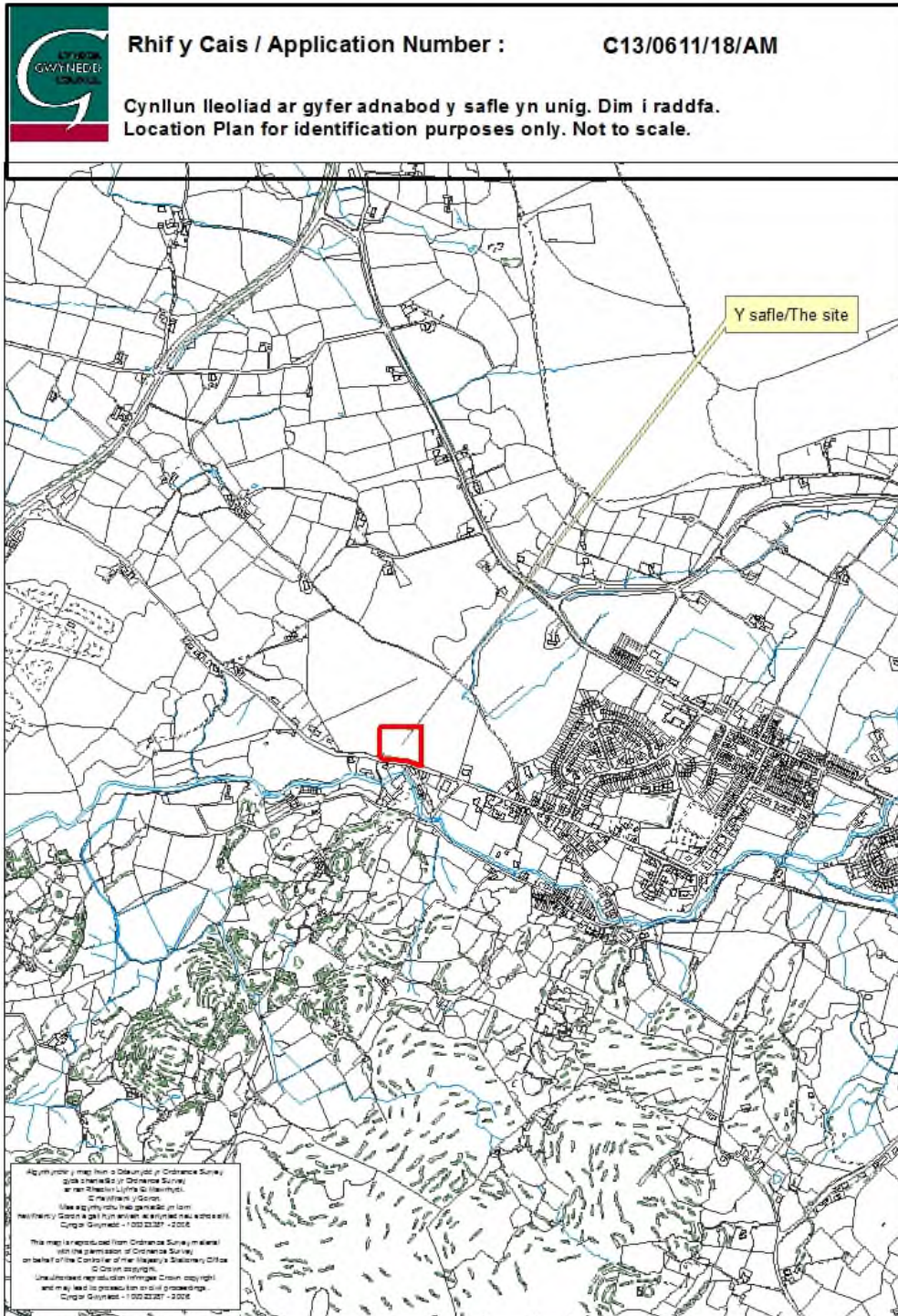


Number: 2



PLANNING COMMITTEE	DATE: 02/03/2015
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

Application Number: C13/0611/18/AM
Date Registered: 27/06/2013
Application Type: Outline
Community: Llanddeiniolen
Ward: Deiniolen

Proposal: RESIDENTIAL DEVELOPMENT OF 17 HOUSES (INCLUDING TWO AFFORDABLE UNITS) TOGETHER WITH A NEW ACCESS
Location: RHIWGOCH, CLWT-Y-BONT, CAERNARFON, LL553DE

Summary of the Recommendation: TO DELEGATE POWERS TO APPROVE SUBJECT TO THE APPLICANT SIGNING A SECTION 106 LEGAL AGREEMENT

