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## SUPPLEMENTARY PAPERS

<b>Committee</b>	MAINDY PARK TRUST ADVISORY COMMITTEE
<b>Date and Time of Meeting</b>	MONDAY, 23 JANUARY 2023, 10.00 AM
<b>Venue</b>	CR 4, COUNTY HALL - MULTI LOCATION MEETING
<b>Membership</b>	Independent Members Jason Bartlett (Chair), Arthur Hallett and David Mills

### Representations & Email Correspondence(Pages 3 - 22)

**Davina Fiore**

**Director Governance & Legal Services**

Date: Tuesday, 17 January 2023

Contact: Mandy Farnham, 02920 872618, Mandy.Farnham@Cardiff.gov.uk

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For the attention of the Maindy Park Trust Advisory Committee ahead of the meeting on Monday, 23rd January, 2023

The most recent consultation shows yet again that the beneficiaries of the Trust land, i.e. the people of Cardiff are overwhelmingly against the land swap proposal. Having been overwhelmingly opposed again, does the council now intend to patronise us further by again explaining why we're wrong and continuing to take our public land?

The council have on multiple occasions, including in these advisory committee meetings, stated that the beneficiaries of the covenant are all the citizens of Cardiff, not just Maindy residents. The recent survey included postcodes and a map of responses, so it is now abundantly clear that residents from all over Cardiff do not want to lose the Trust land at Maindy.

It has been confusing, to say the least, that there have been contradictory emails in respect of the new velodrome as part of the economic regeneration plans for Cardiff Bay - some saying that it has been decoupled from the land swap with alternative funding available, while others indicating that it is still a dependency and that without the Bay project cannot proceed as per the case approved in outline.

While economic prosperity can be a charitable purpose, it is not one of Maindy Park Trust's and therefore, would fall outside such consideration. Please will the Cttee today set out clearly whether the Council's economic regeneration plans are part of the Committee's considerations.

The provision of education is also a charitable purpose but is not one of Maindy Park Trust's and therefore would fall outside such consideration. Please will the Cttee set out clearly today whether the Council's education plans are part of the Committee's considerations.

In Appendix A, paragraph 11 of the agenda document for this meeting it is stated that "The proposed use of part of Maindy Park for the school expansion is not compatible with the objects of the Maindy Park Trust as the objects of the charity, based upon the covenants set out in the 1922 Indenture, are to use the land for recreation, playground and open space". Given this: please could the committee explain how the Trustee can meet that object if the

Maindy land is no longer in their possession and how that could possibly be in the best interest of the charity?

Submitted for consideration,



Chair, Association of the Beneficiaries of the Covenanted Land at Maindy Park & of the Maindy Park Trust

For the attention of the Maindy Park Trust Committee to assist their consideration of whether there is equivalence in Cardiff Council land to be swapped in exchange for charity property held in trust by the Maindy Park Trust at their meeting to be held on the 23/1/23.

Dear all,

My written representations will be focused on 'new' points that I have not covered in my previous submissions to yourselves.

Before I get into the specifics I would just like to say that I was very disappointed to learn that the timescale available for submitting further representations was limited to just two days.

The cover report prepared for this meeting states at para 9 *'it was agreed that objectors would be given as much notice'*

Whilst Davina notified us on the 4/1/23 that we could make representations from this date until the 19<sup>th</sup> which on face value appeared to give us around 2 weeks to prepare, this was not the case.

The representations could only be 'new' points, and realistically any new points were only going to materialise once we'd had sight of the report prepared for this meeting. This report wasn't going to be uploaded to the Council website until the 17<sup>th</sup> and given that the cut off date for responses was 19<sup>th</sup>, hence only 2 days to respond.

I would also like you to know that the report wasn't uploaded until 9pm on the 17<sup>th</sup>.

### **Point 1**

The work and process of this committee has and is being continually undermined by the seriously conflicted leader of the Council.

During the latter part of 2021 the Charity Commission informed the Council that there was a conflict of interest for the proposals being brought forward as the Council were both trustee and developer. (Conflict has been in place a lot longer but already covered previously)

However since that date the leader has continually voiced his support for the expansion of the school onto the charity land, even during this 2<sup>nd</sup> land swap consultation. This support has been published online and hard print.

