction of the Caernarfon – Bontnewydd bypass. Planning permission reference C17/0011/19/MW included;

- Use of land as an extension to the existing site compound area and provision of a maintenance shed, office accommodation, welfare and car parking facilities, fuel store, sewage storage tank, mobile concrete batching plant, mobile asphalt batching plant and construction of haul route (temporary use),
- Construction of a new haul road on the northern boundary of the existing quarry with temporary connection to the proposed bypass.
- Continued extraction of materials, removal of material from a mineral working deposit and existing stockpile of materials.
- Construction of hardstanding and siting of plant machinery for the processing and screening of materials.
- Disposal of inert waste materials for long-term quarry engineering / restoration works.

Planning application reference C17/0107/19/LL granted temporary permission for a site compound and provision of maintenance shed, office accommodation, welfare and car parking facilities, fuel store, sewage storage tank, mobile concrete batching plant, mobile asphalt batching plant and provision of haul route.

Permission for the winning and working of minerals under ROMP C00A/0441/19/MW and disposal of mineral waste under C00A/0442/14/MW are still active. A request to delay a ROMP in May of 2022 was made in late 2021 and agreed by the MPA.

4. Proposed Development

The report submitted provided states that details of the proposed development are provided in section 1 of the 'Request for EIA Screening Opinion' document by Cadnant Planning. The application boundary would overlap the current permissions for the temporary compound (use in relation to the bypass construction) and seek to extend the temporary use of that land by 5 years as well as the construction of a new permanent vehicular access from Ffordd Waunfawr for the temporary use and facilitate future use (unspecified) use of the site.

The whole site area would be 6.97ha and include;

- 0.27ha allocated for concrete batching.
- 0.5ha allocated for recycling facility.
- 0.5ha plant and maintenance and storage.
- 0.5 general storage.

The scope of the ES should include all elements of the development as identified in the Scoping and Screening Reports, both permanent and temporary and this scoping opinion is written on that basis.

5. Consultation

In line with Regulation 14 (4) of the 2017 Regulations, before making this Scoping Opinion, the MPA consulted with the following bodies;

- Natural Resources Wales (NRW)

- Cyngor Gwynedd Biodiversity Service
- Cyngor Gwynedd Public Protection Service
- Cyngor Gwynedd Transportation Unit
- Welsh Government North and Mid Wales Trunk Roads Agency
- Gwynedd Archaeological Planning Service (GAPS)
- CADW
- Cyngor Gwynedd Public Rights of Way Service

Unfortunately, responses were not received from all consultees contacted and I enclose for your information, copies of the responses received on the scope of the Environmental Statement (TABLE 1) and I would be grateful if you could contact these organisations directly in the preparation of your statement, to ensure that the level of detail covered in their related, specialist fields is adequately addressed.

TABLE 1

Consultee	Role	Appendix
NRW	Statutory Consultee	Appendix 1
Welsh Government North and Mid Wales Trunk Roads Agency	Statutory Consultee	Appendix 2
GAPS	Non-Statutory Consultee	Appendix 3
CADW	Statutory Consultee	Appendix 4
Gwynedd Council Biodiversity Unit	Statutory Consultee	Appendix 5

The legislative requirements for the publicity in relation to the ES are set out by Part 5 of the 2017 Regulations. The ES submitted by the applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that the table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES. Similarly, the ES should demonstrate how it has considered this Scoping Opinion.

6. Environmental Impact Assessment Approach

The MPA is generally supportive of the approach outlined in the Scoping Report. The ES should include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. Any departure from that methodology should be described in individual aspect assessment chapters. Where professional judgement has been applied this should be clearly stated. The ES topic chapters should report on any data limitations, key assumptions and difficulties encountered in establishing the baseline environment and undertaking of environmental effects.

6.1 Environmental Statement Structure

The submitted scoping report notes that the ES will be split into part 1 (a descriptive introduction to the development and site) and part 2 (that will contain technical elements). The applicants should satisfy themselves that the ES includes all the information outlined in Schedule 4 of the 2017 Regulations.

