

Gethin Morris
Natural Resources Wales
Unit 10-12
Bala Enterprise Park
Bala
LL23 7NL

Our ref: DFR-NM-2023-0054

Date: 9th August 2023

Dear Gethin

Your new Flood Risk Activity Permit

Permit reference: **DFR-NM-2023-0054**

Scheme: **Partial weir removal as part of LIFE Dee River project**

Location: **Erbistock weir, Erbistock Mill, Overton, Wrexham, LL13 0DR.**

Our determination of your application for a permit is complete. We're satisfied that you can carry out your activities in accordance with the enclosed permit.

Rights of appeal

You have a right of appeal to the Welsh Ministers against NRW's decision to impose condition(s) on your environmental permit pursuant to Regulation 31 of the Environmental Permitting (England and Wales) Regulations 2016. Any appeal must be made not later than 6 months after the date of NRW's decision or deemed decision.

If you intend to make an appeal, you must send the Welsh Ministers written notice of the appeal and the documents specified below. At the same time, you must send NRW copies of the notice and documents to;

floodpermitting.northmid@naturalresourceswales.gov.uk

The documents that must accompany your notice of appeal are;

- a statement of the grounds of appeal;
- a copy of any relevant application;
- a copy of any relevant environmental permit;
- a copy of any relevant correspondence between the appellant and the regulator;
- a copy of any decision or notice which is the subject matter of the appeal; and
- a statement indicating whether you wish the appeal to be in the form of a hearing or dealt with by way of written representations.

You can contact the Welsh Ministers to enquire about making an appeal at;

Planning and Environment Decisions Wales (PEDW), Crown Buildings, Cathays Park, Cardiff, CF10 3NQ or by email at PEDW.Casework@gov.wales and telephone on 0300 060 4400.

You may withdraw an appeal by notifying the Welsh Ministers in writing and sending a copy of that notification to us.

Please ensure that on completion of the activity as listed in the permit on page 3, documentation evidencing the activity must be sent to developmentandfloodrisk.northmid@cyfoethnaturiolcymru.gov.uk within 1 month of completion. This must include photographic evidence of the activity. Failure to comply will be deemed non-compliance with a permit condition.

If you have any questions about this permit, please phone Peter Evans on 0300 065 4597.

Yours faithfully



Rachel Thomas
Team Leader – Development & Flood Risk (South)

Other Information

Pollution Prevention

Operator must ensure that [NetRegs GPP5](#) is followed at all times.

Refuelling – Any polluting materials (e.g. diesel / oils) must be stored at least 10m from the watercourse and kept in a locked and bunded store when not in use.

A Pollution Prevention Plan should be written (in accordance with [GPP22](#)) and pollution control equipment should always be on site, including absorbents & booms. Should pollution occur, Natural Resources Wales should be notified immediately on 03000 653000.

All waste generated as part of the development should be disposed of in accordance with the Duty of Care requirements of Section 34 the Environmental Protection Act 1990

Fisheries

Where applicable, you are strongly advised to inform the relevant Angling Club/Association of your proposals before commencing work. The issue of a Flood Risk Activity Permit (FRAP) by NRW will not protect you from any claim for nuisance or damage which may be attributed to your works. The relevant contacts may be obtained by using this link: [Fishing In Wales | The official website for Welsh angling!! \(fishingwales.net\)](http://fishingwales.net)

Biodiversity

Any work undertaken should take account of biosecurity risks and mitigation measures should be put in place. The most important measure is to ensure that all equipment (plant, tools, footwear etc) that come to site, arrive clean, and are cleaned again before leaving site. This applies to all sites, not just those where an invasive non-native species (INNS), pest or disease has been previously identified. Information on how to assess biosecurity risks; simple steps to reduce risks; and specific measures for higher risk activities can be found on the [GBNNSS website](#) for INNS, or for tree health on [our website](#). If you need any further help, please feel free to contact our [INNS and Biosecurity](#) team or our [Tree Health](#) team.

