



Water Resources LICENCE TO

IMPOUND

WATER

Water Act 2003
Environment Act 1995
Water Resources Act 1991 as amended
by the Water Act 2003
Water Resources (Abstraction and
Impounding) Regulations 2006
Natural Resources Body for Wales (Functions)
Order 2012

IMPORTANT NOTES

Need for safekeeping

This licence is an important document and you should keep it safe, probably with the deeds to the land.

The impounding works may also be conditional on, or otherwise involve, you entering into a related agreement with Natural Resources Wales. This may be registered and will bind the land. It will therefore affect not only you, as the licence holder, but also your successors in title to the land. This licence and any such Agreement should therefore be disclosed on any change of title or occupation.

Scope of this licence

This licence has effect only for the purposes of Part II of the Water Resources Act 1991 as amended by the Water Act 2003. In granting this licence, and in considering any drawings submitted, you should assume that Natural Resources Wales has taken into account only considerations relevant to the conservation and proper use of water resources in the area. Grant of this licence does not imply that Natural Resources Wales has approved the details of construction of the impounding works, including whether the proposed construction is adequate or safe. The licence holder is entirely responsible for ensuring compliance with all other requirements. Grant of this licence does not in any way suggest that these have been fulfilled.

Changes to the impounding works or revocation of this licence

If you want to alter the impounding works and/or the way you operate them, you will need to vary the terms of the licence (and, if applicable, the related agreement). If you want to revoke this licence, you may be required to satisfy certain conditions that Natural Resources Wales may specify for the removal of the works. Contact Natural Resources Wales at the address at the bottom of the front page of this licence if you want to vary or revoke this licence.

Transfer of this licence

If you need to pass this licence to someone else, you must contact Natural Resources Wales and obtain the appropriate application forms. The licence holder remains responsible for compliance with the terms of the licence until it has been transferred.

Death or bankruptcy of the licence holder

If a licence has been 'vested' in you, as a result of the death or bankruptcy of the licence holder, please contact Natural Resources Wales in writing, telling us the licence number(s) and the date that the licence vested in you as a personal representative or trustee of the licence holder. This is necessary in order to enable you to subsequently transfer the licence.

'Vesting' is the transfer of responsibility and ownership of a licence when an existing licence holder is no longer able to hold the licence either through death or bankruptcy.

You do not have to complete a form, but you must notify us in writing within 15 months of the date of vesting, giving the full names of all personal representatives or trustees and a contact address.

Other requirements for impoundments

Depending on circumstances, you may also have to comply with other legal requirements, i.e. apart from obtaining this licence, before carrying out or operating the impoundment. These may include:

- obtaining consent from Natural Resources Wales under section 109 Water Resources Act 1991 (relating to structures on main rivers);
- obtaining consent under section 23 Land Drainage Act 1991 from Natural Resources Wales or the relevant internal drainage board (relating to obstructions in watercourses);
- obtaining planning permission from the planning authority;
- complying with requirements of the Reservoirs Act 1975 (in relation to safety of larger raised reservoirs). Natural Resources Wales' predecessor the Environment Agency, became the regulatory body on 1 October 2004.
- obtaining consent from the owner of the other bank of the watercourse to the proposed impoundment;

- not contravening pollution control provisions of the Water Resources Act 1991, particularly in relation to allowing matter to be carried away in suspension when sluices etc. are opened;
- complying with the provisions of the Salmon and Freshwater Fisheries Act 1975 relating to the passage of fish.

Some of these matters are under the control of Natural Resources Wales, but for administrative and legal reasons are kept separate from the issue of this licence. If you require information or assistance about them, contact Natural Resources Wales, and you will be directed to the right person to help you.

For advice about planning permission, contact the appropriate authority. The planning authority will normally be the district, borough or city council.

Offences

This impounding licence authorises you, the licence holder, to obstruct or impede the flow of a specified inland water at a specified point by means of impounding works.