In June 2022 he stated that the charity land was just **'a disposable piece of land'** and that *'we are doing this is to enable the construction of a desperately-needed new high school for kids who, in some cases, are coming from really challenging backgrounds.'*

<https://nation.cymru/news/im-as-keen-as-anybody-to-get-that-bus-station-open-an-interview-with-the-leader-of-cardiff-council/?fbclid=IwAR3NAEFryGdNvnlp5hVDEnUcoNlthBPi89zoyyKtyqTXIE4G8G70YezxuYE>

In September 2022, at the full Council meeting where this committee was established, he stood up and finally publicly declared the Council's conflict, and that he couldn't take part in any decisions relating to the school or velodrome proposals as he was personally conflicted.

However on 27/12/22, during the 2<sup>nd</sup> land swap consultation he made the following public statement which included *'we want to ensure that we take decisions in a manner that is legal. We took legal advice on the best way of ensuring that and that is where the advisory committee came*

about. In terms of timeframes – and again **it is frustrating because it slows the process down** and it impacts on **the delivery of a new school which is what we are committed to doing** ‘and ‘I am clear in my mind that that school building needs replacing and that is to secure the education environment for over 1,000 children – many of whom are from some really challenging backgrounds. If there is no way of delivering a school as planned on that site we will reflect and see what other options are available to us. I fear that will come with more delay and more disruption to the pupils in that school and I think that feels pretty unfair.’

[https://www.walesonline.co.uk/news/wales-news/cardiff-council-leader-warns-changes-25680148?utm\\_source=wales\\_online\\_newsletter&utm\\_campaign=daily\\_newsletter2&utm\\_medium=email&fbclid=IwAROL4JAhsWGn5ViBSmCg0j5Au\\_erhZk8KMjy7CZQsZUAt8m70-GHCpHYE-k](https://www.walesonline.co.uk/news/wales-news/cardiff-council-leader-warns-changes-25680148?utm_source=wales_online_newsletter&utm_campaign=daily_newsletter2&utm_medium=email&fbclid=IwAROL4JAhsWGn5ViBSmCg0j5Au_erhZk8KMjy7CZQsZUAt8m70-GHCpHYE-k)

Both articles also contain misleading and incorrect statements such as ‘**what we are proposing is to transfer the covenant from one piece of land to another and that in effect gives additional protection to that land**’ and ‘‘**On the land that we are talking about now, the remaining third of which becomes a public park. I understand the concerns of the community, but I think people need to step back and look at the overall plans as a whole and see the positive impact ....but also the community in terms of their access to parkland which doesn’t exist at the moment.**’’

The leader should not be publicly declaring his support for the school expansion. These statements have compounded the conflict further.

## **Point 2**

The committees terms of reference for the land swap decision do not include :

- improvements that could be made to the replacement land to improve its amenity value
- aid expansion of high school
- aid completion of the sports village
- evaluation of the sport facilities that could be created by the school expansion

The terms of reference are as follows:

*To consider whether the **land exchange proposed** by Cardiff Council in its statutory capacity as local authority **should be agreed by the Maindy Park Trust** (‘the Charity’), **having regard to the best interests of the Charity and its beneficiaries, and all relevant evidence in this respect, including (but without limitation to) independent valuation advice on the relevant land and views submitted in response to the public consultation on this matter.***

As detailed in para 12 of the cover report dated 17/11/22, when making their decision the committee must consider ‘*whether the proposed land swap is in the best interests of the Charity and its beneficiaries, **having regard to the suitability of the proposed replacement land, compared with the land at Maindy Park, for meeting the objectives of the Charity, and any difference in the financial or amenity value of the land.***’

The land exchange proposed / relevant land in this case is Caedelyn in its current form, and which was deemed of equivalence in amenity and financial value by Cooke & Arkwright.

I note in para 10 points (iv)& (v) of the cover report that the Council are inviting the committee to consider improvement works to enhance the amenity value of the replacement land. However this is then followed up with none of these works would be deemed essential and are likely to be subject to public consultation and then agreement by Council.