Additional Advice

Following the UK's departure from the EU on 31 January 2020 and the end of the transition period on 31 December 2020, the legal obligations relating to compliance with environmental permits and legislation continue to apply. NRW continue to issue and regulate all permits and licences in line with our current practice. If you have any questions about flood risk activity permits, please contact floodpermitting.northmid@naturalresourceswales.gov.uk.

This Permit does not free you from the need to obtain other licences, consents, approvals (including bye-law consents) or permissions (including planning permission) which may be required in law, or to comply with any duties or responsibilities for conservation or protection of the environment. In addition, you should ensure that you obtain the prior permission of any owners or occupiers of land if necessary (though such permission must be granted to the operator of such rights as are necessary to enable the operator to comply with the condition, should that be applicable). For the avoidance of doubt, this Permit does not confer any rights of entry or rights over property including land.

Natural Resources Wales does not accept any responsibility for the design and construction of the works referred hereto and any liability for any loss or damage which may arise out of their design, construction, maintenance or use.

Prior to the commencement of the works, you are advised to contact the Local Authority Planning Department to check whether planning permission is required.

Any future remedial work necessary, as a result of the Operator's proposals, shall be undertaken at the Operator's expense and carried out to Natural Resources Wales satisfaction.

The above information must be brought to the attention of your contractor.

Flood Risk Activity Permit with introductory note

The Environmental Permitting (England & Wales) Regulations 2016

Operator name

**Natural Resources Wales
Cambria House
29 Newport Road
Cardiff
Caerdydd
CF24 0TP**

Scheme Name

Location of Regulated Facility

**Partial weir removal as part of
LIFE Dee River project at
Erbistock weir
Erbistock Mill
Overton
LL13 0DR**

Permit number

DFR-NM-2023-0054

Erbistock weir, Overton, LL13 0DR.

Permit Number: DFR-NM-2023-0054

Introductory note

This introductory note does not form a part of the permit

The main features of the permit are as follows.

LIFE Dee River is a major large-scale project to transform the River Dee and its catchment by restoring the river and surroundings back to its natural state. This will bring many benefits to the environment, most notably improving the numbers of salmon, lamprey and freshwater pearl mussels to help them become more sustainable in future.

This proposed project will remove a 40m section of the weir on the right bank (looking downstream) to create a new primary flow channel. This will mimic the natural width of the river to imitate the natural morphology present to encourage natural processes to re-establish.

The status log of the permit sets out the permitting history, including any changes to the permit reference number.

Status log of the permit		
Description	Date	Comments
DFR-NM-2023-0054	27/06/2023	Application for partial weir removal
		Activity (b) alteration or repair to structures in, over or under a main river.
Duly made	27/06/2023	Internal Application.
Permit determined	09/08/2023	Permit issued to NRW.

End of introductory note

Permit

The Environmental Permitting (England and Wales) Regulations 2016

Permit number: DFR-NM-2023-0054

The Natural Resources Body for Wales (“Natural Resources Wales”) hereby authorises, under regulation 13 of the Environmental Permitting (England and Wales) Regulations 2016

Natural Resources Wales (“the operator”- Permit holder), whose principal office is

Cambria House

29 Newport Road

Cardiff

Caerdydd

CF24 0TP

to carry out flood risk activity;

Partial removal of weir.

Watercourse: **Afon Dyfrdwy/River Dee**

Regulated Facility: **Erbistock weir**

Map Reference: **SJ3544542167**

As detailed on plans and Sections:

B8 Application Form

LIFE Dee River Project Proposal

DFR Hydraulic Modelling Query email dated 21 June 2023

Appendix A Modelling Report (March 2021)

Detailed Design Report (9 June 2023)

Hydraulic Catchment Study (March 2021)

60672359-ACM-XX-XX-DR-CE-100000 P2 General Arrangement

60672359-ACM-XX-XX-DR-CE-100001 P1 Existing Arrangement

60672359-ACM-XX-XX-DR-CE-100010 P2 Weir works - Sections

60672359-ACM-XX-XX-DR-CE-100020 P2 Apron protection - Plan, Section and Details

60672359-ACM-XX-XX-DR-CE-100025 P2 Left bank river training works – Plan and Section

60672359-ACM-XX-XX-DR-CE-100035 P1 Standard Details

60672359-ACM-NRW-XX-XX-GT-GIR Ground Investigation Report (27 May 2022)

60672359-ACM-XX-XX-DR-CE-100002 P1 Location Plan

Appendix B.d - Sediment Sampling Note (15 August 2022)

Preliminary Ecological Appraisal (October 2020)

SURV_DEE_18 to SURV_DEE_24 River Cross Sections

SURV_DEE_25 River Long Section

60627686_ACM_RP_EN_0005_A Desk Based Geo Environmental Site Assessment

to the extent authorised by and subject to the conditions of this permit.