"Impounding works" means either, any dam, weir or other works by which water may be impounded; or, any works for diverting the flow of waters in connection with the construction or alteration of such dam, weir or other works.

Under the Water Resources Act 1991 it is an offence to construct or alter, or cause or permit any other person to construct or alter, any impounding works in inland waters or cause or permit the flow of any inland waters to be impeded or obstructed at any point by means of impounding works unless:

- an impounding licence is in force;
- the flow of the inland waters is not obstructed or impeded except to the extent and in the manner authorised by a licence;
- any other requirements of the licence, whether as to provision of compensation water or otherwise, are complied with.

It is an offence knowingly to make false statements for the purpose of obtaining a licence.

It may be an offence not to comply with the other legal requirements mentioned above for details, check with Natural Resources Wales or the authority concerned.

Right of appeal

If you are dissatisfied with our decision on your licence application, you may appeal.

If you are in England, you should write to the Secretary of State for Environment, Food and Rural Affairs, care of The Planning Inspectorate at:
Room 4/19 Eagle Wing, Temple Quay House, 2 The Square,
Temple Quay, Bristol, BS1 6PN.
The telephone number is 0117 372 8235.

If you are in Wales, you should write to Welsh Government care of The Planning Inspectorate at:
Crown Buildings, Cathays Park, Cardiff, CF10 3NQ.
The telephone number is 029 2082 3857.

You must serve notice of appeal within 28 days of the date of receipt of this licence (although the Secretary and Welsh Government have power to allow a longer period for serving notice of appeal). See Water Resources Act 1991, section 43.

Disclosure of Information

Information about this licence is available on the public Register held by Natural Resources Wales. Members of the public are also entitled to ask us for other "environmental information" it holds, including any activities likely to affect "the state of any water" or any "activities or other measures designed to protect it". That would include the information additional to the licence document e.g. any related agreement. In certain restricted circumstances it is possible to claim that information should be kept confidential. If you require more information about keeping information off the public register because it is confidential, please contact us by writing to the address shown at the bottom of the front page of the licence within 28 days of receiving this licence.



LICENCE TO IMPOUND WATER

The Natural Resources Body for Wales (hereafter referred to as "NRW") grants this licence to:-

Dŵr Cymru Cyfyngedig ("the Licence Holder")
Dŵr Cymru Welsh Water Linea
Fortran Road
St. Mellons
Cardiff
Wales
CF3 0LT

Company Registration Number: 02366777

This licence authorises the Licence Holder to obstruct or impede the flow of the inland water described in the Schedule of Conditions (to extent and manner authorised by those conditions) to this licence and subject to the provisions of that Schedule. The licence commences from the effective date shown below and shall remain in force until revoked.

Signed:

A handwritten signature in dark ink, appearing to read 'E. Allcorn'.

Date of issue.....22 April 2022

Emma Allcorn
Permitting Team Leader
Permitting Service
Natural Resources Wales
Cambria House
29 Newport Road
Cardiff
CF24 0TP

Date effective.....22 April 2022

This licence should be kept safe and its existence disclosed on any sale of the land and the impounding works to which it relates.

Note: References to "the map" are to the map which forms part of this licence.
References to "NRW" are to the Natural Resources Body for Wales or any successor body.

Environment Act 1995

Water Resources Act 1991 as amended by the Water Act 2003

Water Resources (Abstraction and Impounding) Regulations 2006

Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012

The Natural Resources Body for Wales (Functions) Order 2013

SCHEDULE OF CONDITIONS

1. NAME OF INLAND WATER TO BE IMPOUNDED

- 1.1 Inland water (stream) known as Nant Gain at Cilcain Reservoir, Flintshire.

2. POINTS OF IMPOUNDMENT

- 2.1 (i) Between National Grid References SJ 16329 64618 and SJ 16394 64543 marked 'Point A' and 'Point B' on the map.
- (ii) Between National Grid References SJ 16255 64570 and SJ 16280 64530 marked 'Point C' and 'Point D' on the map.