1. Description:

- 1.1 This is an outline application to build 17 two-storey houses including two affordable homes on a site to the south-west of Deiniolen on a section of land included within the village development boundary.
- 1.2 The proposal also includes creating a vehicular opening to the adjacent county road which is a third class road that serves Deiniolen and Clwt y Bont. The site is 94m wide, 76m deep with a surface area of 0.69 hectares. The site has already been cleared of the structure of the former climbing products factory ("International Safety Components"). At the moment, the front section of the site is used as an informal car park.
- 1.3 This is an outline application, however; details have been submitted relating to the size of the proposed houses – they would have a surface area of approximately 133m² and a height of 5.2m to the soffit and approximately 7.8m to the ridge. Blueprints of the design of the houses were also submitted which show a simple design resembling that of nearby dwellings with natural slate roofs, walls of rough plaster render and uPVC windows/doors.
- 1.4 In accordance with the requirements of Technical Advice Note 12 on "Design" (2009) a Design and Access Statement was submitted with the application. Additionally, and in accordance with the requirements of the Supplementary Planning Guidance: Planning and the Welsh Language a Community Linguistic Statement was submitted to support the application. A flood consequence assessment was also submitted after receiving the initial response of Natural Resources Wales (NRW) as the site is within an A Zone according to the development advice map referred to in TAN 15, 'Development and Flood Risk' (July, 2004). In addition to this assessment an addendum was submitted which responds to the NRW's concerns relating to flood risk within and around the site.
- 1.5 A previous application for 17 houses on the site (including two affordable homes) was approved in July, 2010 with a Section 106 agreement to bind two of the 17 houses as affordable homes. However, no reserved details application was submitted within the statutory time.

2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material planning considerations

PLANNING COMMITTEE	DATE: 02/03/2015
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

2.2 Gwynedd Unitary Development Plan 2009:

POLICY A1 – ENVIRONMENTAL OR OTHER IMPACT ASSESSMENTS

Ensure that sufficient information is provided with the planning application regarding any environmental impacts or other likely and substantial impacts in the form of an environmental assessment or assessments of other impacts.

POLICY A2 – PROTECTING THE SOCIAL, LINGUISTIC AND CULTURAL FABRIC OF COMMUNITIES

Safeguard the social, linguistic or cultural cohesion of communities against significant harm due to the size, scale or location of proposals.

POLICY B3 – DEVELOPMENTS AFFECTING THE SETTING OF LISTED BUILDINGS

Ensure that proposals have no effect on the setting of Listed Buildings and that they conform to a series of criteria aimed at safeguarding the special character of the Listed Building and the local environment.

POLICY B10 – PROTECTING AND ENHANCING LANDSCAPE CONSERVATION AREAS

Protect and enhance Landscape Conservation Areas by ensuring that proposals conform to a series of criteria aimed at avoiding significant damage to recognised features.

POLICY B22 – BUILDING DESIGN

Promote good building design by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and character of the local landscape and environment.

POLICY B23 – AMENITIES

Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and amenities of the local area.

POLICY B25 – BUILDING MATERIALS

Safeguard the visual character of the Plan area by ensuring that only natural Welsh slates or slates that are similar in terms of their appearance, colour and weathering properties are permitted, other than in circumstances in which the type of building or its particular setting, or the sustainability benefits, are such that another material would be appropriate. In respect of other parts of the building, development will be required to use high quality building materials that complement the character and appearance of the local area. Proposals that introduce substandard or intrusive materials will be refused.

POLICY B29 – DEVELOPMENTS ON LAND AT RISK FROM FLOODING

Manage specific developments in the C1 and C2 flood zones and direct them towards suitable land in zone A unless they can conform to a series of criteria relevant to the features of the site and to the purpose of the development.

POLICY B30 – CONTAMINATED LAND OR BUILDINGS

Ensure that proposals for developing contaminated land or buildings are refused unless they can conform to a series of criteria aimed at controlling or restricting the contamination.

POLICY B32 – INCREASING SURFACE WATER

PLANNING COMMITTEE	DATE: 02/03/2015
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

Refuse proposals that do not include appropriate flood minimisation or mitigation measures that will reduce the volume and rate at which surface water reaches and flows into rivers and other water courses.

POLICY C1 – LOCATING NEW DEVELOPMENT

Land within the development boundaries of towns and villages and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan.

POLICY C3 – RE-USING PREVIOUSLY DEVELOPED SITES

Proposals that give priority to re-using previously developed land or buildings that are located within or near development boundaries will be permitted provided the site or building and the proposed use are appropriate.

POLICY CH4 – NEW DWELLINGS ON UNALLOCATED SITES WITHIN THE DEVELOPMENT BOUNDARIES OF LOCAL CENTRES AND VILLAGES

Approve proposals to build new dwellings on unallocated sites within the boundaries of Local Centres and Villages provided they conform to criteria aimed at ensuring an affordable element within the development.

POLICY CH18 – AVAILABILITY OF INFRASTRUCTURE

Development proposals will be refused if there is no adequate provision of necessary infrastructure for the development, unless they can conform to one of two specific criteria which require that appropriate arrangements are made to ensure adequate provision, or that the development is carried out in phases in order to conform to any proposed scheme for the provision of infrastructure.