Name

Date

	09/08/2023
Rachel Thomas Team Leader - Development & Flood Risk South	

Authorised on behalf of Natural Resources Wales

Conditions

1 Management

1.1 General management

- 1.1.1 The operator (permit holder) shall manage, undertake and operate (where appropriate) the activities specified in the permit on page 3.
- 1.1.2 Records demonstrating compliance with condition 1.1.1 shall be maintained.
- 1.1.3 Any person having duties that are or may be affected by the matters set out in this permit shall have convenient access to a copy of the permit.
- 1.1.4 All reasonable care will be taken to ensure that the watercourse is kept free of foreign matter and floating debris during the construction period and on completion.
- 1.1.5 Works will be carried out in such a way as to ensure minimum obstruction to flows in the watercourse at all times.
- 1.1.6 These works will be carried out in such a way as to minimise disturbance to the existing banks and bed of the watercourse.
- 1.1.7 On completion of the works all debris and surplus material shall be removed from the banks of the watercourse.
- 1.1.8 The integrity of any flood defence infrastructure that may be affected by the works must always be maintained.

2 Operations

2.1 Permitted activities

- 2.1.1 The only activity authorised by the permit is the activity specified on page 3.

2.2 The regulated facility (Site)

- 2.2.1 The flood risk activity shall take place at the point(s) marked on the plan(s) at schedule 1 to this permit, and as listed in the permit on page 3.

2.3 Timing

- 2.3.1 No in-channel activities shall take place during the fish spawning embargo period (15th October to 15th May) without the prior written approval of NRW. This is to avoid damage to fish spawning and migration / obstruction to the flood flows during the winter season.
- 2.3.2 On completion of the activity as listed in the permit on page 3, documentation evidencing the activity must be sent to Natural Resources Wales within 1 week of completion. This must include photographic evidence of the activities before, during and after. This evidence can assist in future, similar applications.

2.4 Temporary works

- 2.4.1 This permit relates to permanent works only. Any temporary works affecting the watercourse required for construction will require a separate prior permit. Additional works not specifically covered by this permit may require an application to vary. This can be done using Form C8 which is available on our website.

2.5 Surrender

- 2.5.1 This permit will be surrendered by application.

3 Regulated Facility specific

3.1 Environment

- 3.1.1 Tree felling and scrub removal must take place outside the breeding bird period (March to August inclusive). Vegetation removal within this period will require a survey for nesting birds.

4 Notifications and interpretation

4.1 Notifications

- 4.1.1 Natural Resources Wales shall be notified as soon as reasonably practicable following detection, within the site of:

- (a) any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance causing or may cause significant pollution; and
- (b) any other significant adverse effects on the environment or flood risk, which may have been caused by the activity, shall also be notified to Natural Resources Wales as soon as reasonably practicable following detection.

- 4.1.2 Natural Resources Wales shall be notified within 14 days of the occurrence of the following matters, except where such disclosure is prohibited by Stock Exchange rules:

Where the operator is a registered company:

- a) any change in the operator's trading name, registered name or registered office address; and
- b) any steps taken with a view to the operator going into administration, entering into a company voluntary arrangement or being wound up.

Where the operator is a corporate body other than a registered company:

- a) any change in the operator's name or address; and
- b) any steps taken with a view to the dissolution of the permit holder.

- 4.1.3 For the activity as listed in the permit on page 3, where the operator proposes to make a change in the nature of the activity that could have an adverse effect on the environment or flood risk, the permit holder should contact Natural Resources Wales and if necessary, apply for a variation of the permit.

