

WATER RESOURCES LICENCE APPLICATION DECISION DOCUMENT

Application Details

Application Number	Licence number	Applicant details	Application submitted	Application validated
PAN-004233	WA/060/0004/0011	Princes Gate Spring Water Ltd The Well Fields Princes Gate Narbeth Pembrokeshire SA67 8JD Company Reg number: 8756588	19/12/2018	14/07/2019
PAN-004462	WA/061/0006/0021	Gerald D. Harries & Sons Ltd Rowlands View Templeton Narbeth Pembrokeshire SA67 8RG Company Reg No: 04179343	21/01/2019	01/08/2019
PAN-006151	WA/061/0006/0022	Ludchurch Farms Ltd Lhp Chartered Accountants, Winch Lane Haverfordwest Wales SA61 1RW Company Reg No: 04374329	25/07/2019	21/08/2019
PAN-006133	WA/060/0004/0012	HG & E Jones New House Farm Ludchurch Narbeth Pembrokeshire SA67 8JD	22/07/2019	25/09/2019

For application number PAN-004233 the operator has given NRW notice that the inclusion of certain information on the public register is considered commercially confidential. For further information, please refer to the following [public register statement](#).

NRW Region South West

Application Summary

The above licence applications are for abstractions located in an area previously exempt from licensing, under the South West Wales River Authority (Exceptions from Control) Order 1965. The Water Act 2003 included provisions to remove this exemption, which came into force on the 1st of January 2018 following the introduction of [The Water Abstraction \(Transitional Provisions\) Regulations 2017](#) ("the Transitional Regulations 2017"). As a result of these legislative changes, the above licence applications were submitted under the transitional licence application process.

NRW's determination of transitional licence applications has been in accordance with the Transitional Regulations 2017 and the ["2017](#)

[Government response to consultation on changes to water abstraction licensing exemptions in England and Wales: New Authorisations](#)” which sets out the policy of how previously exempt abstractions should be licensed. Within this policy is an emphasis on the regulator applying a ‘light-touch’ approach and to licence based upon evidenced historical abstraction; with abstractions only being significantly curtailed or refused to protect the environment from ‘serious damage’. NRW considers serious damage to be where an abstraction has the potential to impact a designated site or where flows do not support the objectives of the Water Framework Directive (WFD). For further information, please refer to the relevant sections below.

The policy approach is two-staged in that once in the system, previously exempt abstractions can be considered together with all other abstractions in the catchment allowing any future sustainability issues to be identified and / or assessed.

Due to considerable interest regarding potential impacts from abstraction in the local area, NRW considered it pragmatic to determine the 4 applications listed above together, to ensure a robust and consistent determination and so that potential in-combination impacts could be considered.

Abstraction location and source of supply

Application Number	Site Location	Source of supply	Points of abstraction - National Grid References (NGRs)
PAN-004233	The Well Fields Princes Gate Narbeth Pembrokeshire	Underground strata comprising of Milford Haven Group	Point A: SN 15789 11562 Point B: SN 15977 11586 Point C: SN 15916 11414 Point D: SN 16034 11455 Point E: SN 15745 11406 Point F: SN 15776 11495
PAN-004462	Blaencilgoed and Gelli-Halog Quarries Ludchurch Pembrokeshire	Underground strata comprising of Pembroke Limestone Group	Area A (Blaencilgoed): between NGRs SN 15289 10556, SN 15325 10559, SN 15296 10514 and SN 15328 10515. Area B (Gelli-Halog): between NGRs: SN 15843 10609, SN 15881 10617, SN 15838 10655 and SN 15860 10660.
PAN-006151	Ludchurch Farm Ludchurch Narberth Pembrokeshire	Underground strata comprising of Milford Haven Group and Afon Group	Point A: SN 14264 11185 Point B: SN 14201 11267 Point C: SN 14265 11202
PAN-006133	New House Farm Ludchurch Narberth Pembrokeshire	Underground strata comprising of Milford Haven Group.	Point A: SN 15874 11690

