

Ein cyf/Our ref: CAS-254511-H1Y0
Eich cyf/Your ref: P/2024/0266

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 07 June 2024

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: 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 WEIR AND ASSOCIATED WORKS, INSTALLATION OF 4 BED CHECK FEATURES, REGRADING AND WIDENING OF RIVER CHANNEL

LLEOLIAD/LOCATION: WEIR AT FELIN PULESTON, ERDDIG, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 24 May 2024.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the documents identified below are included in the approved plans and documents condition on the decision notice:

- **Approved Document: (Whitnall, S. (2023). Clywedog Weirs – Felin Puleston, Wrexham, Preliminary Ecological Appraisal. Cheshire Ecological Services. Unpublished Report No. 750.165/06.23/SW)**
- **Felin Puleston Weir - Outline Method Statement, Dynamic Rivers, November 2022**

Please note, without the inclusion of these documents we would object to this planning application. Further details are provided below.

Works likely to affect a watercourse

We note that the proposals involve works within a watercourse (Afon Clywedog) to remove a concrete weir and advise that the proposed works have the potential to cause pollution to the Afon Clywedog during the construction phase.

We have reviewed the submitted method statement (Felin Puleston Weir - Outline Method Statement, Dynamic Rivers, November 2022). The method statement includes pollution prevention and silt control measures and we are satisfied with the measures proposed. The

Outline Method Statement must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

We note that a site operational management plan is to be developed by the specific contractor to be appointed and that this document will include water quality and river crossing aspects. Guidance for Pollution Prevention 5 should be referenced in the plan and adhered to at all times during the works.

We have also reviewed the submitted Felin Puleston Weir Optioneering and Design Report (prepared by Dynamic Rivers, November 2022, Version 1.0). It is clear that removal of the weir is likely to cause some short-term impacts to the current equilibrium of the channel and mitigation is planned to address this. We recommend that a post-removal monitoring plan is 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.

Protected Species

We have reviewed the ecological report submitted in support of the above application (Whitnall, S. (2023). Clywedog Weirs – Felin Puleston, Wrexham, Preliminary Ecological Appraisal. Cheshire Ecological Services. Unpublished Report No. 750.165/06.23/SW) and provide the following advice:

Bats

Due to the proximity of known bat records locally and the potential for foraging and commuting bats, Section 5.32 of the report confirms that no lighting is proposed and construction will only take place during the day, so there would be no adverse impacts from light spill. Section 5.34 includes Reasonable Avoidance Measures to be employed should any trees require felling, and we are satisfied with the measures proposed.

Great Crested Newts (GCN)

We note that an egg search was carried out in the pond 30m north of the application site and no GCN were observed, however our records indicate that GCN have been recorded at this location previously. Section 5.60 includes Reasonable Avoidance Measures in respect of GCN and we are satisfied with the measures proposed.

Otters

Section 5.71 of the report states that a pre-commencement survey will be carried out in respect of otters prior to construction starting on site. We are satisfied with this approach.

The ecological report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Flood Risk

The planning application proposes less vulnerable development (the removal of a weir). Our Flood Risk Map confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004).

The Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zone 3 (Rivers).

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of a Flood Consequences Assessment (FCA) that the potential consequences of flooding can be managed to an acceptable level.

We have reviewed the submitted Felin Puleston Weir Optioneering and Design Report (prepared by Dynamic Rivers, November 2022, Version 1.0. The report shows that the risks and consequences of flooding are manageable to an acceptable level. Therefore, we have no objection on flood risk grounds to the application as submitted.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on or grant the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Flood Risk Activity Permit

The proposed weir removal is located within the Afon Clywedog – a designated ‘main river’. Please advise the applicant that the Environmental Permitting Regulations (2016) require a Flood Risk Activity Permit to be obtained for any works or structures located in, under, over or within 8 metres of the bank top of a designated ‘main river’. Further advice and guidance is available on our website at:

<http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en>

Protected Sites

Special Area of Conservation (SAC)

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with our [Planning Advice](#) (August 2023), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments.

However, the application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC in terms of an increase in phosphorus.

As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), your authority must, before deciding to give consent for a project which is likely to have a significant effect on a SAC, either alone or in combination with other plans or projects, make an appropriate assessment of the implications of the project for that site in view of its conservation objectives. You must for the purposes of the assessment consult NRW and have regard to any representations we make within such reasonable time as you specify. In the absence of that assessment, NRW cannot advise that the proposals would not result in an adverse effect upon the SAC.

Site of Special Scientific Interest (SSSI)

We have considered the information submitted in support of the above application. Section 4.2 of the ecological report (Whitnall, S. (2023). Clywedog Weirs – Felin Puleston, Wrexham, Preliminary Ecological Appraisal. Cheshire Ecological Services. Unpublished Report No. 750.165/06.23/SW) states that the Afon Clywedog flows through Sontley Marsh SSSI. However, we wish to advise you that this is incorrect - it is the Gefeiliau Brook that flows through the SSSI and discharges into the Afon Clywedog. Therefore, we consider that the proposed development is not likely to damage the features for which Sontley Marsh SSSI is of special interest.

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully,

Rachael Burke

Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning
Cyfoeth Naturiol Cymru/Natural Resources Wales

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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.