

# Renewal Determination Report

**Report under the Water Resources Act 1991 (as amended) and the Environment Act 1995 on an application to renew transfer abstraction licence number [WA/065/0019/0018](#)**

In this document, Natural Resources Wales ('NRW') means the Natural Resources Body for Wales ('the Body') established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.

Please note that on 01 April 2013, the functions previously conducted by the Countryside Council for Wales ('CCW'), Forestry Commission Wales ('FCW'), and the functions of the Environment Agency within Wales ('EA/EAW'), (CCW,FCW and EA/EAW together 'the Legacy Bodies') were transferred to NRW.

In determining this application, NRW has exercised its duties and powers under the Water Resources Act 1991 (as amended) and the Environment Act 1995 and has taken account of guidance issued by the Legacy Bodies where relevant.

The impact of the abstraction was originally assessed in our report dated [15/03/2017](#), a copy of which is available on DMS.

NRW has decided to issue the licence

## 1. Application process

### 1.1 Application details

Administrative details	
Applicant name and address	James McAllister, Ty Fynnon, Graiglwyd Rd, Penmaenmawr Conwy. LL346ER
Application reference number	PAN-028516
Existing licence number	WA/065/0019/0018
New licence number	WA/065/0019/0018/R001
ALS	Llyn and Eryri
NRW Area	North West

Date application received into NRW (inc.fee)	03/03/2025 Fee of £1398.00
Date application made invalid	N/A
Relevant date	05/03/2025
Determination date	05/06/2025
Agreed extended determination date	30/09/2025 Email sent to request until 31/10/2025 and agreed
LEV applied	Yes

<b>Abstraction details</b>	<b>New Proposal</b>
Location of abstraction	Graiglwyd Fly Fishing, Graiglwyd Road, Penmaenmawr Conwy.
Sources of supply	Inland water (stream) known as unnamed stream at Cwm Graiglwyd and unnamed stream near Plas Uchaf Farm, near, Graiglwyd Road, Penmaenmawr
Points of abstraction National Grid Reference (NGR) (multiple points)	Point A: SH 72180 75330 Point B: SH 72250 75500 Point C: SH 72620 75720
Purpose of abstraction	Throughflow for lake
Period of abstraction	All Year
<b>Quantities and rates:</b>	
cubic metres per hour	Not included on Transfer Licence
cubic metres per day	As above
cubic metres per year	As above
litres per second	As above
Means of abstraction	An intake structure and gravity feed pipe at each point of abstraction
Measurement of abstraction	Not required as a transfer licence is being issued without volumes.

## 1.2 Validation of the application

The applicant has submitted all the required information for a complete and valid application. The applicant has a right of access to where the abstraction points are situated and therefore has a right to apply for the licence.

## 1.3 Departures from original application form

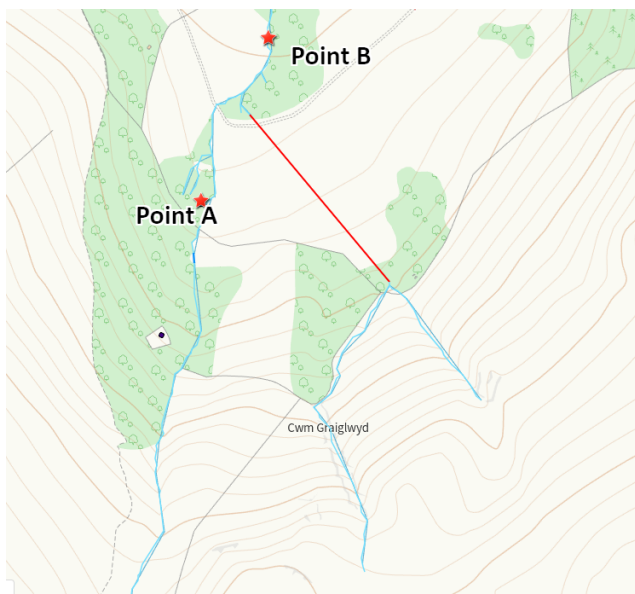
## 1.4 Advertising

The application to renew the existing licence was received late so Natural Resources Wales was unable to apply the advertising exemption. However, it has decided to dispense with the need for advertising under Regulation 7(4) of the Water Resources (Abstraction and Impounding) Regulations 2006 (SI 2006/641).

A dispensation notice was signed on [14/08/2025](#) by an authorised person and saved onto the DMS. Notice of this proposal has not been advertised and no statutory bodies have been notified as the proposal is not subject to advertising. Consequently, no external representations from the general public can be made or considered.