Abstraction quantities

In accordance with the 2017 Transitional Regulations and Government response, applicants were required to submit evidence to demonstrate their

abstraction activity during the seven year 'qualifying period' (January 2011 – December 2017)

Representations submitted in respect of the above applications raised concerns regarding the quantities of water applied for under the transitional licensing process (see 'External Representations' below). A specific concern was raised in relation to application PAN-004233 regarding whether additional water is being abstracted by / supplied to a third party. NRW sought clarification from the operator on this matter and understand that the bottled water product being sold by the third party is included within the abstraction volumes applied for under the transitional licensing process.

NRW acknowledges the concerns raised in respect of abstraction quantities. However, as above, in determination of transitional applications, NRW has had regard to the government policy for licensing previously exempt abstractions which expected the majority of licences to reflect historic 2011 to 2017 abstraction requirements, subject to the provision of satisfactory evidence.

NRW have assessed the information provided for each application and considers the evidence submitted adequately demonstrates that the abstraction has occurred during the qualifying period and supports the quantities applied for. These are summarised in the table below.

Application Number	Site Location	Max Instantaneous rate (litres per second)	Max Hourly Qty (cubic metres)	Max Daily Qty (cubic metres)	Max Annual Qty (cubic metres)
PAN-004233	The Well Fields Princes Gate Narberth Pembrokeshire	28.9 litres per second	104	2,223	313,719
PAN-004462	Blaencilgoed and Gelli-Halog Quarries Ludchurch Pembrokeshire	120 litres per second	-	-	-
PAN-006151	Ludchurch Farm Ludchurch Narberth Pembrokeshire	-	n/a	314	96,676
PAN-006133	New House Farm Ludchurch Narberth Pembrokeshire	-	n/a	41.5	11,020

For applications PAN-004233, PAN-006151 and PAN-006133 conditions have been included within the licences to limit the quantities of water abstracted in line with the quantities specified above i.e. the evidenced quantities abstracted between 2011 – 2017. The licence holders will be required to

meter, record and report their abstracted quantities, so that compliance against these conditions can be assessed.

Application PAN-004462 is for a transfer licence, and there is no requirement to specify abstraction quantities on transfer licences. Instead the abstraction is controlled via the means of abstraction condition, which specifies the maximum capacities of the abstraction pumps (see below). There is also no requirement to include conditions relating to the measurement or assessment of the actual volume of water abstracted on transfer licences. However, NRW understands that the operator is required to meter and record abstraction quantities and report these to the Mineral Planning Authority each year.

Means of abstraction

Application Number	Site Location	Means of abstraction
PAN-004233	The Well Fields Princes Gate Narbeth Pembrokeshire	6 boreholes not exceeding 81 metres in depth and 250 millimetres in diameter with screened sections between 12 and 79 metres below ground level and with pumps.
PAN-004462	Blaencilgoed and Gelli-Halog Quarries Ludchurch Pembrokeshire	3 submersible pumps with a combined maximum capacity not exceeding 120 litres per second.
PAN-006151	Ludchurch Farm Ludchurch Narberth Pembrokeshire	3 boreholes not exceeding 70 metres in depth and 200 millimetres in diameter with a screened section to 10 metres below ground level and with pumps.
PAN-006133	New House Farm Ludchurch Narberth Pembrokeshire	A borehole not exceeding 51 metres in depth and 300 millimetres in diameter screened between 20 and 32 metres below ground level and between 38 and 50 metres below ground level and with a pump.

Purpose and period of abstraction

Application Number	Site Location	Purposes of abstraction	Period of abstraction
PAN-004233	The Well Fields Princes Gate Narbeth Pembrokeshire	Commercial water bottling.	All year.
PAN-004462	Blaencilgoed and Gelli-Halog Quarries Ludchurch Pembrokeshire	Transfer for the purpose of quarry dewatering.	All year.
PAN-006151	Ludchurch Farm Ludchurch Narberth Pembrokeshire	Agricultural and Domestic.	All year.
PAN-006133	New House Farm	Agricultural and Domestic.	All year.