What the Council could or couldn't do is irrelevant speculation and it is not within the terms of reference for the decision to be made on the land swap – it should not be a consideration.

*This committee terms of reference are to make a decision for the **land exchange proposed** and **all relevant evidence in this respect**, not to consider and make a decision for a piece of land that may or may not be improved in the future.*

### **Point 3**

Following the last meeting this committee asked for additional information in respect of any equalities implications surrounding the design / accessibility of the new velodrome compared to the current velodrome.

I note the report at para 10 (vii) states that this information has been incorporated into the updated Equalities Impact Assessment detailed at appendix F.

This information is in fact the 3 letters of support for the design that were detailed in the report at the previous Trust meeting in November. The difference this time is that they are unredacted.

So this committee has not been provided with any new information that would support the design for the replacement velodrome, in that it provides the same accessibility as the current Maindy velodrome.

I am now in receipt of a document (which has been provided by the Council ) that evidences the new proposed design will result in a track bike facility.

The evidence is a power point presentation that details findings of a field study carried out on UK velodromes by the Council project team. These findings apparently support the Councils mantra that the replacement velodrome is suitable for all and both types of bikes.

The review from the outset appears to be fundamentally flawed as it was looking at velodromes that were greater in size than the proposed replacement instead of smaller.

The review should have been carried out looking at velodromes of equal size or less

Given that there are no other 333m velodromes in the UK the review seems pretty pointless.

8 velodromes were visited - 7 can be deemed irrelevant straight away as the maximum banking is less than that proposed for the new velodrome

There was no diagram / spec detailing either a 333m velodrome or the new velodrome.

Anyway, fast forward to page 16 and the report also mentions that the new track geometry was also compared with York & Middlesbrough velodromes which weren't visited.

Now what the report doesn't tell you is that both these are 250m, 30 degree banking and track bike specific. They also both have a 4 stage accreditation process. York also specifies that when wet it cancels sessions and it is only open 6 months of the year. Participants need to be age 14+ for structured sessions. To ride unsupervised requires passing up to level 3. Its not clear whether this age restriction / accreditation would apply to club sessions. Middlesbrough even refers to fleet of Hoy track bikes.

<https://www.york-sport.com/cycling/velodrome/>

<https://www.britishcycling.org.uk/about/article/20160512-Middlesbrough-Velodrome-to-create-more-cycling-opportunities-following-official-opening-0>

The geometry for the 8 velodromes visited (of which 7 are irrelevant) plus York & Middlesbrough were plotted on a graph. A line of best fit was plotted along with the geometry of the proposed replacement. I have attached a graph that displays the results.

And the result – the closest match by far to the geometry of the replacement velodrome geometry was the data plotted for York & Middlesbrough – both track bike facilities only.

### Conclusion

The project team have used data from larger, shallower banked velodromes of 400m and larger to try and conclude that a smaller, steeper velodrome is suitable for all ages, abilities and types of bikes.

However the geometry has been plotted on a graph which proves conclusively that the new design is an almost perfect match to York and Middlesbrough.

Both are 250m outdoor velodromes which are track bike only and are age/ability restricted.

The project teams conclusions are not consistent as they don't match the data. The conclusions drawn are directly at odds with the findings.

### **Point 4**

Results of second land swap consultation.

60% of respondents hadn't taken part in first land swap consultation

#### Question 1

737 responses received inside Cardiff

Only 54 responses supported proposal, with 31 providing supporting comments

#### **93% objected to proposal to exchange land at Maindy**

33 - Number of objectors outside Cardiff

#### Question 2

731 responses received inside Cardiff

Only 60 responses supported proposal, with 5 providing supporting comments

#### **92.3% objected to proposal for replacement land at Caedelyn**

33 Number of objectors outside Cardiff

Page 22 contains a map which identifies where the respondents live in Cardiff. Unlike previously suggested, people who object to these proposals do not all live within the immediate vicinity of Maindy velodrome, they come from all over Cardiff.



