



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 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.



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:

A handwritten signature in blue ink, appearing to read "A. Lansdown".

Date of issue.....21 December 2022

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

Date effective.....21 December 2022

Date of expiry31 March 2039

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.

SCHEDULE OF CONDITIONS

1. SOURCE OF SUPPLY

- 1.1 Inland water (river) known as River Dee at Horseshoe Falls, near Llantysilio, Llangollen.

2. POINT OF ABSTRACTION

- 2.1 At National Grid Reference SJ 19588 43283 marked 'Point A' on the map.

3. MEANS OF ABSTRACTION

- 3.1 Gravity flow to an open channel controlled by a weir and two sluice gates.

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 1,375.2 cubic metres per hour
32,959 cubic metres per day
2,554,830 cubic metres in any 90 day period
5,779,590 cubic metres per year

Note: An hour means any period of 60 consecutive minutes, 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 the quantities of water abstracted.
- (ii) The Licence Holder shall position and install the measuring device so as to be capable of continuous measurement in accordance with section 5 of the London Midland Scottish Railway Act 1944 and 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 hour and 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 daily data as required by condition 8.1 within 28 days of being so requested in writing by NRW, in a format to be agreed with NRW.
- 8.3 If so requested by NRW the Licence Holder shall provide records of the hourly data required by condition 8.1.
- 8.4 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 5,779,590 cubic metres per year.
- 9.2 Any abstractions made under this licence shall be subject to such normal and drought general directions (as are in force at the time of abstraction) as issued under Section 9 of the Dee and Clwyd River Authority Act 1973.
- 9.3 The Licence Holder shall discharge all of the water abstracted in pursuance of this licence to the Llangollen Canal at National Grid Reference SJ 19619 43272 marked 'Point Q' on the map.
- 9.4 **For the period 1 February to 31 May in each year:**
- (i) No abstraction shall take place unless screens with 4 millimetre mesh are installed to prevent the entrapment, entrainment or impingement of lamprey at the point of abstraction in accordance with the plans and specifications to be submitted and approved in writing by NRW.
 - (ii) The Licence Holder shall maintain the screening in accordance with the manufacturer's specifications and keep records of such maintenance available for inspection.
- 9.5 **For the period 1 June to 31 January in each year:**
- (i) No abstraction shall take place unless screens with 10 millimetre mesh are installed to prevent the entrapment, entrainment or impingement of salmon at the point of abstraction in accordance with the plans and specifications to be submitted and approved in writing by NRW.
 - (ii) The Licence Holder shall maintain the screening in accordance with the manufacturer's specifications and keep records of such maintenance available for inspection.

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.

Condition 6: The licence includes restrictions on abstraction quantities to ensure no adverse impact on the River Dee Special Area of Conservation in accordance with the Habitats Regulations 2017, to reflect the requirements of the London Midland Scottish Railway (LMSR) Act 1944 and to ensure the licence reflects the quantities abstracted during the qualifying period in accordance with the Water Abstraction (Transitional Provisions) Regulations 2017.

Conditions 7 and 8: The abstraction is required to be measured to demonstrate compliance with the conditions of the licence, to provide information on actual water usage for water planning and operational purposes and to comply with section 5 of the LMSR Act 1944.

Condition 9.1: to ensure compliance with Section 46(2A) of the Water Resources Act 1991.

Condition 9.2: to reflect the Licence Holder's obligations as a member of the Dee Consultative Committee.

Condition 9.3: to ensure the abstraction can be classed as a transfer of water from one source of supply to another.

Conditions 9.4 and 9.5 to prevent the entrapment, entrainment and impingement of lamprey and salmon at the point of abstraction, to ensure no adverse impact on the River Dee Special Area of Conservation in accordance with the Habitats Regulations 2017.

IMPORTANT NOTES

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

The abstraction authorised by this licence was previously authorised under rights conferred by the London Midland Scottish Railway Act 1944, which authorised Canal & River Trust to abstract 28,387 cubic metres per day, on a rolling 90 day average, and a maximum daily abstraction of 32,959 cubic metres per day.

United Utilities Water Limited also abstract at Point A under licence 24/67/05/0057, which authorises abstraction of 50,006 cubic metres per day and 18,302,196 cubic metres per year. The quantities abstracted by United Utilities Water Limited are in addition to those authorised by this licence.

The abstraction at Point A is operated solely by the Canal & River Trust.

There is only one measurement device located at Point A which measures the water abstracted under this licence and also the water abstracted by United Utilities Water Limited under licence 24/67/05/0057. Therefore it is not possible to solely measure the volume of water abstracted at Point A under this licence.