POLICY CH29 – SAFEGUARDING AND IMPROVING LINKS FOR PEDESTRIANS

Proposals within Centres and Villages will be refused unless they provide safe, attractive and direct footpaths for pedestrians across and out of the site where there is a clear opportunity to make such a provision.

POLICY CH30 – ACCESS FOR ALL

Proposals for residential/business/commercial units or buildings/facilities for public use will be refused unless it can be shown that full consideration has been given to the provision of appropriate access for the widest possible range of individuals.

POLICY CH33 – SAFETY ON ROADS AND STREETS

Development proposals will be approved provided they conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

POLICY CH36 – PRIVATE CAR PARKING FACILITIES

Proposals for new developments, extensions to existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council's current parking guidelines, and having given due consideration to the accessibility of public transport, the possibility of walking or cycling from the site and the proximity of the site to a public car park.

PLANNING COMMITTEE	DATE: 02/03/2015
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

POLICY CH43 – PROVISION OF OPEN SPACES OF RECREATIONAL VALUE IN NEW HOUSING DEVELOPMENTS

Expect that new housing developments of 10 or more dwellings, in areas where the existing open spaces provision cannot meet the needs of the development, provide suitable open spaces of recreational value as an integral part of the development.

Supplementary Planning Guidance:-

- Affordable Housing (2009)
- Planning Obligations (2009)
- Housing Developments and Open Spaces of Recreational Value (2009)
- Housing Developments and Educational Provision (2009)
- Planning and the Welsh Language (2009)
- Landscape Character, (2009)

Gwynedd Design Guidelines, (April, 2003).

2.3 National Policies:

Planning Policy Wales, Edition 7, July 2014, Chapter 3 – ‘Determining and Enforcing Planning Decisions’, Chapter 9 ‘Housing’ and Chapter 13 ‘Minimising and Managing Environmental Risks and Pollution’.

TAN 2 on “Planning and Affordable Housing”, (2006).

TAN12 on “Design”, (2009).

TAN 16 on “Sports, Leisure and Open Spaces”, (2009).

TAN 18 on “Transport”, (2007).

TAN 20 on “Planning and the Welsh Language”, (2000).

3. Relevant Planning History:

- 3.1 Application number C05A/0084/18/AM – residential development refused in March, 2005.
- 3.2 Application number C05A/0292/18/AM – residential development including two affordable homes (re-submittal of an application that was refused under reference C05A/0084/18/AM) was approved in July, 2010 and was subject to a Section 106 legal agreement relating to the supply of affordable homes.

4. Consultations:

Community/Town Council: Not received.

Transportation Unit: Relevant conditions.

Biodiversity Unit: No response.

Natural Resources Wales (NRW): Initial objection as the site is located in an A Zone and there are flood problems in the area. A flood consequence assessment was submitted in response to this objection, however, NRW remained concerned about the implications of the development on flooding within the site

PLANNING COMMITTEE	DATE: 02/03/2015
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

itself and the surrounding area. To this end an addendum to the original assessment was submitted and this additional information demonstrates that flood risk can be managed with appropriate conditions should the application be approved. Observations were also made in relation to bats and contaminated land and the safe disposal of waste from the site.

Welsh Water: Standard conditions relating to the discharge of foul water and surface water from the site.

Public Protection Unit: A condition for a desktop survey to assess the flood risk on the site.

Flood Risk and Coastal Erosion Management Unit: Include conditions relating to watercourses flowing through the site and near the site along with the need for the applicant to submit a flood consequence assessment. Also refer to the existence of other watercourses and tributaries that also need to be considered. The Unit has been working with NRW in relation to including a flood consequence assessment.

Public Consultation: A notice was posted on the site and nearby residents were notified. The consultation period will end on 25.02.15 and correspondence was received objecting on the following grounds:-

- Approving the application would mean creating more unwanted housing in Deiniolen and the area.
- Approving the application would have linguistic and social implications in this Welsh heartland.

The following observations are submitted in response to the above observations:-

- The Joint Planning Policy Unit has assessed the Linguistic and Community Statement submitted as part of the application and has concluded that should the application be approved it is not anticipated that it would have a detrimental impact on the Welsh language or on the local community in Deiniolen.

In addition to the above, an objection was received that was not a valid planning objection, on grounds that the condition of the surface of the existing road that serves the site would deteriorate further given the increase in the number of vehicles that would be used should this application be approved.

5. Assessment of the material planning considerations:

The principle of the development

5.1 The principle of developing this site for residential dwellings has already been accepted with the approval of the previous application in July 2010. In addition to this, the site is located within the Deiniolen development boundary as shown in the Gwynedd Unitary Development Plan (GUDP). The policies that apply here in relation

PLANNING COMMITTEE	DATE: 02/03/2015
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

to approving the principle of developing the site are Policies C1, C3 and Ch4 of the GUDP. Policy C1 states that land within town and village boundaries and the developed form of rural villages will be the main focus for new developments. Policy C3 approves proposals that give priority, wherever possible, to the use of previously developed land or buildings located within or adjacent to development boundaries will be permitted provided the proposal is in keeping with all other relevant policies within the Plan.