So yet again the consultation results speak volumes – there is huge opposition from the majority of beneficiaries to the charity land at Maindy Park being lost under this proposed land exchange.

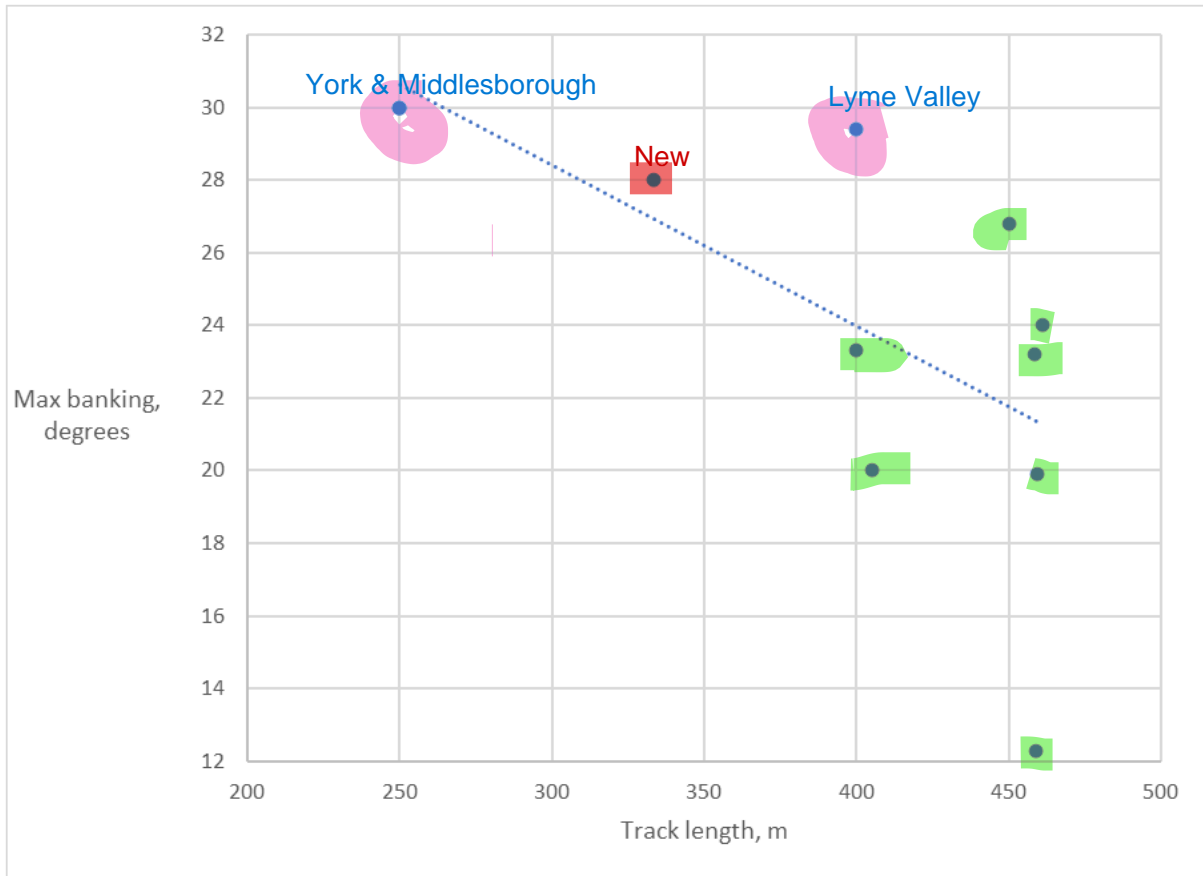
The supporting comments clearly evidence that there would be no benefit to the charity or the beneficiaries, only a loss which would not be compatible with the Charity objectives.

This committee has to make a decision in the best interests, which includes having regard to the outcome of this latest public consultation,

I therefore urge this committee not to approve the land swap.