## 1.5 Internal consultation

The 'Renewal Consultation Spreadsheet [2024-25](#) was completed on 15/04/2024 (date spreadsheet signed off by NRP – Column AQ) and concerns were raised at this time regarding the 50/50 flow split at abstraction points A and B. Seemingly regarding the abstractions taking place on the same watercourse and therefore creating a 75/25 split. After reviewing the previous determination report and also consulting with visiting officers, Point A and Point B are on the same tributary whilst Point C is on a separate tributary. With regard to point A and B specifically they both have multiple inflows between them and after discussions with relevant officers it was confirmed that although both are on the same watercourse there was no concerns about impact. Therefore we do not perceive this as an issue. Please see map detailing below:-



Concerns were also raised by fisheries regarding screening. In previous det report it stated that fish are unlikely to be present as the water courses are small. Fisheries officer confirmed it was visited previously, there are currently no concerns in relation to fish regarding the abstraction activity. If compliance officers identify that fish are impacted the licence holder will have to apply for a variation to the licence to add a screen.

During consultation with People and Places colleagues as well as the local Environment team there was also concerns brought to light regarding the change of purpose of the site and subsequent abstraction activity. This change was discussed within the team and a decision was made by senior officers: We would be processing the renewal as a same terms renewal but alter the purpose to better reflect the current activity at the site. This was put forward to relevant internal consultees who agreed on the pragmatic approach. (see email dated [30/09/2025](#))

NRW are satisfied that the licence can be renewed (see email dated [26/09/2025](#) saved to the DMS).

## **1.6 External consultation**

No external consultation has been undertaken.

## **2. Tests for renewal**

### **2.1 Test one: Environmental sustainability**

Natural Resources Wales have reviewed the abstraction in light of its Abstraction Licensing Strategy (ALS). This abstraction is within a non-assessed area.

During the renewals consultation, comments were received about this licenced abstraction. Comments were directed towards issues with the 50/50 flow split conditions within the licence. Upon review we identified that the source of supply is off 2 separate tributaries that have multiple inflows and the two abstraction points A and B are on the same water course. The environment team were happy for the renewal to go ahead having no concerns of impact. The previous det report identified this and there have been no adverse impacts identified. In light of this and the abstraction being non consumptive with all water returned to the catchment, NRW consider it appropriate to renew the licence to the next ALS common end date, which for Llyn and Eryri ALS is 2037. See email dated [11/09/2025](#) confirming no impacts from flow split.

### **2.2 Test two: justification of need**

The original licence was issued as a transfer for the purpose of filling and maintaining angling lakes. However, it was identified during this current application to renew the licence that the purpose of the abstraction had changed from what was previously issued. The current purpose is transfer for the purpose of lake through flow, associated with an aqua park - use of inflatable assault course equipment, which is placed on the lake as part of a tourist venture. There has been no change to the means of abstraction and the applicant has confirmed that water passes through the lake in email dated [26/09/2025](#)

There are no maximum abstraction rates conditioned on the licence, therefore, no requirement to measure / record abstraction volumes, or to submit returns to NRW; and the current purpose has a very low loss factor in line with the previous purpose. This change in purpose is considered minor and can be processed as part of this same terms renewal application.

Natural Resources Wales have assessed the information provided by the applicant and determined that the quantities applied for are justified.

### **2.3 Test three: water efficiency**

See email dated [28/09/2025](#) on the DMS discussing measures taken to conform with reservoir act. See also previous determination report detailing how applicant has worked with NRW to improve the efficiency of the abstraction where feasible and possible.

Natural Resources Wales have assessed the information provided by the applicant and determined that the water will be used efficiently.

### **3. Statutory duties**

#### **3.1 Environmental Impact Assessment**

The applicant has consulted Natural Resources Wales and it has confirmed that the proposal is not a “relevant project”. No Environmental Statement is therefore required by NRW to be submitted in respect of this application and project proposal.

#### **3.2 Water Framework Directive**

This proposed activity has screened out of requiring a Water Framework Directive Assessment due to it being a “green light activity” as defined in OGN 72: Guidance for assessing activities under the Water Framework Directive. This renewal is on the same terms, not within a protected area, there are no monitoring conditions on the existing licence, no recorded concerns from specialists and will be time-limited. NRW are satisfied that there will be no deterioration in ecological status as a result of the components of the activity authorised by the licence

#### **3.3 Conditions removed/amended**

Condition 4.1 amended - to reflect the change of purpose of transfer abstraction licence.

#### **3.4 Sites designated under the Habitats Directive and CRoW Act**

##### **3.4.1 Habitats Directive**

Natural Resources Wales is of the opinion that the proposal is not likely to have any impact on sites designated under the Habitats Directive as no sites were identified during original determination.

##### **3.4.2 Countryside Rights of Way (CRoW) Act**

Natural Resources Wales is of the opinion that the proposal is not likely to have any impact on sites designated under the CRoW Act as no sites were identified during original determination.