- 5.2 The GUDP notes housing needs during the lifetime of the Plan itself (2001 – 2016) with a figure of 1,384 units in the Caernarfon dependency catchment area (outside the National Park). From this figure, 236 account for units that have been allocated (i.e. sites that have received planning permission but work has not commenced) and 529 account for units on random sites that will become available which gives a total of 765 units that are needed in the Caernarfon catchment area. However, 538 units have already been completed on undesignated sites and therefore it can be seen that a deficit of 227 units still remains in the Caernarfon catchment, and therefore, from this perspective, it is believed that this existing proposal to construct 17 houses in this particular site in Deiniolen is acceptable in terms of need.
- 5.3 Policy CH4 states that in principle, proposals to build new dwellings on unallocated sites within the development boundaries of villages will be approved provided they conform to a number of criteria relating to the supply/type of affordable homes. In this case it is intended to provide two affordable homes out of the total of 17 houses and this reflects what was approved under the previous application in July 2010. In the original application, the applicant had justified reducing the number of affordable homes from four to two on grounds of significant infrastructure costs (financial evidence was submitted by the applicant by referring to the work to clear and decontaminate the site and works to the culvert crossing the site) and the Planning Committee agreed to reduce the number of affordable homes from four to two. In terms of the objectives and the aims of the above policies it is believed that the proposal of developing the site for housing is acceptable in principle.
- 5.4 In order to provide an update on the viability of the development since the original application was submitted in 2005, the applicant has provided an update of the financial evidence by stating that the costs submitted with the original application have increased significantly by today and that these costs relate to:-
- (i) the latest Natural Resources Wales (NRW) requirements on grounds of reducing flood risk within the site and around the site itself.
 - (ii) interest costs on the site have increased.
 - (iii) professional fees have increased due to NRW requirements.
 - (iv) demolition work in order to assess the condition of the site.
- 5.5 Policy CH4 along with the advice given in SPG: Affordable Housing state that the proportion of affordable home will vary from site to site and there are exceptional circumstances as to why provision may not need to be on site. The exception should be based on the nature of the site rather than the circumstances of the applicant/developer; that the development is the minimum required to address the established need and that there is a clear balance of advantage to the community in allowing the exception. In this respect, although there will only be two affordable dwellings subject to the legal agreement, the other houses that are part of the development are houses that will appeal to local people and to families and will be competitively priced, therefore helping to keep local Welsh-speaking people in the area. This has already been stated by the Joint Planning Policy Unit in its

PLANNING COMMITTEE	DATE: 02/03/2015
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

observations on the community and linguistic statement submitted with the application.

- 5.6 Taking the situation and the above context into consideration and that the Joint Policy Unit has confirmed that the types of houses on offer make the development attractive to the local population (families and children) it is believed that the principle of including two affordable homes on this site is acceptable and complies with the objectives and the advice included in Policy CH4 of the GUDP and the relevant SPG.
- 5.7 In this particular case and on grounds of a density of 30 units per hectare (namely the figure referred to in the GUDP) it is believed that the number of units to be built here is acceptable. To this end, it is believed that the proposal, as submitted, is acceptable in principle.

Visual amenities

- 5.8 The site is located to the south-west of Deiniolen/CIwt y Bont on an artificial plateau created in a depression in the land that extends downwards to the south-west. It is a relatively prominent site along the adjacent public road but is partly screened from the north and the east due to the topography of the surrounding landscape. Directly to the south of the site and below lies the structure of Melin Sarn, which is a grade II* listed building and is used for industrial purposes B1/B2/B8 - workshops and goods storage. It is not believed that developing this site for residential dwellings would have a significant effect on the setting of the mill structure given the location of the site in relation to the mill itself. It should also be remembered that a large structure has been on the site for years in the form of an industrial structure and the design and scale of this latest proposal is more domestic in nature and should not have as much of an impact on the setting of the mill.
- 5.9 The southern part of the site (where the site runs parallel to the county road) is located within the Landscape Conservation Area as included in the GUDP. The main aim of the designation is to safeguard, enhance or restore the recognised character and quality of these areas. In this particular case and given that the relatively urban character nearby that includes dwellings and an industrial structure and also taking into consideration the unkempt condition of the site as it is, it is believed that the proposal would not affect the integrity of the landscape surrounding the site. It is believed that the proposal is likely to improve the existing situation.
- 5.10 Although this current application is an outline application, the design and access statement submitted with the application refers to the type of houses that are proposed here. The proposed houses will have a simple design and will use the materials seen in the area as natural slate, rough plaster render and uPVC windows/doors. It can be ensured that the proposed houses will have a suitable design and materials by including a relevant condition should the application be approved.
- 5.11 The site is currently deteriorating on grounds of visual amenities (with vegetation being prominent on the site by now) and it is an eyesore in the landscape. Approving this application is likely to be a step towards improving the visual amenities in this part of the village. In terms of the above assessment it is believed that the proposal is acceptable on grounds of the requirements of Policy B3, B10, B12, B22, B23 and B25 of the GUDP and also complies with the advice contained in TAN 12 on Design (2009), Gwynedd Design Guidance (2003) and SPG: Landscape Character, (2009).

