



Cyfoeth Naturiol Cymru
Natural Resources Wales

Water Resources LICENCE TO

ABSTRACT

WATER

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
Water Abstraction (Transitional Provisions)
Regulations 2017

IMPORTANT NOTES

Need for safekeeping

This licence is an important document. The permission or right to abstract water may be valuable to your landholding. So -

- **Keep the licence safe, preferably with your deeds etc.**
- **Take careful note of the comments below about "transfer and apportionment" and "death and bankruptcy".**

This is to ensure that the permission and any rights granted by the licence continue if you need to pass it on to someone else.

If you want to:

- **revoke (cancel) the licence;**
- **vary (change/amend) the licence in any way or**
- **change your contact address (but you continue to hold the licence).**

Please write to us at your local Natural Resources Wales office.

Details of this licence are placed on a register, kept by Natural Resources Wales and open for inspection by the public. The public may also obtain further details about it by virtue of the Environmental Information Regulations 2004 (see also Disclosure of Information) except in special cases (for advice please contact us at the address shown on the front page of the licence).

Transfer and apportionment

If you need to pass this licence or any part of it to someone else, you must contact Natural Resources Wales and obtain the appropriate application forms. Temporary licences cannot be transferred or apportioned. The licence holder remains responsible for compliance with the terms of the licence and any charges payable until the licence has been transferred or apportioned.

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.

Time limits

Your licence may be subject to a time limit (stated on the front of your licence). All new abstraction licences are legally required to include a time limit. For variations to licences, time limits are added in accordance with our policy.

The duration of a time limit is determined in accordance with our time limiting policy. The time limit is linked to the next or subsequent review of water resources within a Catchment Abstraction Management Strategy (CAMS).

There will be a presumption of renewal providing three tests are met: environmental sustainability is not in question; there is continued justification of need; and water is being used efficiently. Any application for renewal will still be subject to the normal statutory considerations.

If your licence is time limited and you wish to renew it when it expires, you will need to apply for a new licence to replace the existing one. You are advised to submit this application at least three months before it expires. To allow you to give early consideration to this, we will send you a reminder approximately 18 months before the expiry date.

If your licence cannot be renewed, we will endeavour to give at least six years notice. We will also endeavour to give at least six years notice where the licence is likely to be renewed on different terms and will significantly impact upon the use of the licence.

In exceptional circumstances, for example where there are other overriding statutory duties such as the Habitats Regulations, it may not be possible to provide six years notice.

Charges

Unless specifically exempted, we may levy an annual CHARGE for water AUTHORISED to be abstracted by this licence, in accordance with our abstraction charges scheme in force at the time.

The licence may be revoked if charges are not paid.

Quantity and quality of water

You must not abstract more than the quantity specified in the licence.

Natural Resources Wales does not, by issue of this licence or otherwise, in any way guarantee that the source of supply will produce the quantity of water authorised to be abstracted by this licence, nor that the water is fit for its intended use.

The quantity of water authorised for abstraction is given in cubic metres. One cubic metre is approximately 220 gallons.

(The precise conversion is 1 cubic metres = 219.969 gallons).

Source of supply and authorised point of abstraction

You may abstract from the point(s) specified in the licence and from no other points. If you want to add or change the authorised point(s) of abstraction, you must apply to us to vary the licence.

Land on which water is authorised to be used

Where this condition applies, you may only use the water you abstract on the area specified in the licence. You must apply to us to vary the licence if you wish to extend or alter this area or remove it.

Purpose for which water is authorised to be used

You may only use the water for the purpose(s) specified in the licence. You must apply to us to vary the licence if you wish to add to or change the purpose(s).

Offences

Under the Water Resources Act 1991 it is an offence:-

- to abstract water, or cause or permit any other person to abstract water, unless the abstraction is authorised by and in accordance with an abstraction licence, or is subject to an exemption;
- to do anything to enable abstraction, or to increase abstraction, except in accordance with an abstraction licence or exemption;
- to fail to comply with the conditions of an abstraction licence.
Note in particular that it may be a condition of the licence to maintain the meter or other measuring device etc. and failure to do so will be an offence;
- to interfere with a meter or other device which measures quantities of water abstracted so as to prevent it from measuring correctly;
- to fail to provide information which we have reasonably required for the purpose of carrying out any of the Natural Resources Wales water resources functions;
- to knowingly make false statements for the purpose of obtaining a licence or consent or in giving required information.