Submitted for consideration

██████████



1. The data for these 7 velodromes should be discarded as banking less than that proposed for new design - not relevant. Data should not have been included & plotted for velodromes of greater length and shallower banking.
2. After removing this irrelevant data this then leaves data plotted for 3 velodromes which are York,,Middlesbrough (recorded as one plot for length of 250) and Lyme Valley 400m
3. Line of best fit then plotted along with geometry for new velodrome
4. Result - geometry is closest by a mile to that of the 250m velodromes which are track bike only

## **Vulnerable User Beneficiaries of the Maindy Park Trust charity land**

### **– Statement to members of the Advisory Committee in respect of the so-called consultation on the new proposal to take 30% more of the charity’s land –**

#### **Setting the scene**

2021 Census data for Cardiff records over 20% of residents are disabled under the Equality Act with their day-to-day activities limited.

Public Health Wales sets out that impact assessments must:

- Exhaust all avenues for obtaining pertinent information and data
- Assess differential impacts (recognising that different people are impacted in different ways) as well as negative and positive impacts
- Facilitate wide consultation including accessible formats, publicising it in different ways to be sure of reaching different groups, and adapting methods to suit these different groups.

In particular there is a responsibility to ensure that the groups most adversely affected are engaged with and that all protected characteristic groups are represented.

#### **You have failed to engage in any meaningful way with us despite multiple requests**

There has been a complete failure to engage with the community, both generally and with vulnerable users in particular even though we represent around 1 in 5 of the beneficiaries of the charity.

1. Refusal to meet with vulnerable users on site

Instead, secret visits were held with Officers who had either previously failed to complete any impact assessments [open correspondence with the Cabinet Member for Parks reveals that no assessment had been conducted at any time before the Advisory Committee was set up on 29 September 2022] or who had completed inadequate ones that required new to be prepared.

We do not believe that have any appreciation of the challenges, disadvantages and discrimination that will be caused by the proposed land swap: you have made a choice not to see it through our eyes, walk in our shoes or alongside our wheelchair or pram, and understand our lived experience and how vital a lighted, safe environment is for our health and wellbeing. For example: did you know that the online Cardiff Bus route map does not show any service as stopping on the stretch of the A470 that has the main entrance gates to Cae Delyn Park (and the proposed area of land to be given to the Trust is actually furthest away from the access points)?

There is, therefore, no way in which any decision or recommendation you make which would endorse the land swap can claim to have considered fully and only on the needs of beneficiaries and what is in the “best interests” of the charity.

2. Failure to engage on the new proposal

In the notes we gave to our advocate for your last meeting (in November 2022,) and which we believe were fully and clearly read to you as our voice, we specifically pointed out that when the 1<sup>st</sup> proposal for a land swap was announced the way in which the Council choose to restrict how information was made available, the time scale allowed, the digitally exclusive route for obtaining further information and submitting

responses, the lack of any public meeting or on site interaction severely impacted on our ability to participate and make our views known and our voice heard.

We could, therefore, be forgiven for expecting that any new proposal would learn from this digital exclusion and ensure, as per Public Health Wales guidelines, that different methods would be used to ensure that different groups would be reached.

Appendix A contains the evidence for the total and abject failure on your part to ensure that this was done. There are photographs (a selection only – the full set is available on request) which compare and contrast a consultation undertaken at the same time affecting a small part of Roath rec and the parking at the community centre/library.

The contrast is remarkable and damning of the purported attempt to call the Maindy Park Trust effort a “consultation”.

The only reasonable conclusion that can be reached is that neither you nor the people who appointed you did not genuinely want to engage with members of the community on this matter, and particularly sought to exclude as many people as possible (especially many who do not have digital access at home and the period for responses included many days when libraries and hubs were inaccessible during the festive period).

### **Finally**

We, the most vulnerable, want to know why we are ignored, why we are not considered, why appropriate resource was not used to seek our inclusion and participation in the consultation on this new plan, why the financial benefit of millions of pounds to the Council is put above our safety and our ability to be active in our local community.

The Council told us to put our trust in you because you would look out for the best interests of the beneficiaries – and only consider those interests.

Any recommendation you now make that includes depriving us of use of all of the land and facilities under the charity’s stewardship means you will have failed to fulfil this duty.