General and residential amenities

PLANNING COMMITTEE	DATE: 02/03/2015
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

- 5.12 Residential dwellings are located a stone's throw from the site on the other side of the county road. Given the proposed layout of the houses on the site in relation to the location of the nearby dwellings it is believed there would be no impact on their residential amenities or on their general amenities on grounds of overlooking and loss of privacy. In addition to this, no response was received to the application from local residents. It is therefore believed that the proposal is acceptable based on the requirements of Policy B23 of the GUDP.
- 5.13 Policy CH43 of the GUDP states that open spaces of recreational value will be provided in developments of ten houses or more. In this case however, it is believed that it is not practical on grounds of the design and plan of the site to allow the inclusion of an amenity area for the prospective occupants. Every house will have its own private amenity space and purpose built open play areas have already been established and located within the village itself for the local population.

Transport and Access Matters

- 5.14 The proposal will create a new formal access from the adjacent third class county road and create a new estate road to serve the proposed houses. There is already an entrance to the site from the time it was used for industry. The Transportation Unit does not have any objection to the application, subject to including relevant conditions on any permission. In addition to this, it would be required for the developer to build and design the estate road to be adopted by the Council. It is believed that the proposal, in terms of its location and scale, would not cause a significant increase in vehicular journeys that would be likely to have a detrimental impact on the area's amenities.
- 5.15 The Design and Access Statement submitted with the application refers to the site being accessible to pedestrians, cyclists and public transport users as it is located near the established road network. It also notes that the houses have been designed in order to create suitable access to the broadest possible range of individuals. Given the above considerations, it is believed that the proposal is acceptable in terms of the requirements of Policy CH29, CH30, CH33 and CH36 of the GUDP.

Biodiversity matters

- 5.16 The observations of Natural Resources Wales (NRW) recommend submitting a scheme to incorporate features to avoid direct lighting as the proposal is located next to a river corridor where bats can use this linear feature for foraging and migrating. This can be secured by including a planning condition should the application be approved.

Flooding matters

- 5.17 As referred to above NRW originally objected to the application on grounds of the site being entirely located within an A Zone according to TAN 15 on Development and Flood Risk (July, 2004). In light of the above a flood consequence assessment was submitted, however; its contents did not convince NRW that the flood risk could be effectively managed on the site or in the surrounding area. As a consequence, a meeting was held between the applicant's agent, NRW officers and the Council's Land Drainage Officer and to this end an addendum to the assessment was submitted emphasising that the main problem was the lack of maintenance work on the drainage infrastructure within the site itself in the past.

PLANNING COMMITTEE	DATE: 02/03/2015
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

- 5.18 Given the contents of the addendum, NRW has withdrawn its objection subject to including suitable conditions should the application be approved in order to ensure that the development can be undertaken safely without exacerbating the current situation within and outside the site. The conditions relate to submitting details to be agreed in relation to an agreement to control the watercourse that runs through the site, additional plans indicating the levels of the houses, the drives and the site boundaries along with submitting a surface water management plan. Subject to including these conditions, it is believed that it would be possible to comply with Policies B29, B32 and CH18 of the GUDP.
- 5.19 In addition to the above comments from NRW, the Public Protection Service has also responded to the proposal by stating the possibility that the application site might have been contaminated given its original use as an explosives store. To this end there will be a need to undertake a desktop survey in order to assess the potential risk of pollution on the site itself for developing housing. This requirement can be secured by including appropriate conditions should the application be approved. It is therefore believed that the proposal is acceptable based on the requirements of Policy B30 of the GUDP.

Language and Community Matters

- 5.20 Policy A2 of the GUDP states that proposals which would cause significant harm to the social, linguistic or cultural cohesion of communities, due to their size, scale or location, will be refused. The SPG: Planning and the Welsh Language states that there will be a need to look carefully at how new developments will affect the current pattern of the fabric of society and that developments are required to comply with the requirements of local and national language policies.
- 5.21 For this purpose, the applicant has submitted a Linguistic and Community Statement to support the proposal and the Joint Planning Policy Unit has reached the following conclusions:-
- It is not believed that the scale of the proposal is likely to cause significant growth in the population that would have a detrimental impact on the Welsh language.
 - There will be a need to ensure that a percentage of the houses are affordable homes that will appeal to the local population.
 - The mixture of houses proposed makes the development attractive to the local population, and therefore beneficial to the Welsh language.
 - The development is not likely to have a detrimental impact on the local primary school.
- 5.22 Given this assessment and the abovementioned observations of the Joint Planning Policy Unit, it is believed that the proposal is in accordance with Policy A2 of the GUDP in addition to SPG: Planning and the Welsh Language.

