



**Cyfoeth Naturiol Cymru**  
**Natural Resources Wales**

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## **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/056/0032/0007

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.

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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 unnamed tributary of the Ochram Brook at Llanellen, Abergavenny.

### **2. POINT OF ABSTRACTION**

- 2.1 At National Grid Reference SO 29704 09116 marked 'Point A' on the map.

### **3. MEANS OF ABSTRACTION**

- 3.1 Gravity flow to an open channel controlled by a weir and 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**

- 6.1 200 cubic metres per day  
73,000 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

9.1 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 73,000 cubic metres per year.

9.2 No abstraction of water shall take place unless the rate of flow in the unnamed tributary of the Ochram Brook immediately downstream of the authorised point of abstraction, marked as Point A as specified in condition 2.1, is equal to or greater than 150 cubic metres per day and the abstraction shall not cause the flow immediately downstream of the said abstraction point to fall below that rate.

9.3 The quantity of water abstracted shall not exceed 15% of the available flow in the unnamed tributary of the Ochram Brook in excess of 150 cubic metres per day.

9.4 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 29718 09127 marked 'Point Q' on the map.

9.5 (i) Prior to abstraction taking place under this licence, the Licence Holder shall install an intake screen with mesh or bar spacing no greater than 9 millimetres. The intake screen shall be positioned and angled to ensure an appropriate bywash to prevent the entrapment, entrainment or impingement of fish at the point of abstraction in accordance with the plans and specifications to be submitted to and approved in writing by NRW.

(ii) The Licence Holder shall maintain, repair or replace the intake screen to ensure that it remains effective at all times.

9.6 Prior to abstraction taking place under this licence, the Licence Holder shall submit to and have approved in writing by NRW, intake design drawings to demonstrate compliance with the hands off flow and flow split in conditions 9.2 and 9.3.

## 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 ensure compliance with Section 46(2A) of the Water Resources Act 1991.

Conditions 9.2, 9.3 and 9.5: The licence includes a hands off flow, flow split and screening conditions 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 abstraction can be classed as a transfer of water from one source of supply to another.

Condition 9.6: To ensure the revised intake designs are suitable to secure the hands off flow and flow split.

### 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/056/0044/0004, WA/056/0038/0005, WA/056/0035/0011, WA/056/0032/0006, 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 purposes of Conditions 9.5 and 9.6, 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](mailto: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.



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**MAP ACCOMPANYING LICENCE NUMBER / MAP I GYFEILIO TRWYDDDED RHIF**

WA/056/0032/0007  
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enquiries@naturalresourceswales.gov.uk**

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[www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)**

**incident hotline 0300 065 3000 (24hrs)  
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