The requirement for a licence is subject to some exemptions, set out in the Water Resources Act 1991 as amended. If in any doubt as to whether you need a licence, contact us at the address shown at the bottom of the front page of the licence.

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 the 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.

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

You must serve notice of appeal within 28 days of the date of receipt of this licence (although the Secretary of State and The 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 in 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 or abstraction returns. In certain restricted circumstances it is possible to claim that information should be kept confidential. If you require more information about keeping this information off the public register because it is confidential, please contact us by writing to the address shown on the front page of the licence within 28 days of receiving this licence.



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Licence serial number	WA/056/0044/0004
Please quote the serial number in all correspondence about this licence	

TRANSFER LICENCE TO ABSTRACT WATER

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

Canal & River Trust ("the Licence Holder")
National Waterways Museum Ellesmere Port
South Pier Road
Ellesmere Port
Cheshire
England
CH65 4FW

Company Registration Number: 07807276

This licence authorises the Licence Holder to abstract water from the source of supply described in the Schedule of 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 the date of expiry shown below.

Signed:

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

Date of issue.....19 December 2022

Date effective.....19 December 2022

Date of expiry.....31 March 2038

This licence should be kept safe and its existence disclosed on any sale of the property to which it relates. Please read the 'important notes' on the cover to this licence.

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
Water Abstraction (Transitional Provisions) Regulations 2017

SCHEDULE OF CONDITIONS

1. SOURCE OF SUPPLY

- 1.1 Inland water (river) known as River Usk at Brecon.

2. POINT OF ABSTRACTION

- 2.1 At National Grid Reference SO 03975 28882 marked 'Point A' on the map.

3. MEANS OF ABSTRACTION

- 3.1 Gravity flow to an open channel controlled by a sluice gate.

4. PURPOSE OF ABSTRACTION

- 4.1 Transfer for the purpose of operations in the course of carrying out functions as a navigation authority.

5. PERIOD OF ABSTRACTION

- 5.1 All year.

6. MAXIMUM QUANTITIES OF WATER TO BE ABSTRACTED

- 6.1 35,000 cubic metres per day
8,623,778 cubic metres per year

A day means any period of 24 consecutive hours and a year means the 12 month period beginning on 1 April and ending on 31 March.

- 6.2 Upon commencement of Canal & River Trust support releases from DCWW, the maximum quantities of water the Licence Holder is authorised to abstract specified in condition 6.1 of this licence shall be replaced with the following quantities, but remain subject to all other licence conditions:

35,000 cubic metres per day
12,775,000 cubic metres per year.

A day means any period of 24 consecutive hours and a year means the 12 month period beginning on 1 April and ending on 31 March.

7. MEANS OF MEASUREMENT OF WATER ABSTRACTED

- 7.1
- (i) No abstraction shall take place unless the Licence Holder has installed a measuring device to measure quantities of water abstracted.
 - (ii) The Licence Holder shall position and install the measuring device in accordance with any written directions given by NRW.
 - (iii) The Licence Holder shall maintain, repair or replace the measuring device to ensure that accurate measurements are recorded at all times.

- (iv) The Licence Holder shall keep all records of measuring device repair or replacement including evidence of current certification for a period of 6 years.

8. RECORDS

- 8.1 The Licence Holder shall take and record readings of the measuring device specified in condition 7.1 at the same time each day during the whole of the period during which abstraction is authorised or as otherwise approved in writing by NRW.
- 8.2 The Licence Holder shall send to NRW a copy of the record required by condition 8.1 or summary data to NRW within 28 days after 31 March in each year and also within 28 days of being so requested in writing by NRW.
- 8.3 Each record shall be kept and be made available during all reasonable hours for inspection by NRW for at least 6 years.