3. MANNER AND EXTENT OF IMPOUNDMENTS

- 3.1 (i) Impoundment works comprising of partial removal of the existing reservoir embankment and complete removal of the existing dividing embankment in accordance with the drawing submitted to NRW titled:

'Cilcain Reservoir Nos. 1 & 2 Discontinuance, Drawing Number P1854-901' dated 06/12/2021,

or such minor amendments to those documents that are accepted in writing by NRW prior to the date of commencement of construction.

4. FURTHER CONDITIONS

- 4.1 The Licence Holder shall carry out work to remove the existing impounding works authorised by this licence to restore the site of the impounding works to the configuration and levels shown on the drawing submitted to NRW:

'Cilcain Reservoir Nos. 1 & 2 Discontinuance, Drawing Number P1854-901' dated 06/12/2021

so that there is no obstruction of, or impediment to, the flow of the inland water at any time after completion of the authorised works.

- 4.2 The Licence Holder shall submit a detailed Method Statement regarding the operation of the works specified in condition 3.1. The Licence Holder shall not commence these works until NRW has approved the Method Statement in writing. The Licence Holder shall undertake the works in accordance with the approved Method Statement, or in accordance with such minor variations to it that NRW may approve in writing.

- 4.3 The retained water shall be released in a steady and controlled manner so as not to cause any scour to the bed and banks of the inland water or any flooding of land or disturbance to water users downstream or any adverse effects on the quality of the water in the inland water or any adverse impacts on the ecology of the inland water or dependant ecosystems.

- 4.4 The Licence Holder shall ensure that at all times during the period from the commencement to the completion of the works authorised by this licence the flow of the inland water immediately upstream of the works shall be released

immediately downstream of the works undiminished in quantity or quality.

- 4.5 At all times during the life of the impounding works authorised by this licence, the total flow of the Nant Gain immediately upstream of the reservoir site shall be allowed to by-pass the reservoir inlet and shall be returned to the Nant Gain immediately downstream of the impounding works. This flow shall be known as the by-pass Flow.
- 4.6 The Licence Holder shall maintain such by-pass channel to prevent leakage and to be free from obstruction at all times.
- 4.7 Prior to the commencement of the works authorised by this licence, the Licence Holder shall give 28 days notice in writing to NRW of their intention to commence the authorised works.
- 4.8 The Licence Holder shall give NRW notice in writing of completion of the works authorised by this licence at the address on this licence within five inclusive working days of completion.

ADDITIONAL INFORMATION

Note: the following information is provided for information only. It does not form part of the licence.

REASONS FOR CONDITIONS

Conditions 4.1: to ensure the works are carried out in accordance with the plans and specifications agreed by NRW.

Condition 4.2: to ensure satisfactory construction works.

Conditions 4.3 & 4.4: to ensure a flow is maintained in the watercourse in order i) to maintain the riverine habitat for the conservation of the flora and fauna of the watercourse, ii) to safeguard existing protected rights, iii) to protect the interests of existing downstream lawful users of water and iv) to ensure that the water environment is not impacted during construction and subsequent maintenance.

Condition 4.5 & 4.6: to avoid damage to fish.

Conditions 4.7: to start NRW's compliance process.

Condition 4.8: to allow inspection of works prior to application to revoke licence.

