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WATER ABSTRACTION AND IMPOUNDMENT APPEAL FORM

If you need this document in large print, on audio tape, in Braille or in another language, please contact our Helpline on 0303 444 5940.

WARNING: Your appeal must reach The Planning Inspectorate within 28 days of the date of NRW's decision or from the end of the determination period.

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

A. APPELLANT – The name of the person(s) making the appeal **must** appear as an applicant on the application form. **If this is not the case the appeal may not be registered.**

Name	CANAL & RIVER TRUST	
Organisation	Name (if applicable)	

B. AGENT (if any) FOR THE APPEAL

Name	BURGES SALMON LLP	
Organisation Name (if applicable)		
Reference	MB06/SC28/39764.99/BARLO	

C. NATURAL RESOURCES WALES (NRW)

Regional address & contact (including email address)	PERMITTING SERVICE, NATURAL RESOURCES WALES, TY CAMBRIA, 29 NEWPORT ROAD, CARDIFF, CF24 0TP MARY BECKETT - EMAIL: MARY.BECKETT@CYFOETHNATURIOLCYMRU.GOV.UK	
Application reference number	PAN-07398; WA/067/0005/0030	
Application form dated	18/09/2019	
Date of NRW's Decision notice (if issued)	21/12/2022	

D. APPEAL SITE ADDRESS

Address	CRT236, RIVER DEE AT HORSESHOE FALLS
Postcode	

	YES	NO
Are you the owner/occupier of the land? If no, please explain your right of access to the point of abstraction/impoundment below.	X	

	YES	NO
Are there any health and safety issues at, or near the site which the Inspector would need to take into account when visiting the site? If yes, please explain below.		X

E. DETAILS OF THE APPLICATION

Please enter details of the abstraction/impoundment licence or consent application. This should normally be taken from the application form, but if the application was revised while it was with NRW for consideration, you may enter a description of the revised licence.
PLEASE REFER TO THE ABSTRACTION LICENCE APPLICATION ENCLOSED WITH THE GROUNDS OF APPEAL.

F. REASON FOR THE APPEAL

This appeal is against:

Please only tick one option



Decision on a licence application

1.	The refusal of a licence to abstract and/or impound water.	
2.	The granting of a licence to abstract and/or impound water subject to conditions to which you object.	X
3.	The failure of NRW to give its decision within the appropriate period (usually 3 months or such extended agreed period) on an application for a licence to abstract and/or impound water.	

Decision on a transitional licence application

1.	That an application for a full licence, a transfer licence or a temporary licence is needed for one of the other types of licence.	
2.	That a number of applications for licences (of any type or types) to abstract water from a particular source of supply ought to be treated as an application for a single such licence (of any type).	
3.	That an application for a single licence (of any type) to abstract water from a particular source of supply ought to be treated as a number of applications for such licences (of any type or types).	
4.	That any such application ought to be accompanied by an application for revocation of an existing licence to abstract water.	

Decision on an application for consent of a relevant project involving an Environmental Impact Assessment