In addition, the Applicant should ensure that the Non-Technical Summary includes a summary of all the information included in Schedule 4. The applicant should consider a structure that allows the author of the ES and the MPA to readily satisfy themselves that the ES contains all the information specified under Regulation 17 and Schedule 4 of the 2017 Regulations (Information for inclusion in Environmental Statements). Cross refer to the requirements in the relevant sections of the ES, and include a summary after the Contents page that lays out all the requirements from the Regulations and what sections of the ES they are fulfilled by. As the assessments are made, consideration should be given to whether standalone topic chapters would be necessary for topics that are currently proposed to be considered as part of other chapters, particularly if it is apparent that there are significant effects and a large amount of information for a particular topic.

6.2 Baseline

Schedule 4 of the 2017 Regulations describes the 'baseline scenario' as; "A description of the relevant aspects of the current state of the environment". The baseline scenario should reflect actual current conditions at that time and in this respect will need to be updated via ecological records by way of a Cofnod Consultation and records arising from the Caernarfon bypass works. NRW (please see appendix 1) have recommended both bat and otters to be scoped in for consideration for potential impacts associated with artificial lighting given records exist in the locality of their presence.

The ES should describe what works and impacts would be involved in any further site preparation, even if that is covered under a separate, extant planning permission. The applicant may wish to clarify which aspects are covered by other consents, but the impacts should be covered in the ES.

6.3 Reasonable Alternatives

Reasonable alternatives are mentioned under section 2.4 of the scoping report. Regulation 17(d) is quoted which requires amongst other considerations; "*a description of the reasonable alternatives studied by the applicant or appellant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the significant effects of the development on the environment;*".

Alternatives should therefore be considered in relation to the Proposed Development in line with the requirements of Regulation 17 and Schedule 4 of the 2017 Regulations and any reasonable alternatives studied by the applicant should be presented in the ES. The reasons behind the selection of the chosen option should also be provided in the ES, including where environmental effects have informed choices made.

It is worth bearing in mind that under the Conservation of Habitats and Species Regulations 2017 ("the Habitats Regulations") unless it can be clearly shown to the MPA that the project would have no adverse effect of the integrity of any designated sites, it would have to be shown that there is no feasible alternative solution.

6.4 Currency of Environmental Information

For all environmental aspects, the applicant should ensure that any survey data is as up to date as possible and clearly set out in the ES, including the timing and nature of the data on which the assessment has been based. As previously mentioned, I would refer you to the NRW response (Appendix 1) to include updated records by way of a Cofnod Consultation and records arising from the Caernarfon bypass works. NRW (please see appendix 1) have recommended both bat and otters to be scoped in for consideration for potential impacts associated with artificial lighting given records exist in the locality of their presence.

Consideration should be given to relevant legislation, planning policies and applicable best practice guidance documents throughout the ES.

The ES should include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. Any departure from that methodology should be described in individual aspect assessment chapters. Where professional judgement has been applied this should clearly be stated.

The ES topic chapters should report on any data limitations, key assumptions and difficulties encountered in establishing the baseline environment and undertaking the assessment of environmental effects.

6.5 Cumulative Effects

The consideration of cumulative impact is an integral part of the EIA process and it is not fully understood how cumulative effects can be scoped out as a separate assessment topic. It should be noted that there are other developments in the local area (such as planning application reference C22/0696/14/LL redevelopment of Peblig industrial estate and the recently completed Caernarfon bypass) that should be considered cumulatively with this project and will need to be assessed.

It is my understanding that minerals permission (under ROMP C00M/0441/14/MW) is still 'active'. A request to delay the need for a new ROMP in 2022 was made in late 2021 and it is not clear if the operator intends to fully resume the mineral operations. Even in the event of the bypass and restoration schemes (required under the 2017 permissions) being implemented and sterilising the mineral, the minerals permission it still active. As such, there is a need for this section of the ES to fully consider the potential for the cumulative effects of any planning permission on site that is either 'active' and could be implemented or resumed.

This will also assist the planning authority in carrying out an appropriate assessment under Regulations 61 and 62 of the Habitats Regulations 2010.