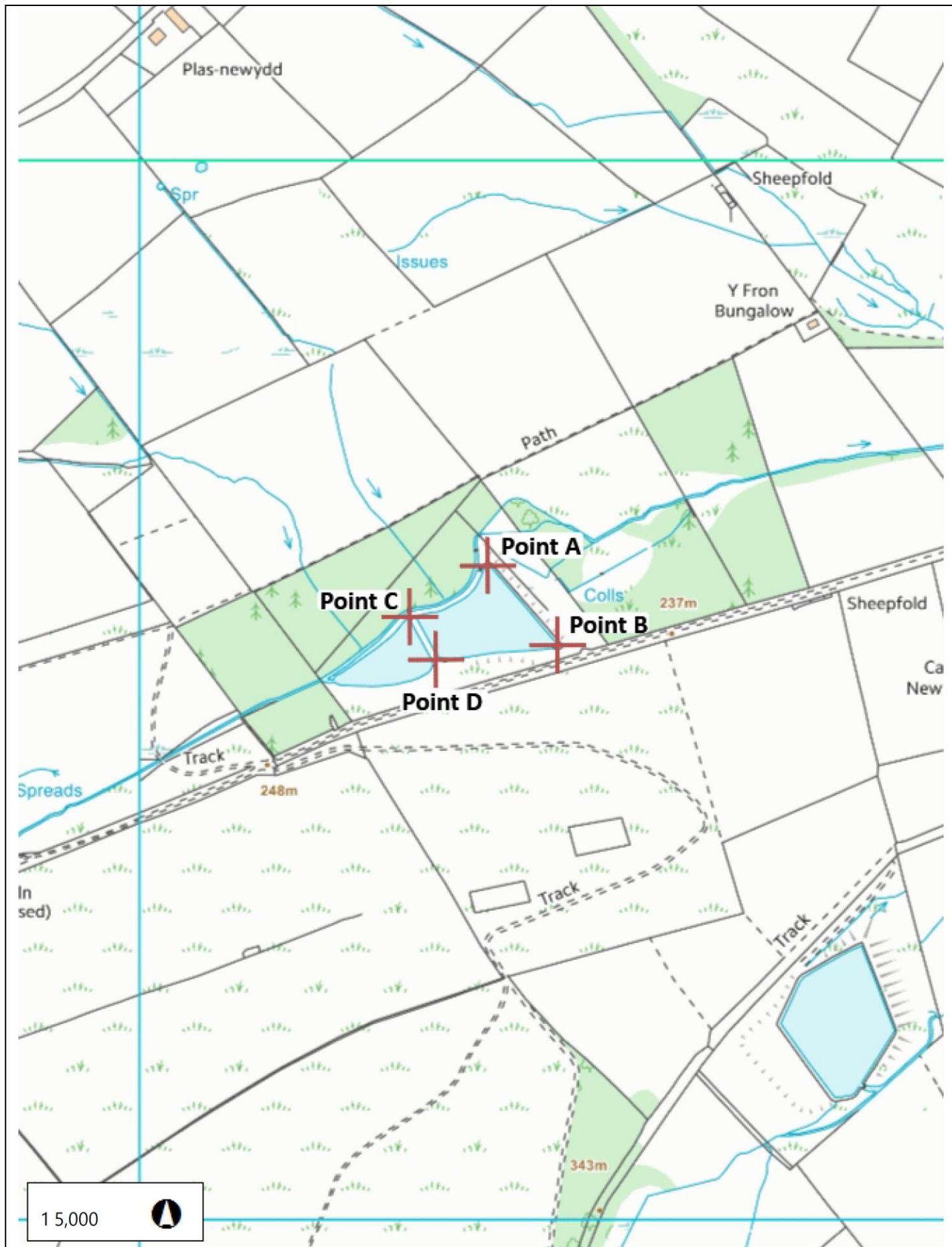
IMPORTANT NOTES

For the purposes of Conditions 4.2, 4.7 and 4.8, the Licence Holder shall contact:

Wrexham and Flintshire Environment Team
Natural Resources Wales
Chester Road
Buckley
Flintshire
CH7 3AJ

Tel: 0300 065 3000

Email: WrexhamFlintshireEnvironmentTeam@cyfoethnaturiolcymru.gov.uk



**Would you like to find out more about us,
or about your environment?**

**Then call us on
0300 065 3000 (Mon-Fri 9-5)**

**email
enquiries@naturalresourceswales.gov.uk**

**or visit our website
www.naturalresourceswales.gov.uk**

**incident hotline 0300 065 3000 (24hrs)
floodline 0345 988 1188**



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