#### **3.5 Protected rights and lawful users**

It was not necessary to consider existing protected rights as part of the renewal.

No lawful users identified were during the original determination of this application or during consultation for the renewal of the licence. Therefore, lawful uses of water have been considered and appropriate measures to safeguard them have been taken.

No protected rights have been identified as being at risk of derogation as a result of this proposal. An additional abstraction site is located upstream of this application

(WA/065/0019/016) however as this is situated upstream it will be not be impacted by this abstraction

### 3.6 Cost benefits and environmental mitigation or gain

An assessment of the likely costs and benefits of the proposed licensing approach was carried out as part of the sustainability appraisal undertaken as for the ALS. For more information about the sustainability appraisal please see the ALS technical document.

<b>Options considered</b>	Option 1: issue the licences as applied for Option 2: issue the licences with appropriate conditions in accordance with policy and guidance Option 3: Refuse the application
<b>Preferred option</b>	Option 2: issue the licences with appropriate conditions in accordance with policy and guidance
<b>Reason for choosing preferred option(s)</b>	The costs and risks to the environment associated with this proposal do not make a refusal a reasonable or appropriate course of action. All conditions placed on the licence are in accordance with current legislation and policy.
<b>Assessment of likely benefits and costs of proposed option to:</b>	
Water Resources/ The Environment	There is low risk of environmental damage occurring as a result of this proposal.  The inclusion of flow conditions will ensure there is enough water for the environment.  The proposal accords with local water resources policy and is sustainable.
The applicant	The applicant will benefit from the availability of water for their operation.  There will be a cost saving from not having to use mains water for this purpose.  The applicant will incur the costs of installing and maintaining the method of abstraction.  The applicant will have to pay the application fee.
Natural Resources Wales	Natural Resources Wales will incur the cost of determining the application and enforcing the licence. These costs will be recovered through the application charge.  In determining the licence in accordance with local and national policy, Natural Resources Wales is fulfilling its duties as a regulator.

The economic and social well being of the rural community.	No adverse effects upon the social and economic well being of local communities in the rural area are perceived as a result of this proposal.
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### **3.7 Biodiversity and sustainable development**

The principles of biodiversity and sustainable development are embodied in the conditions attached to the licence.

### **3.8 Time limit**

A time limit of 31/03/2037 has been included in accordance with the Llyn and Eryri ALS common end date for the catchment and Natural Resources Wales approved policy.

## **4. Other considerations**

### **4.1 Special agreements**

No special agreements applied.

### **4.2 Measurement of water abstracted**

Measurement conditions are not required on the transfer licence as no volume limits have been specified.

## **5. Considerations of SMNR – Compliance with our General Purpose**

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.

## **6. Conclusion and recommendations**

The conditions incorporated on the licence 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 Natural Resources Wales.

I therefore recommend approval of the application and issue of the licence with the conditions as drafted.

## APPENDIX 1 – FULL APPLICANT DETAILS AND FINANCE MEMO

### 1. Enforcement – Criticality Class

Highly Critical

### 2. The following new licence abstract water has been granted

<b>Licence number:</b> WA/065/0019/0018/R001	<b>Previous licence number:</b> WA/065/0019/0018
<b>Licence Holder name:</b> As previous	<b>Previous Licence Holder name:</b> James McAllister
<b>Registered address:</b> As previous	<b>Previous registered address:</b> Ty Fynnon, Graiglwyd Rd, Penmaenmawr, Conwy. LL34 6ER
<b>Correspondence address:</b> As previous	<b>Previous correspondence address:</b> As above

<b>Area</b>	North
<b>ALS</b>	Llyn and Eryri
<b>LEAP</b>	Eryri/Llyn

### 3. PALS Purpose

Primary Code	Secondary Code	Use/Loss Level (provide explanation if necessary)
I: Industrial, Commercial, Public Services	HOL: Holiday Sites, Camp Sites and Tourist Attractions	250: Lake and Pond Throughflow- Very Low.

Purpose has been updated from previous determination report to reflect the nature of the current activity. Lake has changed from being primarily for fishing purposes and is now used to support the levels of lake around holiday cottages and for an inflatable aquapark.

### 4. Financial charge calculation

<b>Issue date</b>	07/10/2025
<b>Effective date</b>	01/04/2025
<b>Expiry date</b>	31/03/2037
<b>Two part tariff offered (Yes/No)</b>	No
<b>Other agreement (Yes/No)</b>	No
<b>Chargeable (Yes/No)</b>	No

<b>Reason if non chargeable</b>	Transfer Licence
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If authorised, the licence will be exempt from the payment of annual charges being one of the categories under Paragraph 6.2.1 of Natural Resources Wales's Charges Scheme.

Exempt from charging under 6.2.4 under a transfer licence.