6.6 Mitigation

Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficiency of the mitigation proposed should be explained with reference to residual effects. The ES should provide reference to how the delivery of measures proposed to prevent / minimise adverse effects is to be secured (through legal requirements or other suitably robust methods) and whether relevant consultees agree on the adequacy of the measures proposed.

6.7 Transboundary Effects

Schedule 4 Part 5 of the 2017 Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The SR has not indicated whether the Proposed Development is likely to have significant impacts on another European Economic Area (EEA) State. This would appear unlikely, but the ES should address this matter as appropriate.

7. Environmental Impact Assessment Topics

7.1 Landscape and Visual Impact

I agree broadly with the approach given to assessing the landscape and visual impact of the proposal in part 3.3 of the Scoping Report. The landscape and visual impact of the quarry and operations associated with the construction of the bypass (such as other temporary haulage roads) have been thoroughly assessed during the previous planning applications and ES submitted in 2017. The previous landscape and visual impact assessment have considered the baseline of impacts on main visual receptors including statutory and non-statutory landscape designations, recreational routes, registered parks & gardens, UNESCO World Heritage Site, cultural heritage assets and information derived from the local authority Strategic Landscape Character Areas (LCA) and Natural Resources Wales LANDMAP data system.

Whilst there is no significant visual change to the construction site compound (only the delay of the restoration of that area), the proposed haulage road and new access will be set beyond the 2017 permissions and scope of the previous ES. Therefore, the potential landscape and visual effects of the permanent new haulage road and access have only been partially assessed.

I would recommend that the landscape and visual impact assessment is updated to include and assess the proposed permanent haulage road and vehicular access to the highway.

7.2 Ecology and Nature Conservation Effects (including arboriculture)

Down stream from the development site lies the Afon Seiont SSSI and Menai Strait SAC designations.

In the scoping report, the applicant recognises that a review of the ecological information submitted as part of the previous ES and existing protection controls will need to be provided in this section.

I disagree with the statement in paragraph 3.4.3 of the Scoping Report that no further survey work is required. The proposed access route falls beyond the scope of original/existing permissions, therefore, survey work will be required in accordance with our Senior Biodiversity Officer's comments for;

- a full Ecological Impact Assessment.
- up to date ecological information on all protected species (otters, badgers, bats, reptiles, birds etc) and section 7 (of the Environment [Wales] Act Act 2016).
- up to date information on invasive not native species (INNS).

NRW's comments on Protected Species and Sites note that they expect restoration measures following the end of the temporary use to be updated accordingly in the ES, seek to ensure no additional trees loss or lighting. Additionally, the ES should include steps to protect and secure

a bat roost linked to SAC Glynllifon at building SH 48777 613359.

Therefore, the Applicant should ensure that the baseline data for the assessments conducted are robust, and provide the data necessary to assess any likely significant effects arising from the Proposed Development. The applicant is advised to liaise with NRW and Gwynedd Council Biodiversity Service as the ES is being prepared.

7.3 Archaeology and Cultural Heritage

The Gwynedd and Môn Joint Local Development Plan recognises that the Councils have a duty in exercising their planning functions to preserve and enhance the significant character and appearance of the plan area's cultural and historic environment and that the historic environment contributes to the enjoyment of life, provides a unique sense of identity and is a valuable economic asset. Policy PS 20 states: "In seeking to support the wider economic and social needs of the plan area, the Local Planning Authorities will preserve and where appropriate, enhance its unique heritage assets", including amongst other considerations, scheduled ancient monuments and other areas of archaeological importance, registered historic landscapes, buildings of architectural/historic/cultural merit that are not designated or protected (in line with policy AT 3).