Section 106 agreement matters

- 5.23 The applicant has submitted information that states that the costs submitted with the original application have increased significantly by now and a substantial portion of the costs relate to the latest requirement from Natural Resources Wales on grounds of reducing flood risk within and around the site. There are also pollution matters on the site that need to be resolved. Policy CH4 along with the advice given in SPG: Affordable Housing state that the proportion of affordable homes will vary from site

PLANNING COMMITTEE	DATE: 02/03/2015
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

to site and there will be exceptional circumstances where it will not be viable to provide the desired number. To this end it is believed that the proposal is acceptable based on the requirements of Policy CH4 of the GUDP if two affordable homes can be secured through a 106 agreement.

Educational matters

5.24 The relevant document under this heading is SPG: Housing Developments and Educational Provision (2009), which offers guidance to applicants on residential developments along with the cases where the Local Planning Authority will seek a financial contribution towards local educational facilities. In relation to this, the Gwynedd school capacity statistics for 2014 indicate that there is capacity within the secondary school (Ysgol Brynrefail) and in the local primary school (Ysgol Gwaun Gynfi) along with nearby schools in the catchment which include Ysgol Cwm y Glo and Ysgol Penisarwaun for the number of children that will derive from this development (it is estimated that seven pupils will derive from the development itself). To this end, it is believed that there is no need for an educational contribution from the applicant should this application be approved.

6. Conclusions:

6.1 Taking the above assessment into consideration, it is believed that the proposal is acceptable and complies with the relevant local and national planning policies and guidelines.

7. Recommendation:

7.1 To delegate powers to the Senior Planning Manager to approve the application, subject to the applicant signing a legal 106 agreement to ensure that two of the 17 proposed houses are affordable homes for general local need, and in accordance with the following conditions:-

1. Standard conditions in relation to the commencement of the work/submitting details of reserved matters.
2. Natural slate.
3. NRW conditions.
4. Undertake a desktop survey to assess pollution risk (and any required work).
5. Highways conditions.
6. Welsh Water conditions.
7. Withdrawal of permitted rights from the affordable units



