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 CHRIS MEREDITH

Reference P/2024/0266

Decision Date 15/10/2024

Town and Country Planning Act, 1990

Location of Application

WEIR AT FELIN PULESTON, ERDDIG, WREXHAM, LL13 7RE

Description of Application

DYMCHWEL A GWAREDU CORED GONCRID A GWAITH CYSYLLTIEDIG, GOSOD 4 NODWEDD GWIRIO GWELY AFON, AILRADDIO A LLEDU SIANEL YR AFON / DEMOLITION AND REMOVAL OF CONCRETE WIER AND ASSOCIATED WORKS, INSTALLATION OF 4 BED CHECK FEATURES, REGRADING AND WIDENING OF RIVER CHANNEL

In reaching this decision the Council has had regard to the following relevant policies: -

National Policies and Technical Advice Notes (TAN):
TAN 5 : Nature Conservation and Planning

Wrexham Local Development 2013 – 2028:

DM1- Development Management Considerations
NE1 - International and National Nature Conservation Designations
NE2 - Local Designations for Nature Conservation and Geological Importance
NE3 -Trees, Woodlands and Hedgerows
SP14 - Natural Environment

Revision	Date	Description of Decision
0	15/10/2024	Planning permission issued

Particulars of decision : 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 following plan(s) and document(s): DR-2021-0074 Sheet 1 and location plan

3. The development shall be carried out in strict accordance with the findings and recommendations contained within (Whitnall, S. (2023). Clywedog Weirs – Felin Puleston, Wrexham, Preliminary Ecological Appraisal. Cheshire Ecological Services. Unpublished Report No. 750.165/06.23/SW). The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.

4. The development shall be carried out in strict accordance with approved document : Felin Puleston Weir - Outline Method Statement, Dynamic Rivers, November 2022 and the pollution prevention and silt control measures proposed shall be fully implemented.

5. The mitigation proposed within approved document; Felin Puleston Weir Optioneering and Design Report (prepared by Dynamic Rivers, November 2022, Version 1.0) together with a post-removal monitoring plan shall be fully implemented. This plan should include fixed-point photography, preferably at the same locations as the original photo-survey. Monitoring should focus on the performance and movement of the rapid features, bed-check feature, condition of the upstream banks and condition of the banks where floodplain widening has taken place.

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6. No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with Method Statement as is approved. The Method Statement shall include the following: 1) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
2) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
3) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone , including any related sections and method for avoiding damage to retained trees;
4) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
5) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
6) Method for protecting retained trees during demolition works;
7) Details of all proposed tree works, including felling and pruning.

7. Prior to the commencement of development, an Otter survey, together with any necessary Reasonable Avoidance Measures shall be submitted to and approved in writing by the Local Planning Authority. Such details as maybe approved shall be fully implemented.

Reason(s)

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

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

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2 To comply with Section 91(3) 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 To prevent unacceptable pollution of the watercourse in accordance with Policy DM1 and SP14 of the Local Development Plan.

5 To mitigate against short-term impacts to the current equilibrium of the channel in accordance with Policy DM1 and SP14 of the 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.

7 In order to protect wildlife interests in accordance with Policies DM1 and SP14, NE1 and NE2 of the Wrexham Local Development Plan.

Note(s) to applicant

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.

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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 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.

The Applicant is advised that under the dust from construction and / or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated, and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.



David Fitzsimon
Prif Swyddog Yr Economi a Chynllunio, Cyngor Bwrdeistref Sirol Wrecsam
Chief Officer Economy and Planning, Wrexham County Borough Council

Refer to Statement of Applicant's Rights and General Information on our planning web site at:-
Planning and building control | Wrexham County Borough Council