	Ludchurch Narberth Pembrokeshire		
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Representations submitted in respect of applications PAN-006151 and PAN-006133 raised concerns regarding the purposes of abstraction (see 'External Representations' below). It was requested that abstracted water should be used for farm use only and not sold or supplied to other users. Conditions have been included within the licences to reflect the purposes specified above, meaning that water can only be used for domestic and agricultural purposes and not for the onward supply of water.

Impact Assessment

Potential in-combination impacts

To assess potential in-combination impacts of the previously exempt abstractions considered in this document, factors such as location, distance, borehole elevation and groundwater sourcing were taken in to account. Based on these factors, NRW have concluded that there is likely to be limited influence between the different abstractions, and therefore in-combination impacts are considered unlikely.

Impacts on the local water environment

The representations received in respect of the above applications (see 'External Representations' below) raised concerns regarding the potential impacts of abstraction on ground water levels and surface water flows.

NRW acknowledge that there is not currently sufficient data available to fully assess these potential impacts, which is partly due to the area being previously exempt from licensing. However, it is recognised that the sustainability of local water resources could be affected if too much groundwater is abstracted compared to the amount of water replenishing the groundwater body.

As above, NRW consider it likely that there is limited influence between the previously exempt abstractions considered in this document, and therefore in-combination impacts on the water environment are considered unlikely.

However, based on conceptual analysis, NRW considers it is possible that the abstraction at Princes Gate (PAN-004233) may be having some local impacts, but that there is currently insufficient data available to NRW to fully assess these possible impacts.

As above, in determination of transitional licence applications, consideration must be given to the policy approach for dealing with previously exempt abstractions. This suggests abstractions will only be significantly curtailed or refused to protect the environment from serious damage. NRW do not consider any of the above applications to meet the 'serious damage' criteria as there are no conceivable impacts to any designated sites, neither are the

applications linked to any waterbody flow failures under the Water Framework Directive (see below).

To address the potential impacts on groundwater levels, the representations received in respect of the above applications (see 'External Representations' below) suggested "seeking a replenishing regime". NRW acknowledge that there is merit in considering the potential to replenish the specific aquifer from which groundwater is abstracted, as well as our commitments to [protecting Groundwater in Wales](#). However, water replenishment is not considered to be within the scope of the transitional licensing process.

NRW understand that Nestlé UK, who have acquired a majority stake in Princes Gate Spring Water Ltd (PAN-004233), have made a national commitment to replenish the water they use, for example through wetland restoration and water conservation programmes. Where possible, NRW will endeavour to support this work. Any proposals for water replenishment in this catchment will need be assessed in line with relevant legislation and policy.

The licence issued in respect of application PAN-004462 includes a condition to ensure that *all* water abstracted is discharged to nearby watercourses. This ensures some degree of water mass balance is maintained, albeit to surface water rather than groundwater. In addition, it should be noted that water abstracted from the quarries is likely to be a mixture groundwater and rainwater, therefore the total quantity authorised for abstraction will not be "*lost from the aquifer*" as suggested in one representation.

Water Framework Directive (WFD)

When assessing abstraction licence applications, NRW must consider any impacts to the WFD 2000/60/EC status of the waterbody from where water is being abstracted from, in addition to any other hydrologically linked waterbodies. In the UK, the WFD Regulations 2017 set out legal requirements with the aim of all surface waterbodies achieving good ecological status (GES) or potential GES (where a waterbody is heavily modified). A groundwater body should be at Good quantitative status.

The groundwater bodies that the abstractions are located in are listed in the table below. These are all classified as being at good quantitative status¹. However, as connectivity between groundwater and surface water flows cannot be ruled out, consideration should also be given to the status of the associated surface waterbodies, which is also shown in the table below.