9. FURTHER CONDITIONS

Definitions

- 9.1 For the purpose of this licence the terms listed below mean the following;

Term	Meaning
'Canal & River Trust support release'	The additional water which DCWW can discharge to the River Usk from the Usk Reservoir, in excess of the compensation releases and any other releases from the Usk Reservoir, under licence number 20/56/54/0001, to support abstraction by Canal & River Trust at Brecon under this licence.
'Unsupported rate of flow in the River Usk at Brecon'	The flow immediately upstream of Brecon Weir inclusive of compensation releases but excluding any other releases from the Usk Reservoir and the Cray Reservoir by DCWW under licence numbers 20/56/54/0001 and 20/56/53/0002 respectively.

- 9.2 No abstraction of water shall take place unless the unsupported rate of flow in the River Usk at Brecon is equal to or greater than 90,000 cubic metres per day.
- 9.3 When the unsupported rate of flow in the River Usk at Brecon is equal to or greater than 90,000 cubic metres per day, the restrictions on abstraction as set out in Table 1 below shall apply;

Table 1	
When the unsupported rate of flow in the River Usk at Brecon is (cubic metres per day):	The maximum quantity of water to be abstracted shall not exceed (cubic metres per day):
90,000 – 95,000	133
95,000 – 100,000	358

100,000 – 105,000	540
105,000 – 110,000	806
110,000 – 115,000	945
115,000 – 120,000	1,178
120,000 – 125,000	1,233
125,000 – 130,000	1,465
130,000 – 135,000	1,662
135,000 – 140,000	1,812
140,000 – 145,000	3,166
145,000 – 150,000	9,483
150,000 – 155,000	9,940
155,000 – 160,000	10,114
160,000 – 165,000	10,540
165,000 – 170,000	10,957
170,000 – 175,000	11,355
175,000 – 180,000	11,827
180,000 – 185,000	12,097
185,000 – 190,000	12,817
190,000 – 195,000	13,036
195,000 – 200,000	13,538
200,000 – 205,000	13,795
205,000 – 210,000	14,177
210,000 – 215,000	14,456
215,000 – 220,000	15,041
220,000 – 225,000	15,511
225,000 – 230,000	15,899
230,000 – 235,000	16,331
235,000 – 240,000	16,811
240,000 – 245,000	17,146
245,000 – 250,000	17,801
250,000 – 255,000	18,164
255,000 – 260,000	18,743
260,000 – 265,000	19,120
265,000 – 270,000	19,613
270,000 – 275,000	20,266
275,000 – 280,000	20,649
280,000 – 285,000	21,225
285,000 – 290,000	21,596
290,000 – 295,000	22,159
295,000 – 300,000	22,591
300,000 – 305,000	23,152
305,000 – 310,000	23,726
310,000 – 315,000	24,148
315,000 – 320,000	24,646
320,000 – 325,000	25,152
325,000 – 330,000	25,659
330,000 – 335,000	26,209

335,000 – 340,000	26,621
340,000 – 345,000	27,152
345,000 – 350,000	27,656
350,000 – 355,000	28,122
355,000 – 360,000	28,674
360,000 – 365,000	29,151
365,000 – 370,000	29,658
370,000 – 375,000	30,113
375,000 – 380,000	30,735
380,000 – 385,000	31,127
385,000 – 390,000	31,610
390,000 – 395,000	32,165
395,000 – 400,000	32,667
400,000 – 405,000	33,081
405,000 – 410,000	33,639
410,000 – 415,000	34,091
415,000 – 420,000	34,568
>420,000	35,000

9.4 For the purpose of conditions 9.2 and 9.3:

No abstraction shall take place unless the method of calculating the unsupported rate of flow at Brecon has been submitted to and approved in writing by NRW.

9.5 **Abstraction of Canal & River Trust Support Releases from the River Usk**

If at any such time DCWW makes a Canal & River Trust support release from the Usk Reservoir (under DCWW licence number 20/56/54/0001) then:

- (i) No abstraction of that support release shall take place under this licence unless the release commences at least 12 consecutive hours before abstraction takes place;
- (ii) The abstraction of Canal & River Trust support releases is in addition to the authorised quantity of water permitted to be abstracted under conditions 9.3 but subject to condition 6.

9.6 Pursuant to condition 9.5, abstraction of Canal & River Trust support releases under this licence can continue for up to 12 consecutive hours following cessation of a Canal & River Trust support release from the Usk Reservoir (under DCWW licence number 20/56/54/0001).