CADW have stated that they consider the argument that the argument provided in part 3.2 of the Scoping Report for cultural heritage to be scoped out of the ES is invalid due to numerous designated heritage assets being located within 3k of the site. Being within the 3km radius, CADW considers the potential effects on these sites should be a material planning consideration and should be scoped into the ES. That said, the vast majority of these sites are not visible from the development site and therefore, consideration should be given to the tranquillity and change in noise levels of those sites. CADW specifically mention listed buildings '22037 Grand Lodge to Glan Gwna Hall' and '22041 Bryn Eden and terrace walls to front' as designations that could potentially be affected by increased noise levels. Assessment of these potential impacts should be prepared by a competent and qualified heritage expert and follow Welsh Governments Best Practice Guidance for Setting of Historic Assets in Wales (2017) and "Managing Change to Registered Historic Parks & Gardens in Wales".

I agree with CADW's statement that despite most heritage assets being located beyond line of site of the proposed development, consideration of the potential effects as noted above should be scoped into the ES.

7.4 Highways and Access

I have not received any comments from Gwynedd Council's Transportation Unit, however, I do not expect them to have an objection to the principal of this development.

Although it is quoted in the Scoping and Screening Reports that traffic movements will not substantially change, they fail to mention that HGV traffic does not currently have permission for access onto the A4085 – even as part of the temporary permissions.

The existing temporary permissions for the site made use of internal and off-road haulage routes to avoid HGV movements on public roads. This direct access to the bypass scheme mitigated the impact of heavy transport on the local road infrastructure as well as providing a proximity principle approach to the needs of the that project. The existing temporary haulage route that meets the A4085 was used primarily as a crossing point and not as an access route

for heavy traffic arriving from the direction of Caernarfon or Caeathro along the A4085.

The proposed traffic movements will therefore, not benefit from the mitigation of accessing the bypass (works) directly using off-road haul routes and would now directly access the public highway.

As such, the existing assessment in the original ES, has not properly assessed the impacts of heavy vehicular traffic along the proposed route on the relevant sensitive receptors.

I therefore, disagree with this chapter of the ES only containing details and conclusions based on existing traffic movements due to the proposed changes in how heavy traffic will gain access and leave the site.

In my opinion, consideration should be given to the cumulative traffic impacts of the proposal in addition to the existing Glan Gwna holiday park and proposed redevelopment of the Peblig Industrial Estate (if permitted). Vehicular access of these two sites is relatively close to the proposed new access and it is imperative that the cumulative impacts are fully considered.

It is recommended that this section should provide an updated Traffic Impact Assessment to confirm vehicle flows, noise, air quality, vibration and reflect the changes in using the A4085 for heavy traffic movements and increase of duration of operations be included.

7.5 Noise and Vibration

I generally agree with the approach to noise derived from the continuation of the concrete batching and recycling activities on site. I would agree with the approach to noise impacts outlined in the scoping report to include an evaluation of baseline noise data, a desk-based assessment, site noise calculations and production of a report. The baseline data should be updated and used to review any existing site noise limits that apply to existing operations and/or suggest mitigation to minimise impact upon the amenity of nearby noise sensitive properties.

7.6 Air Quality and Dust Effects

As for noise impacts, I would generally agree with the approach you have set out the scoping report in terms of the existing operations on the site albeit the need to consider the prolongment of the operations.

7.7 Hydrology and Hydrogeology

The majority of the proposed new site compound, storage area, concrete batching plant, inert waste recycling site (including the site access via Ffordd Melin Seiont) are located within a 'C2 Flood Zone' as defined by the Welsh Government development advice maps. Technical Advice Note (TAN) 15 'C2' as "Areas of the floodplain without significant flood defence infrastructure" and "...that only less vulnerable development should be considered subject to application of justification test, including acceptability of consequences. Emergency services and highly vulnerable development should not be considered. NRW have stated that they are content that the date used in the previous ES for the 2017 planning permissions is sufficient for a 5-year extension to the temporary development."

NRW have provided comments confirming that the data previously used in the 2017 applications are sufficient and I agree with your intention to include the previous FCA for reference.

In addition to flood risk, NRW have noted that they would recommend;

- impact of the previously agreed restoration plans be considered fully (specifically impacts on habitat connectivity).
- existing pollution plan to be reviewed and updated to include increased risks due to preparation of concrete products on site.
- Request that connection of office to public sewer system is confirmed within the EIA and accompanying application and that other arrangements such as package treatment plant would not be considered.

