In pursuance of its powers under the Acts an Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application

wrexham
COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL
wrecsam

Applicant	MR JOEL REES-JONES NATIONAL RESOURCES WALES	**Code Number**	ERB P/2023/0876
Agent	NATIONAL RESOURCES WALES MR JOEL REES-JONES UNIT 10-12 BALA ENTERPRISE PARK BALA	**Date Received** **Decision Date**	28/11/2023 12/02/2024

Town and Country Planning Act, 1990

Location of application

ERBISTOCK WEIR, ERBISTOCK, , WREXHAM, , LL13 0DR

Description of application

TYNNU RHAN O'R CORED A GWAITH CYSYLLTIEDIG / PARTIAL REMOVAL OF WEIR AND ASSOCIATED WORKS

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Local Development Plan which are as follows:-

DM1	Development Management Considerations
NE1	International and Nationally Designated Nature Conservation Sites
NE3	Trees, Woodlands and Hedgerows
NE5	Special Landscape Areas
NE6	Waste Water Treatment and River Water Quality
SP11	Transport and Accessibility
SP12	Design Principles & Masterplanning Framework
SP13	Health and Wellbeing
SP14	Natural Environment
SP15	Historic and Cultural Environment
SP18	Climate Change
SP2	Location of New Development

Revision	Date	Description of Decision
0	12/02/2024	Planning permission issued

Particulars of decision that permission be GRANTED
Subject to the following:-

Condition(s)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.

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2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered:
Plans
Location plan 4033_ErbistockWeirPlanning
60672359 ACM XX-XX-DR-CE-100002 P1
60672359 ACM XX-XX-DR-CE-100001 P1
60672359 ACM XX-XX-DR-CE-100035 P1
60672359 ACM XX-XX-DR-CE-100033 P3
60672359 ACM XX-XX-DR-CE-100025 P2
60672359 ACM XX-XX-DR-CE-100020 P2
60672359 ACM XX-XX-DR-CE-100010 P2
60672359 ACM XX-XX-DR-CE-100000 P2(1)
MS3 Concrete specification
MS4-RC thermal crack width
Appendix VII Tree protection plan A2-250
Reports:
Erbistock Weir project proposal V1
MS1 Outline method Statement P01
PEA C - Preliminary Ecological Appraisal Aecom October 2020
Method Statement MS 1 - Outline Method Statement P01 MS 4 - RC thermal crack width (BS8007) and MS 3 - Concrete specification (BS8500).
Flood Risk Activity permit DFR-NM-2023-0054 Erbistock weir Removal permanent 9/8/2023
Appropriate assessment Project HRA0 Erbistock v1
Life River Dee- Weir Fish Pass Detailed Design Appendix B.d sediment sampling note dated 15/8/2022

Applicant statement on construction works and water quality issues dated 31/1/2024
Tree Report Mynydd Timber Services Limited dated 25/3/2023 and appendices 1-7
AECOM Life Dee River Restoration of Natural Features LIFE18 NAT/UK/000743 March 2021
and as contained within the application documentation.
3. The development shall be carried out in strict accordance with the findings and recommendations contained within the Ecology Assessment 60627686 as carried out by AECOM and dated October 2023 approved as part of this application. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.

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4. No development or phase of development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:
• Construction methods: details of materials, how waste generated will be managed;
• General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containment areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
• Management of sediment/silt release and run off.
• Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
• Details of timing of in-channel works to avoid migratory fish embargo dates in line with the 'Salmon and Freshwater Fisheries act 1975' section 2 (4).
• Soil Management: details of topsoil strip, storage and amelioration for re-use.
• CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
• Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of dust control measures; measures to control light spill and the conservation of dark skies. Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
• Traffic Management: details of site deliveries, plant on site, wheel wash facilities.
• Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
• Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
• Ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
• Details and associated plans concerning otter reasonable avoidance and mitigation measures (prior to and throughout the duration of any work);

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• Details of measures to prevent the accidental capture/killing of otter.
• Details of Pre-commencement surveys for trees T37 and T38 prior to any felling works taking place, to ensure the potential presence of bats is confirmed prior to construction and where necessary remedial measures are implemented for their protection.
The CEMP shall be implemented as approved during the site preparation and construction
phases of the development.
5. No part of the development shall commence until an appropriate archaeological survey (Level 3 Archaeological Survey - Chartered Institute for Archaeologists' (ClfA) Standard and Guidance for the archaeological investigation and recording of standing buildings or structures (2020b), Standard and Guidance for Historic Environment Desk-based Assessment (2020b)). of the existing structures has been carried out by an archaeological contractor, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. The resulting survey including digital photographs shall be forwarded on appropriate digital media to the Local Planning Authority and the Development Control Archaeologist (Clwyd-Powys Archaeological Trust, Coed y Dinas, Welshpool, Powys, SY21 8RP. Email: neil.bayliss@cpat.org.uk Tel: 01938 553670 / 552045). After approval by the Local Planning Authority, a copy of the photographs should also be sent to the Historic Environment Record Officer, Clwyd Powys Archaeological Trust, Coed Y Dinas, Welshpool, Powys, SY21 8RP for inclusion in the regional Historic Environment Record and an archive copy should be lodged with the National Monuments Record, RCAHMW.
6. The development shall be carried out in strict accordance with the following plans and report(s) submitted and approved as part of this application:
1) Arboricultural Implication Assessment and method statement by Mynydd Timber Services Ltd dated 25/3/2023 with appendices I - VII
2) Tree Protection Plan ref no. JS_TPP_31_3_23 Rev 1
No development or other operations shall take place except in strict accordance with the reports as approved.

Reason(s)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.

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2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
3. In order to protect wildlife interests in accordance with Policies DM1 and SP14, NE1 and NE2 of the Wrexham Local Development Plan.
4. A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction. In order to protect wildlife interests in accordance with Policies DM1 and SP14, NE1 and NE2 of the Wrexham Local Development Plan.
5. The site may contain archaeological remains which should be recorded if they are damaged in accordance with Policies DM1 and SP15 of the Wrexham Local Development Plan
6. To preserve the health, safety and amenity value of the tree(s) in accordance with Policies DM1, SP12, SP14 and NE3 of the Wrexham Local Development Plan.

Note(s) to applicant

Your attention is drawn to Highway Supplementary Notes - Refer to Statement of Applicant's Rights and General Information on our planning web site at:-
http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm

All works in relation to the implementation of this permission, including deliveries to and /or leaving the site, should be undertaken only between the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60 Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution.

The applicant is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance

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Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

The applicant must adhere to the times given above wherever possible. If, however, there are urgent or unavoidable circumstances requiring work outside of the specified times, permission to proceed may be sought by contacting Environmental Health & Housing Standards at healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.
Warning: A European protected species (EPS) Licence is required for this development.
This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang+en
The development is adjacent to a public right of way and the applicant should ensure that the footway is not interfered with. Further guidance can be obtained by contacting the Council's Rights of Way Officer on 01978 792761.



David Fitzsimon
Prif Swyddog Yr Economi a Chynllunio
Chief Officer Economy and Planning

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