9.7 The Licence Holder shall discharge all of the water abstracted in pursuance of this licence to the Monmouthshire & Brecon Canal at National Grid Reference SO 04660 28224 marked 'Point Q' on the map.

- 9.8 (i) No abstraction shall take place unless the Licence Holder has installed an intake screen with bar spacing no greater than 10 millimetres to prevent the entrapment, entrainment or impingement of fish at the point of abstraction.

- (ii) The Licence Holder shall maintain the fish screen in accordance with the manufacturer's specifications and keep records of such maintenance available for inspection.

9.9 The minimum value for the quantity of water authorised to be abstracted under this licence, as referred to in section 46(2A) Water Resources Act 1991, is 8,623,778 cubic metres per year.

9.10 Upon commencement of Canal & River Trust support releases from DCWW, the minimum value for the quantity of water authorised to be abstracted under this licence as specified in condition 9.9 of this licence shall be replaced with the following;

The minimum value for the quantity of water authorised to be abstracted under this licence, as referred to in section 46(2A) Water Resources Act 1991, is, 12,775,000 cubic metres per year.

ADDITIONAL INFORMATION

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

REASONS FOR CONDITIONS

The licence is time-limited to a date to reflect the timing of a future review of the catchment resources availability.

Conditions 7 and 8: The abstraction is required to be measured to demonstrate compliance with the terms of the licence and to provide information on actual water usage for water planning purposes.

Condition 9.1: to define the terminology within the licence.

Condition 9.2 and 9.3: The licence includes a hands-off flow condition and abstraction cut backs to ensure no adverse impact on the River Usk Special Area of Conservation in accordance with the Habitats Regulations 2017.

Condition 9.4: to ensure the method of calculating the unsupported rate of flow as measured at Brecon is agreed.

Conditions 9.5 and 9.6: to allow abstraction of Canal & River Trust support releases if provided by DCWW from Usk Reservoir.

Condition 9.7: to ensure the abstraction can be classed as a transfer of water from one source of supply to another.

Condition 9.8: to prevent the entrapment, entrainment, and impingement of fish at the point of abstraction.

Condition 9.9 and 9.10: to ensure compliance with Section 46(2A) of the Water Resources Act 1991.

IMPORTANT NOTES

This licence has been issued under the Water Abstraction (Transitional Provisions) Regulations 2017, which requires previously exempt abstractions to become regulated.

Abstraction licence serial numbers WA/056/0038/0005, WA/056/0035/0011, WA/056/0032/0006, WA/056/0032/0007, WA/056/0032/0008 and WA/056/0012/0004 have also been issued authorising the transfer of water into the Monmouthshire & Brecon canal.

For the purpose of Condition 9.4, the Licence Holder shall contact:

Senior People and Places Officer
South East People and Places Team
Natural Resources Wales
Rivers House
St Mellons Business Park
Fortran Road
St Mellons
Cardiff
CF3 0EY
Email: nrp.southeast@cyfoethnaturiolcymru.gov.uk
Tel: 0300 065 3000

Water efficiency note

The Licence Holder should use water abstracted under the terms of this licence in an efficient manner. NRW may refer to its guidance on water efficiency (or equivalent guidance) in determining whether water is being used efficiently and may offer advice on any measures considered necessary to meet particular recommendations.

Metering

NRW will have regard to its Abstraction Metering Good Practice Manual (or equivalent guidance) in directing any of the following: where the meter should be located or how it should be installed; whether the meter measures accurately, and/or is properly maintained; whether it is necessary to require repair or replacement of the meter.

Screening

NRW will have regard to its Screening for Intakes and Outfalls: a Best Practice Guide (or equivalent guidance) in agreeing where, how and what type of fish screens should be installed and together with the results of any monitoring in determining whether the fish screens are properly effective and maintained, and in judging whether it is necessary to require repair or replacement of the fish screens.

Eel screening

NRW may have regard to its Eel Manual: Screening at intakes and outfalls: measures to protect eel (or equivalent guidance) in agreeing where, how and what type of eel screen should be installed and together with the results of any monitoring in determining whether the eel screen is properly effective and maintained, and in judging whether it is necessary to require repair or replacement of the eel screen.



**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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