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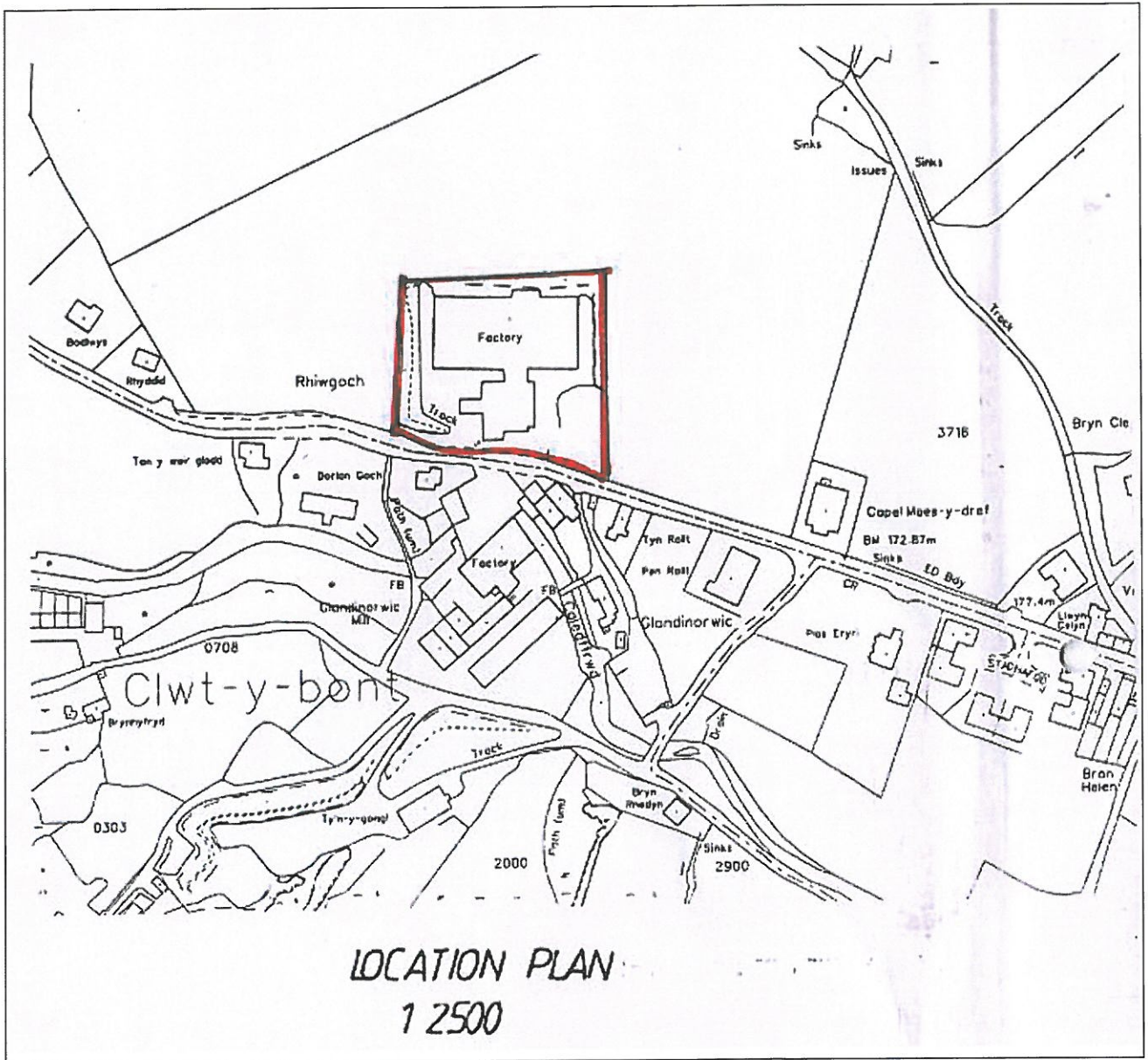
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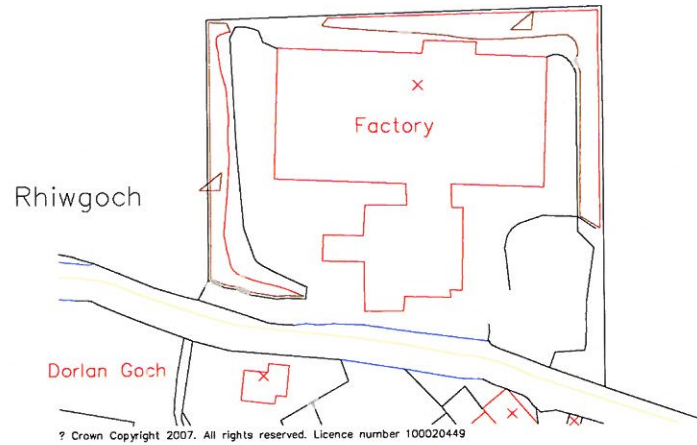


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Proposed New Dwellings on
 Land at:
 Rhiw Goch, Clwt Y Bont,
 Deiniolen, Caernarfon,
 Gwynedd. LL55 3DE