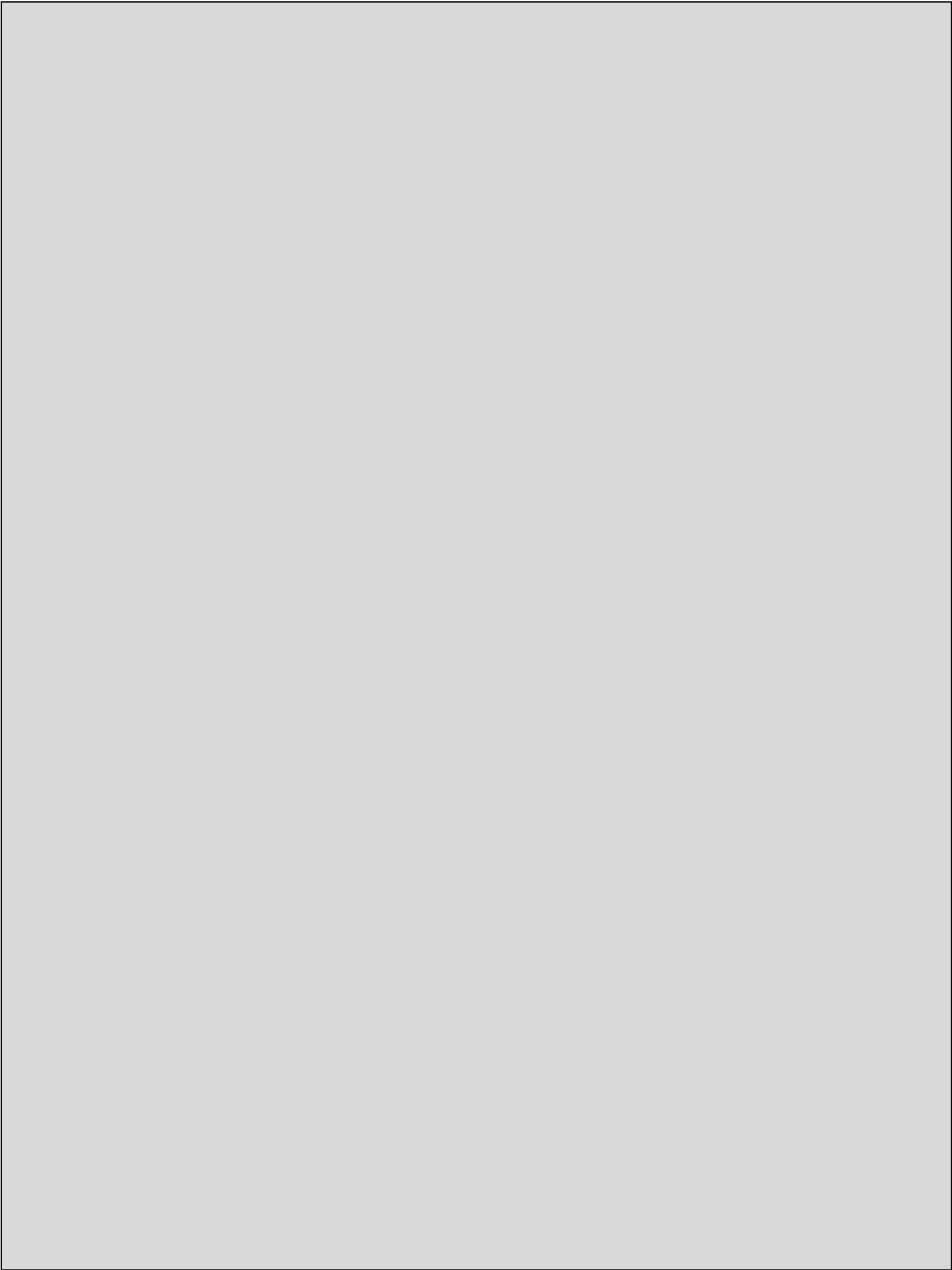
1.	The refusal of an application for a relevant project.	
2.	The granting of an application for a relevant project subject to conditions to which you object.	
3.	The failure of NRW to give its decision within the appropriate period (usually 3 months or such extended agreed period) on an application for a relevant project.	

G. GROUNDS OF APPEAL

This is your opportunity to make your case in connection with the reason for the appeal as indicated in section F. Please provide your grounds of appeal and any supporting facts you wish to rely on. You should go through the reasons for NRW's decision (if provided) and explain why you disagree. Only the matters in NRW's decision and the matters put forward by you at application stage should be included. You should not introduce any new matters that were not before NRW unless you can show that there were exceptional circumstances that prevented you raising them at the time.

Please continue on a separate sheet if necessary

PLEASE SEE GROUNDS OF APPEAL ENCLOSED WITH THIS APPEAL FORM.



H. PROCEDURE

Please note that we must also take NRW's preference into account when we decide how the appeal will proceed.

Please tick ONE box only

1. Written Representations

W ☐

This procedure involves an exchange of the parties' written statements. If a site visit is required, you and NRW will be given an opportunity to accompany the Inspector during the site visit.