4.2 Interpretation

- (a) In this permit the expressions used shall have the meaning given in Schedule 2.

Schedule 1 – Plan(s) of Regulated Facility



© Crown Copyright and database right 2023. Ordnance Survey licence number 100019741.

Schedule 2 - Interpretation

“Activity” means a flood risk activity and includes:

- Erecting any structure (whether temporary or permanent) in, over or under a main river.
- The carrying out of any work of alteration or repair on any structure (whether temporary or permanent) in, over or under a main river if the work is likely to affect the flow of water in the main river or to impact on any drainage work.
- Erecting or altering any structure (whether temporary or permanent) designed to contain or divert the floodwaters of any part of a main river.
- Any dredging, raising or taking of any sand, silt, ballast, clay, gravel or other materials from or off the bed or banks of a main river (or causing such materials to be dredged, raised or taken), including hydrodynamic dredging and desilting.
- Any activity which is likely to divert the direction of the flow of water into or out of a main river or alter the level of water in a main river.
- Any activity within 8 metres of a non-tidal main river (or within 8 metres of any flood defence structure or culvert on that river) or any activity within 16 metres of a tidal main river (or within 16 metres of any flood defence structure or culvert on that river) which is likely to:
 - cause damage to or endanger the stability of the banks of that river or of any culvert;
 - cause damage to any river control works;
 - alter, reconstruct, discontinue or remove any river control works;
 - divert or obstruct flood waters or impact on the drainage of that river; or
 - interfere with Natural Resources Wales’ access to and along that river.
- Any activity (other than an allowed activity (see below for definition)) on a flood plain that is:
 - more than 8 metres from a non-tidal main river or more than 16 metres from a tidal main river; or
 - more than 8 metres from any flood defence structure or culvert on a non-tidal main river or more than 16 metres from any flood defence structure or culvert on a tidal main river, which is likely to divert or obstruct floodwaters, to damage any river control works or to impact on drainage.
- Any activity within 16 metres of the base of a sea defence which is likely to:
 - endanger the stability of, cause damage to or reduce the effectiveness of that sea defence; or
 - interfere with Natural Resources Wales’ access to and along that sea defence.
- Any activity within 8 metres of the base of a remote defence which is likely to
 - endanger the stability of, cause damage to or reduce the effectiveness of that defence, or
 - interfere with Natural Resources Wales’ access to and along that defence.
- Any quarrying or excavation within 16 metres of the base of a remote defence which is likely to cause damage to or endanger the stability of that defence.
- Any quarrying or excavation within 16 metres of a main river or any flood defence structure or culvert on that river which is likely to cause damage to or endanger the stability of the banks of that river.

“Annually” means once every year.

“Application” means the application for this permit, together with any additional information supplied by the permit holder as part of the application and any response to a notice served under Schedule 5 to the EP Regulations.

“Bank” means any bank, berm, wall or embankment that adjoins or confines any main watercourse and includes the side of the bank that stretches down to the mean low-water mark (in the case of a watercourse in which tidal waters flow) or to the bed of the watercourse (in any other case). In the case of a watercourse in which tidal waters flow, the bank includes any wall or

embankment constructed or maintained by the regulator in the sea or an estuary for the purposes of or in connection with a river.

“Operator” means the person/organisation/company who has been granted a permit to undertake a regulated activity.

“Natural Resources Wales” means the Natural Resources Body for Wales established by article 3 of the Natural Resources Body for Wales (Establishment) Order 2012. The Natural Resources Body for Wales (Functions) Order 2013 transferred the relevant functions of the Countryside Council for Wales, and functions of the Environment Agency and the Forestry Commission in Wales to the Natural Resources Body for Wales.

“Regulated Facility” means the Flood Risk Activity and the location of the Activity.

“Watercourse” means a main river which is a watercourse shown as such on a main river map and includes any structure or appliance for controlling or regulating the flow of water into, in or out of the channel which:

- a) is a structure or appliance situated in the channel or in any part of the banks of the channel; and
- b) is not a structure or appliance vested in or controlled by an internal drainage board.

“year” means calendar year ending 31 December.

END OF PERMIT