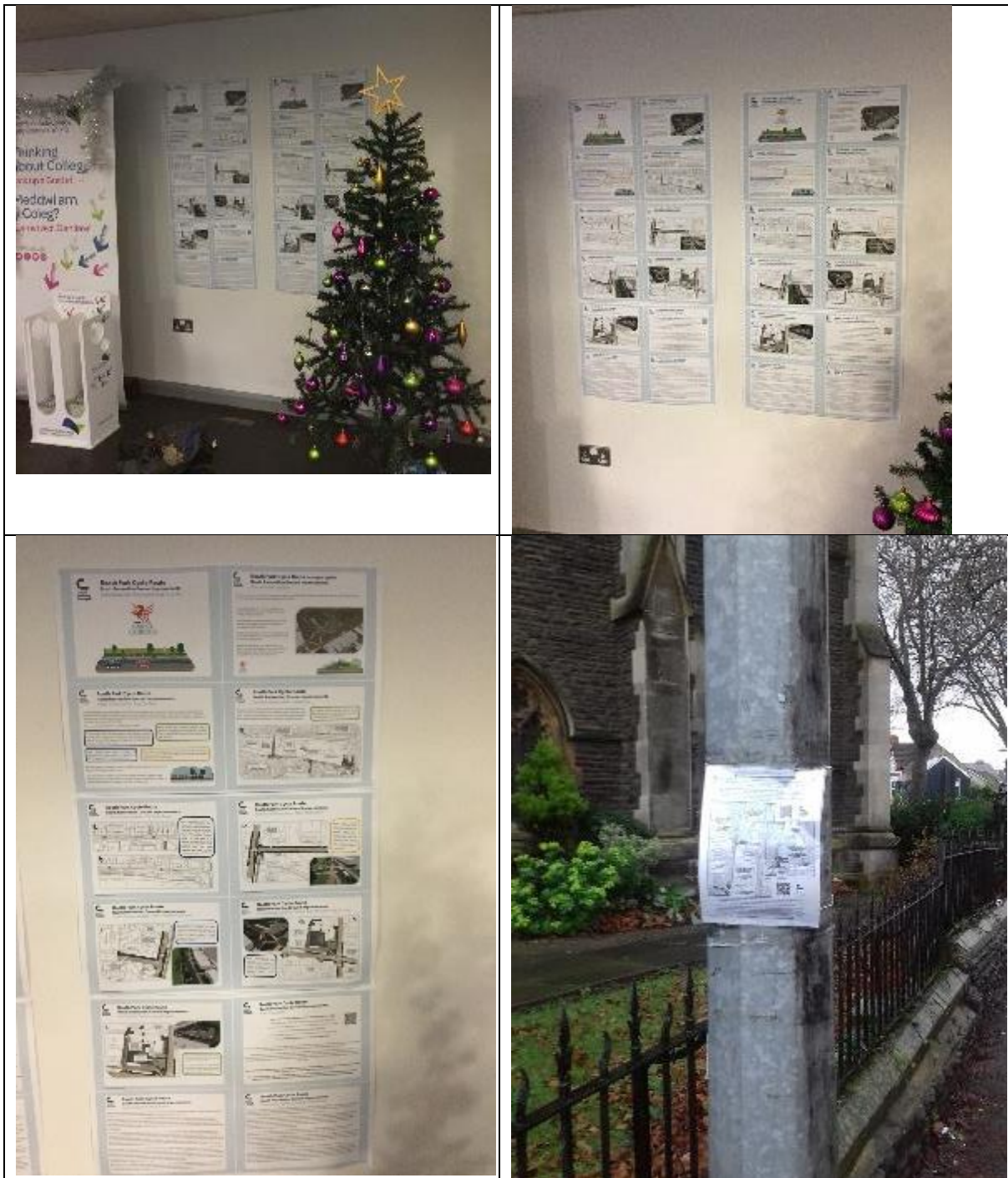
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## Appendix A: Compare & contrast

### 1. Penylan Community Centre & nearby

First consultation: “257 responses were received via the survey link to the consultation, as well as a small number of emails”

Second consultation: details available at entrance area of community/centre; posters on lampposts and other easy-to-see parts of the neighbourhood; consultation period extended by 9 days once it was appreciated the impact of post and Christmas/New year would have on constraining the ability to participate and respond.