Application Number	Site Location	WFD Groundwater body	WFD Surface water body	WFD Surface water body ecological and flow status ¹
PAN-004233	The Well Fields Princes Gate	GB41002G20050 0 Tywi, Taf and	GB11006002 9240 Marlais	Good Ecological Status (GES);

¹ The 2015 Cycle 2 WFD classification data has been used to ensure all transitional applications were screened, assessed and licensing decisions made from the same static baseline dataset. The 2015 Cycle 2 WFD classification data (published in the second cycle RBMP's Dec 2015) was the most up to date data at the time when exemptions were removed, and the application window opened.

	Narbeth Pembrokeshire	Gwendraeths	- headwaters to confluence with Taf	surface water flows are considered sufficient to support GES.
PAN-004462	Blaencilgoed and Gelli-Halog Quarries Ludchurch Pembrokeshire	GB41002G20600 0 Pembrokeshire Carboniferous Limestone	No associated surface water body	Not assessed.
PAN-006151	Ludchurch Farm Ludchurch Narberth Pembrokeshire	GB41002G20600 0 Pembrokeshire Carboniferous Limestone	GB11006103 0770 Ford's Lake - HW to tidal limit, Wiseman's Bridge	Moderate Ecological Status; surface water flows are considered sufficient to support GES.
PAN-006133	New House Farm Ludchurch Narberth Pembrokeshire	GB41002G20050 0 Tywi, Taf and Gwendraeths	GB11006002 9240 Marlais - headwaters to confluence with Taf	Good Ecological Status (GES); surface water flows are considered sufficient to support GES.

Licensing maximum abstraction quantities in line with historical abstraction quantities is considered to maintain the 'status quo'. As a result it will prevent any deterioration in WFD status.

Impacts to Ecology and Fisheries

The licensed abstraction quantities reflect those quantities which have historically been abstracted. Authorising the historical levels of abstraction will maintain the 'status quo' and therefore prevent any changes in surface water flows / groundwater levels which could impact on ecology and fisheries.

Impacts to water quality

In response to the advertisement of the applications, concerns were raised regarding potential impacts to water quality (see 'External Representations' below).

In respect of application PAN-004233 a specific concern was raised regarding the discharge of "*foul and dirty water*" to a spring. NRW has discussed this concern with the operator who advised that they do not discharge to a spring and are not aware of the circumstances of the discharge being referred to.

In respect of applications PAN-006151 and PAN-006133 specific concerns were raised regarding the discharge of "*foul and dirty water or liquid slurry*" and slurry spreading. From the information provided with the applications, NRW understand that no discharge of abstracted water takes place from these sites and consequently no discharge points are authorised on the transitional licences issued in respect of these applications. Therefore NRW are satisfied that there are no risks to water quality from the licensed

abstraction activity. Concerns regarding slurry spreading are not considered to be within the remit of the transitional abstraction licensing process. However, the local Environment team were made aware of the concerns raised.

Princes Gate Spring Water Ltd (PAN-004233) are permitted to discharge secondary treated sewage and trade effluent (consisting of balanced spring water) arising from the water bottling site operation to ground (via soakaway and interceptor) and to a tributary of the Afon Marlais.

The Blaencilgoed and Gelli-Halog site (PAN-004462) is authorised to discharge abstracted water to Abbey Stream and an unnamed tributary of the Colby stream.

The permits authorising these discharges include conditions to ensure the discharge of abstracted water does not have a negative impact on the surface and groundwaters they are discharging to. Therefore, NRW are satisfied that the existing permits for these sites adequately prevent any potential risks to water quality.

Subsidence

Representations received in respect of the above applications included alleged reports of subsidence (see 'External Representations' below). The concerns raised primarily relate to application PAN-004233, although these concerns were also raised with regards to application PAN-004462.