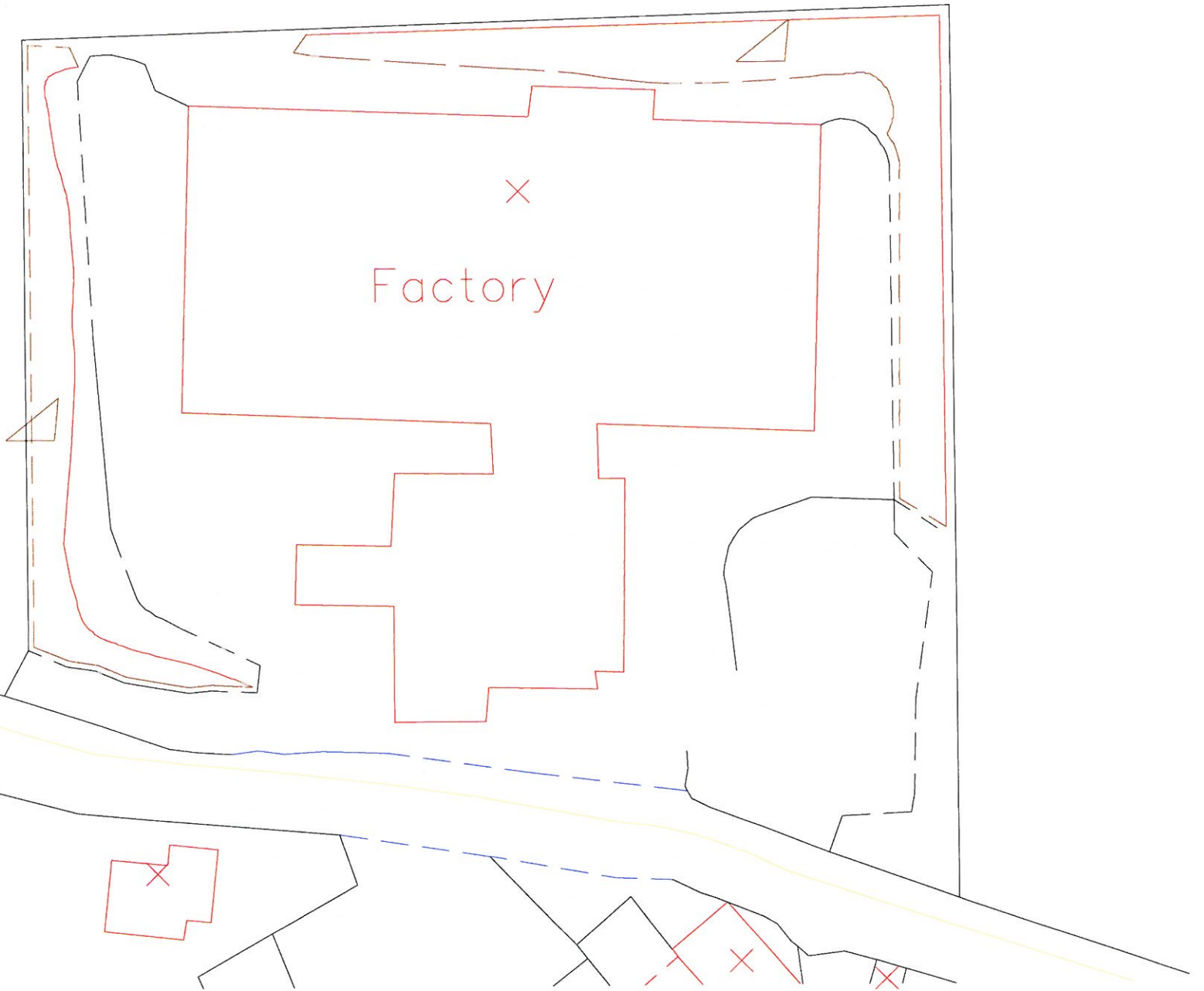
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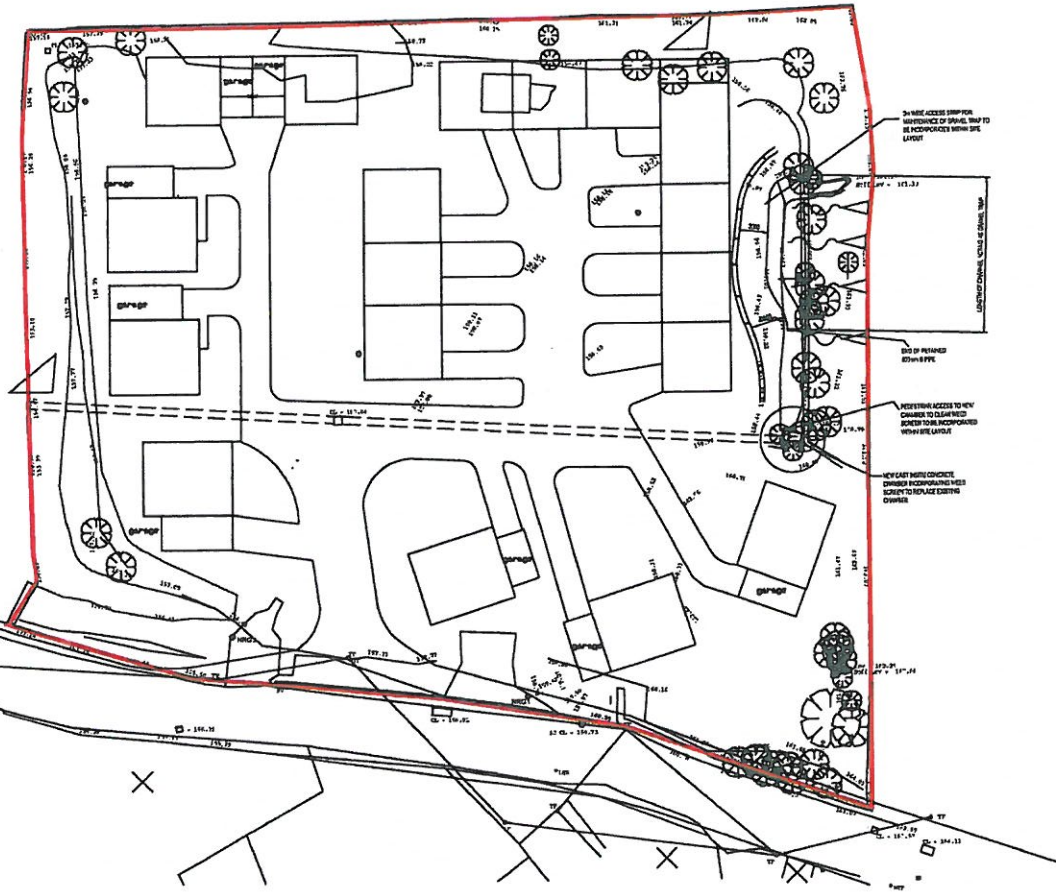
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REVISED PLAN

Derbyniwyd/Received 11.06.14

Llofnod/signature [Signature]

Rhiwgoch

Dorlan Goch



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