12 page document with detailed information

2. Maindy Park perimeter and on its grounds (permission to take photographs inside the leisure centre was not given)

First “consultation”: 253 emails received

Second “consultation”: small advertisement on one day in the newspaper with smallest circulation among Cardiff residents. Council website unavailable for several hours on the day immediately before the deadline for “scheduled maintenance” so it would have been known in advance.



The entire perimeter and grounds were inspected and photographed should the Charity Commission require full evidence of the absence of effort to actually engage – following is just a selection.



(Permission to take photographs inside the leisure centre was not given; however, several people visited on different days and can confirm the absence of any notice or information)









[REDACTED]

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**From:** Fiore, Davina  
**Sent:** 19 January 2023 20:42  
**To:** savemaindy cycletrack  
**Cc:** [REDACTED] Crane, Richard; Jones, Eirian; Jones, Donna (County Estates)  
**Subject:** RE: Maindy Park Independent Advisory Committee - next meeting 10am Monday 23rd January 2023

Dear Chris,

I am sorry but I did not give assurances that the papers would be published earlier than the statutory requirement which is three clear working days before the meeting, not including the day of the meeting and the day of publication. I said we would try but I could not guarantee it. Many staff take leave over the Christmas and New Year period and given the decision to reconsult on the amended plan and existing workloads it was not possible to publish the report early. We did however give you earlier notification of the date of the meeting (you were notified at the end of November), and we have sought to be fair and reasonable throughout this process.

Appendix F is the Equalities Impact Assessment, which is only recording the impact on those people with protected characteristics (eg. race, sex, gender, disability, marriage status). It is not intended or designed to record all of the objections.

I will ask the relevant officers to provide the information to answer your other queries and I will try to have this information available on Monday.

Davina  
Davina Fiore  
Director of Legal and Governance and Monitoring Officer

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**From:** savemaindy cycletrack [REDACTED]  
**Sent:** 19 January 2023 18:22  
**To:** Fiore, Davina [REDACTED]  
**Cc:** [REDACTED] Crane, Richard [REDACTED]; Jones, Eirian [REDACTED] Jones, Donna (County Estates)  
**Subject:** Re: Maindy Park Independent Advisory Committee - next meeting 10am Monday 23rd January 2023

**EXTERNAL:** This email originated from outside Cardiff Council, take care when clicking links.  
**ALLANOL:** Daw'r e-bost hwn o'r tu allan i Gyngor Caerdydd, cymerwch ofal wrth glicio ar ddolenni.

Dear Davina,

Thank you for your email of 4/1/2023 and offer to our group for a representative to speak. I confirm a member of the Save Maindy Velodrome campaign group look forward to addressing your Committee.

Unfortunately you've again given far too little time to properly review and respond to the documents you uploaded on Tuesday night. You allowed the same minimal time at the first Advisory Committee meeting and this issue was raised then, but it happened again at the second AC meeting where you gave assurances this unfairness would not be repeated yet it's now

happened a third time. I appreciate you're role is under the [REDACTED] 'team' who are the 'developers' in this matter but this is not acceptable, you should have tried to make an effort to be fair.

After a brief scan of your documents there's a few initial queries:

**Comment 1:** In Appendix F (extract below in italics), despite the many hundreds of written objections Cardiff Council could only find a small paragraph on the negative impact of the proposal. By ignoring the questions, Cardiff Council are treating people who've raised serious concerns with what is in effect, contempt:

*Appendix F pdf page 5 Title: Please give details/consequences of the differential impact, and provide supporting evidence, if any.*

*Cardiff Council's response: The proposal could have both positive and negative impacts The proposed land to be taken from the Trust, will have a negative impact on disabled people as it will be fenced off for another use and as such will not be accessible. Potentially the distance to the exchanged land could prove difficult for those with visual, physical or mobility impairments who wish to access it. The remaining land in the Trust's ownership at Maindy Park Trust is intended be improved as part of the wider project which will be accessible and inclusive to people of all abilities and those who are disabled and as such will have a positive impact.*