7.10 Climate Change

The MPA Agrees with part 3.12 of the scoping report that the use of fossil fuelled plant and machinery will result in emissions. However, the MPA is of the opinion that the proposed development would not significantly alter current working practices and in particular introduce any significant numbers of new plant and machinery.

It is not elaborated how the development would reduce road transport as stated in paragraph 3.12.1 as both the concrete batching plant and recycling service would require a constant import and export of materials. It is expected that this will be addressed under the highways and access section (traffic generation).

It is agreed that the principal climate change related issue and consequence of this proposal is flood risk. The authority agrees that this should be addressed as part of the topic chapter covering flood risk/hydrology and should not be repeated.

The authority concludes that climate change can be scoped out of the EIA.

7.11 Health Impact Assessment

In this instance the proposal includes extending the temporary activities that are already in operation subject to planning permissions C17/0011/19/MW and C17/0107/19/LL and associated EIA/ES. Given that impact on human health deriving from the development has already been assessed during these applications and that there is no significant change in the operations it is considered that there is no need for an additional Health impact Assessment.

7.12 Accidents, Natural Disasters and Hazards

With respect to accidents, natural disasters and hazards the authority concludes that there are no major installations in the vicinity of the site that could impact upon its operations. The nature of the development is not particularly susceptible to natural disasters. However, as previously noted the site lies within a 'C2 Flood Zone' on the Seiont river floodplain, therefore, this chapter should refer the potential of flooding disasters in relation to operations on site (potentially this can be linked up with the hydrology chapter) as well as staff evacuation/emergency services access/major accident etc.

7.13 Population and Socio-Economic

An assessment of socio-economic impacts has not been addressed in the Scoping Report and the authority concludes that it may be scoped out of the EIA. However, I would advise that an assessment of the socio-economic benefits and viability of the continued working at the site and its contribution to sustainable Welsh speaking communities and future generations should form part of the planning statement submitted in support of the development proposals. Policy 3.25 of Planning Policy Wales Version 10 states; “The Welsh language is part of the social and cultural fabric and its future well-being will depend upon a wide range of factors, particularly education, demographic change, community activities and a sound economic base to maintain thriving sustainable communities and places. The land use planning system should take account of the conditions which are essential to the Welsh language and in so doing contribute to its use and the Thriving Welsh Language well-being goal”. In accordance with Policy PS1 of the Gwynedd and Môn Joint Local Development Plan, a Welsh Language Statement should be submitted in support of the development proposals given is that a minerals operation is a commercial venture which can trigger the development criteria requiring such, i.e. if more than 1000 sq. m. or employing more than 50 people.

7.15 Habitats Regulation Assessment

The Conservation of Habitats and Species Regulations 2017 require competent authorities, before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where the plan or project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects). It is the Applicant’s responsibility to provide sufficient information to the competent authority to enable them to carry out an AA or determine whether an AA is required.

7.16 Planning Policy Issues

The ES should include an assessment of policy which includes consideration of waste, energy and mineral policies (sterilization). In undertaking a comprehensive assessment this should avoid the need to resubmit the same information under the guise of a Waste Planning Assessment as required by TAN 21 and should also include evidence of compliance with the R1 Formula. Therefore, the chapter should cover what is required as part of a Waste Planning Assessment in being appropriate and proportionate to the nature, size and scale of the development proposed and should provide all of the information necessary for the local planning authority to decide the application. Proposals for developments falling under disposal and recovery operations should explain in the Waste Planning Assessment, set out in Annex B, where the proposal fits within the waste hierarchy and why it represents the best overall environmental outcome.

Any environmental statement should take account of revisions and new guidance, policy or legislation which may be published.

Should you wish to discuss any of the issues raised in this letter, please do not hesitate to contact me.

**Yn Gywir,
Rhys Cadwaladr**

Uwch Swyddog Cynllunio Mwynau a Gwastraff / Senior Minerals and Waste Planning Officer

**Ar ran Gwasanaeth Cynllunio Mwynau a Gwastraff Gogledd Cymru /
On behalf of the North Wales Minerals and Waste Planning Service**