2. Hearing

H ☒

A hearing is a discussion, held under the direction of the Inspector. It lets parties exchange their views in a less formal atmosphere than at a public inquiry. Hearings are open to the public and third parties may be heard at the discretion of the Inspector. Hearings are not usually suitable for appeals that:

- are complicated or controversial and have created a lot of local interest; or
- require cross-examination of witnesses.

Please note that although you may prefer a hearing, the Inspectorate will also consider whether your appeal would be best dealt with at a more formal inquiry or on the basis of written representations.

3. Inquiry

I ☐

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar as the parties to the appeal will usually be legally represented and expert witnesses will be called to give evidence; inquiries are open to the public and third parties may be heard at the discretion of the Inspector. In general, an inquiry is the best way to deal with a case that:

- involves complex legal issues;
- have caused a lot of local interest; or
- involve the need to question evidence through formal cross-examination.

An inquiry will be held if you or NRW decide that you do not want to use the written representations procedure and we decide that a hearing is unsuitable. Sometimes, even if both parties have opted for the written representations procedure or an informal hearing, we may decide to hold an inquiry. If we do, we will tell you why.

If you want us to hold an inquiry, please set out your reasons below:

I. ESSENTIAL SUPPORTING DOCUMENTS

The documents listed below must be sent with your appeal form. If we do not receive all your appeal documents by the end of the 28 day appeal period, we will not deal with it.

Please tick the boxes to show which documents you are enclosing.



1	A copy of the original application sent to NRW.	✓
2	A copy of NRW's decision notice (if issued).	✓
3	A copy of NRW's registration letter for the application. <u>Only required if NRW have failed to determination the application within the specified period.</u>	
4	A list (stating drawing numbers) and copies of all plans, drawings and documents sent to NRW as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to NRW.	✓
5	Any other relevant correspondence with NRW.	✓
6	A copy of the Environment Impact Assessment and associated documents, if applicable.	

Personal Details (these will not *be made publicly available*)

1. Appellant personal details

Address	CANAL & RIVER TRUST, NATIONAL WATERWAYS MUSEUM, ELLESMERE PORT, SOUTH PIER ROAD, ELLESMERE PORT, CHESHIRE
Postcode	CH65 4FW
Daytime Telephone	
E-mail	

	English	Welsh
Language Preference	✓	

	E-mail	Post
I prefer to be contacted by	✓	

2. Agent Personal Details (if any)

Address	BURGES SALMON LLP, ONE GLASS WHARF, BRISTOL
Postcode	BS2 0ZX
Daytime Telephone	0117 307 6124
E-mail	SIMON.COX@BURGES-SALMON.COM

	English	Welsh
Language Preference	✓	

	E-mail	Post
I prefer to be contacted by	✓	



The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection Policy can be found on our website under "Privacy Policy" (http://planninginspectorate.wales.gov.uk/privacy_policy)

PLEASE SIGN BELOW (signed forms with all supporting documents must be received by us within the appeal period)

I confirm that I have sent a copy of this appeal form to NRW (if you do not your Appeal will not normally be accepted).

I confirm that all sections have been fully completed to the best of my knowledge.

I understand that you may use the information I have given for official purposes and details including my name, the site description and my statement of case may appear online. By submitting this form I am agreeing to the use of the information I provide in this way.

Signature:

Burges Salmon LLP

Name (in capitals)

BURGES SALMON LLP

Date

18/01/2023

On behalf of (if applicable)

CANAL & RIVER TRUST

SEND

1 COPY to us at:

The Planning Inspectorate
Crown Buildings
Cathays Park
CARDIFF
CF10 3NQ

E-mail:

wales@planninginspectorate.gov.uk

Helpline: 0303 444 5940

1 COPY to NRW

Send a copy of the appeal form and full statement of case to the address from which the decision notice was sent (or to the address shown on any letters received from NRW).

There is no need to send them all the supporting documents again; only send them any supporting documents not previously sent as part of the application.

Please keep a copy for your records

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

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