For the purpose of monitoring compliance the assumption will be that United Utilities Water Limited is abstracting on a continuous basis at the maximum daily rate of 50.006 megalitres per day. The balance will be attributed to the abstraction by Canal & River Trust.

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.

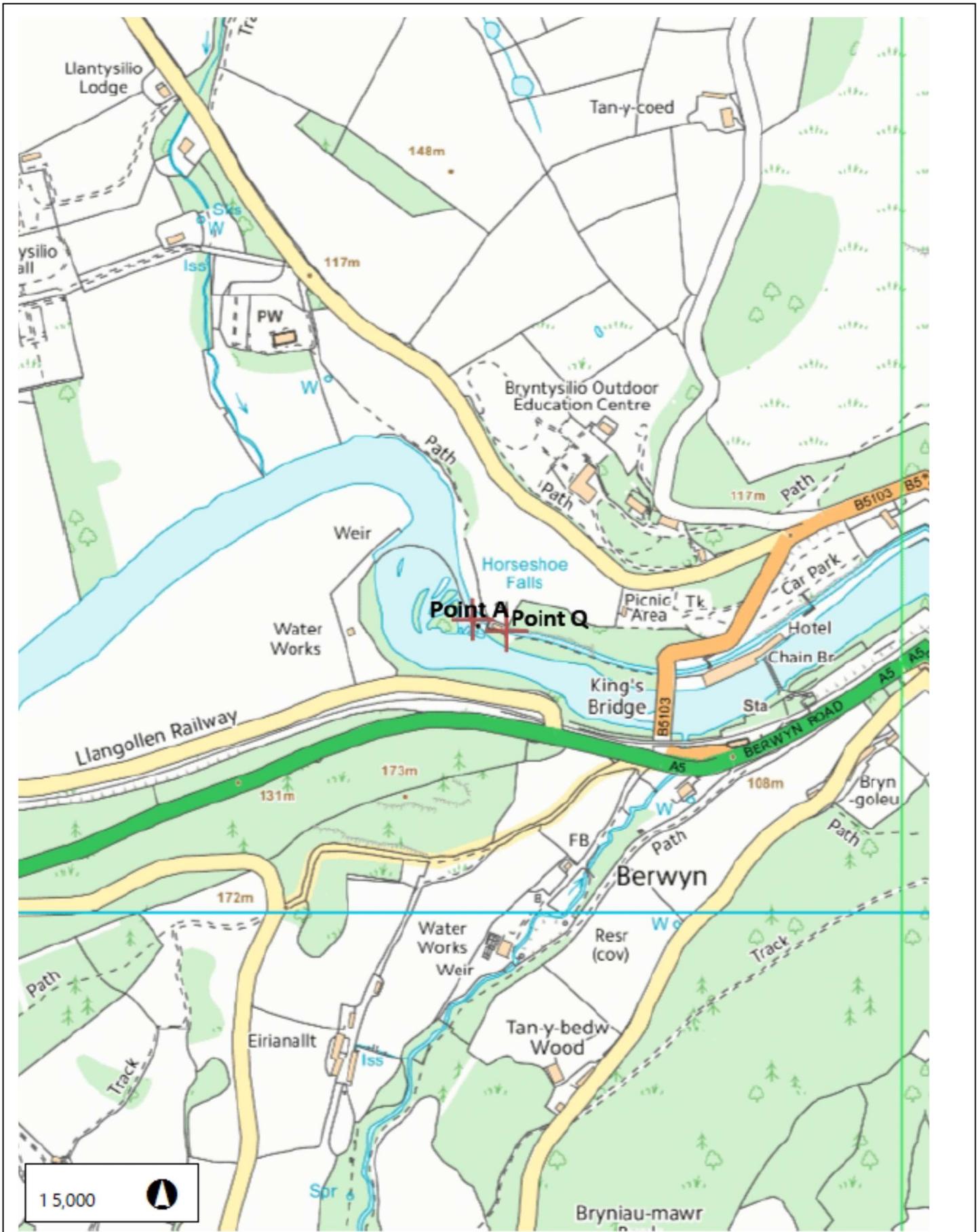
Screening

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.

For the purpose of conditions 8.1 and 8.2 the Licence Holder shall contact:

People & Places Team
Chester Rd
Buckley
Flintshire
CH7 3AJ

Email: NorthWestPeopleandPlacesTeam@cyfoethnaturiolcymru.gov.uk



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**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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