NRW does not have a remit to regulate subsidence. In the event that any loss or damage is caused due to water being abstracted, section 48A of the Water Resources Act 1991 sets out provisions for civil remedies which might be pursued. This is a matter for the person affected and the abstractor.

Restrictions on abstraction

As shown above, the WFD groundwater bodies that the abstractions are located in are classified as being at good quantitative status and the flow element of the surface waterbody supports them meeting good status (or not assessed). In this scenario, the Transitional Regulations 2017 and supporting 2017 Government response provides discretion to NRW to apply a 75% of Qn99² hands off flow (HoF) constraint. However, NRW does not generally consider this HoF appropriate as there is insufficient evidence in Wales that it would provide any environmental benefit. In addition, flow gauges are not generally considered to operate reliably at such low flows, and therefore compliance with any condition would be difficult to monitor / enforce. Therefore, no conditions restricting abstraction at low flows have been included on the licences.

In respect of application PAN-004233, the operator has advised NRW that in order to maintain appropriate water quality and quantity for bottling it is

² A 75% of Qn99 hands-off flow constraint" means a licence condition which provides that the licence holder must cease the abstraction if flow is equal to or falls below 75% of the natural flow that is exceeded 99% of the time.

necessary for water levels in the abstraction boreholes to be maintained to ensure that drawdown is minimised. NRW understand this is essentially an operational restriction and is required regardless of any conditions specified in the licence.

Monitoring

NRW acknowledge that assessment of potential impacts has been constrained by consideration of the 2017 Transitional Regulations and Government policy. In addition it is acknowledged that there is currently not sufficient evidence to fully assess the potential impacts of the previously exempt abstractions considered in this document. As a result, NRW consider future strategic monitoring would be useful.

As above, the licences issued for application numbers PAN-004233, PAN-006151 and PAN-006133 will include conditions requiring the licence holders to meter, record and report their abstracted quantities.

In addition, the operator for application PAN-004233 has advised that they will continue to monitor groundwater levels and NRW have recommended they re-establish monitoring at relevant sites of concern, including those referred to in the representations submitted following advertisement of the applications (see 'External Representations' below).

At the Blaencilgoed and Gelli-Halog site (PAN-004462), NRW understand that each abstraction pump has a meter that is read at intervals of up to 28 days, from which daily and monthly totals are calculated and reported to the Mineral Planning Authority each hydrometric year. In addition, NRW have recommended that the operator carries out additional monitoring to help inform the relative contributions of rainfall, runoff and groundwater that are abstracted.

The licence holders have been advised to ensure these records are kept and that they will be required to support any application to vary or renew the licence in the future.

Time-limit

Licences are time-limited in accordance with the relevant catchment Abstraction Licensing Strategy (ALS). This ensures that upon renewal any future sustainability issues can be considered. It is acknowledged that there is Government intention to withdraw abstraction licence end dates upon transition of Water Resources to Environmental Permitting Regulations (EPR), however these are likely to be replaced by future catchment reviews, ensuring that any sustainability issues will continue to be considered.

Statutory Notification

The statutory water undertaker, Dwr Cymru Cyfyngedig (Welsh Water), was notified of the proposal on 20/04/2021. No response was received by NRW.

External Representations

All applications listed above were advertised in the Tenby, Narberth and Whitland Observer and on NRW's website on 23/04/2021.

Due to considerable local interest regarding potential impacts of abstraction, interested parties who had previously contacted NRW on this issue were notified of the advert and the process for submitting a representation.

Five formal representations were received as a result of the advertisement, as well as a further 2 enquiries. A summary of the issues raised and the relevant sections they have been addressed in is provided below.

Representation	Relevant section of decision document
Concerns regarding quantities of water abstracted / applied for.	Abstraction quantities
Request for abstraction to be restricted.	Impact Assessment - Restrictions on abstraction
Request for NRW to consider need for groundwater replenishment.	Impact Assessment – Impacts on water environment
Potential impacts to local water features.	Impact Assessment – Impacts on water environment
Potential impacts to private water supplies.	Protected Rights
Potential risk to public water supply source.	Protected Rights
Potential impacts relating to water quality	Impact Assessment - Impacts to water quality
Potential impacts relating to land subsidence.	Impact Assessment - Subsidence

Where relevant, applicants were made aware of the concerns raised and if necessary asked to provide further information to enable NRW to complete the determination process.