**Comment 2:** In Appendix F pdf page 12 Cardiff Council (extract below in italics), imply they organised a public meeting when they did not, the Save Maindy Velodrome campaign organised the meeting (no Councillor or Council Officer attended the event even though they were invited). This needs to be corrected:

*In all, 242 responses were received to the advertisement, and a public meeting was held and the Council responded to many FOI queries and direct queries to Council officials and ward members.*

**Comment 3:** In the Accounts in Appendix K, who received the payment of £10.82 for Governance costs? Also what item or service did the payment cover?

**Comment 4:** On pdf page 5 the Council write that "*The former bowling greens have been closed for a number of years due to the lack of support and club and one of the areas has been used by Cathays High School as additional car parking for staff.*" With regards the bowling green, this is incorrect, as described in the links below Cardiff Council treated the club with contempt:

<https://www.walesonline.co.uk/news/local-news/bowling-community-astounded-proposal-close-2505070>  
<https://www.walesonline.co.uk/news/wales-news/bowling-green-maindy-bowls-cardiff-16245158>

Your Valuers report also noted that the car park was constructed illegally and this should be made clear in your report?

Yours sincerely,

[REDACTED]

[REDACTED]

Save Maindy Velodrome

On Wed, Jan 4, 2023 at 5:59 PM Fiore, Davina [REDACTED] wrote:

Dear Chris,

Further to my email below, I am writing to inform you that the Advisory Committee have decided to allow a representative from your group (and the other groups who have made representations) to address the Committee at their next meeting for up to 5 minutes for each group on any new points you have not previously raised for the Committee's consideration. If you or another group member wish to address the Committee you must inform us by email to [REDACTED] of both your intention to attend and speak and of the new points you wish to raise by midday on Thursday 19th January. The agenda and report for the meeting on 23rd January will be published on Tuesday 17th January. Please note the Committee are expecting to be in a position to reach their

recommendation at or soon after the next meeting, unless they consider there is a substantial new point which has not been answered, explained or otherwise dealt with to their satisfaction.

Best wishes,

Davina Fiore

**Director of Legal and Governance and Monitoring Officer, Cardiff Council**

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**From:** Fiore, Davina

**Sent:** 30 November 2022 15:45

**To:** [REDACTED]  
**Cc:** [REDACTED]; Crane, Richard [REDACTED] Jones, Eirian [REDACTED] Jones, Donna (County Estates) [REDACTED]

**Subject:** Maindy Park Independent Advisory Committee - next meeting 10am Monday 23rd January 2023

Dear Chris,

At its meeting on 17<sup>th</sup> November, having carefully considered all the information presented, including written and oral representations, the Committee decided to adjourn and seek further information in relation to certain specific matters before making its recommendation to Cabinet whether to progress a land swap in relation to Maindy Park and Cae Delyn. They indicated that they did not consider Blackweir is suitable for a land swap. The information the Committee asked council officers and the external advisors to the Trust to provide is:

- A definitive plan which accurately shows the trust land needed for the school which would be the basis of the land swap, and clarity about any proposed shared use of parking/access/ external pitches and the hours of such use, and up to date valuation advice on the basis of this.
- Information in relation to the trust accounts and whether any income from the velodrome and carparking should have been apportioned into the trust accounts to be used for trust purposes.
- If they were to recommend a land swap with Cae Delyn, what improvements could take place to ensure the amenity value of the land for recreation/public open space is maximised. They have also requested advice on whether there is any potential conflict between the trust objectives and current usage/ownership.
- Clarity on the velodrome design so that any equality impacts of the design may be taken into account.

Please note the next meeting of the Independent Advisory Committee is scheduled to be at 10am on Monday 23rd January 2023.

May I take this opportunity to wish you a Merry Christmas and a Happy New Year.

Davina

Davina Fiore

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Hapus i gyfathrebu'n Saesneg neu yn y Gymraeg

Happy to communicate in English or Welsh





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