In addition, the local Environment teams were made aware of the issues raised, including those considered to be outside the scope of the transitional licensing process.

NRW acknowledges the concerns raised. NRW also acknowledge that there is currently not sufficient information to fully assess all the issues raised, which is partly due to the area being previously exempt from licensing. However, NRW has given consideration to the legislation and policy for how previously exempt abstractions should be licensed, which recognises that these abstractions have been occurring lawfully. NRW are satisfied the potential impacts have been assessed within the constraints the 2017 Transitional Regulations and government policy.

NRW considers that the applications have been advertised / consulted on appropriately. NRW have considered the representations carefully and have addressed the issues raised within the relevant section of this document. Therefore no further consultation is considered necessary. This decision document will be shared with interested parties who have previously contacted NRW regarding abstraction activity in the area.

Protected Rights and lawful users

Impact assessment screening has identified a number of licensed abstractions within the vicinity of the abstractions. Through the advertising process (see 'External Representations' above), NRW are also aware of many private water supplies and one previously exempt public water supply in the local area. In addition, consideration has been given to the nearby previously exempt abstractions that are considered in this document.

As above, NRW consider it likely that there is limited influence between the previously exempt abstractions considered in this document, and therefore in-combination impacts on other existing abstractions are considered unlikely.

Alone impacts from the abstractions considered under applications PAN-006151 and PAN-006133 are considered unlikely due to the local geology, distance from other abstractions and relatively low abstraction quantities.

Due to distance and local geology, impacts on nearby licensed and previously exempt abstractions from the dewatering operation at the Blaencilgoed and Gelli-Halog site (PAN-004462) are not anticipated. However, there is currently insufficient data available for NRW to fully assess possible impacts on any nearby private water supplies.

No licensed abstractions were identified in the vicinity of the Princes Gate site (PAN-004233). However, based on conceptual analysis, NRW considers it is possible that the abstraction may be having some local impacts, but that there is currently insufficient data available for NRW to fully assess these possible impacts.

A representation submitted following the advertising process raised concerns regarding potential impacts to a nearby public water supply source (see 'External Representations' above). Due to the distance from the sea and the intervening geology, NRW consider there is no risk to abstraction source from the other previously exempt abstractions considered in this document.

As above, in determination of transitional licence applications, NRW gave consideration to the government policy for how previously exempt abstractions should be licensed, which recognises that these abstractions have been occurring lawfully. In addition, under Section 102(5) of the Water Act 2003, NRW can issue licences for previously exempt activities, even if the abstraction is causing derogation or affecting lawful users. As mentioned previously, in the event that any loss or damage is caused due to water being abstracted, section 48A of the Water Resources Act 1991 sets out provisions for civil remedies which might be pursued. This is a matter for the person affected and the abstractor.

Conservation Issues

NRW is of the opinion that the previously exempt abstractions considered in this document are not likely to have any impact on sites designated under

the Habitats Regulation. There is no conceivable impact on any Natura 2000 site, by virtue of the scale or location or nature of the projects.

Conclusion and recommendation

Full and due consideration has been given to any representations made, and due regard has been taken of protected rights and other lawful interests. The applications have been determined in line with all relevant legislation and policy.

The conditions incorporated on the licences are considered to be necessary and reasonable in the light of the available and presented evidence. The conditions are also considered to be consistent with appropriate standards for enforcement by NRW.

We are satisfied that this decision is compatible with our general purpose of pursuing the sustainable management of natural resources in relation to Wales and applying the principles of sustainable management of natural resources.

Contact the NRW team responsible for this decision

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