

Determination Report

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Report under the Water Resources Act 1991 (as amended) and the Environment Act 1995 of an application for a formal variation of licence number WA/056/0044/0004

In this document, Natural Resources Wales ('NRW') means the Natural Resources Body for Wales ('the NRW') 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.

NRW has decided to grant the variation.

1. Summary of the proposal

The applicant, Canal and Rivers Trust (CRT), have applied to technically vary transfer abstraction licence WA/056/0044/0004, which was originally issued on 19th December 2022 under the Water Abstraction (Transitional Provisions) Regulations 2017; which required previously exempt abstractions to become regulated. The licence authorises abstraction from the River Usk at Brecon and subsequent transfer to the Monmouthshire and Brecon (M&B) Canal for the purpose of operations in the course of carrying out functions as a navigation authority.

The variation is to make changes to conditions 9.2 and 9.3 on the licence relating to abstraction from the river Usk when Dŵr Cymru Welsh Water (DCWW) have made support releases of water specifically for CRT use. Currently the wording of these conditions means that CRT are unable to abstract support release water they have requested from DCWW when flow in the river Usk at Brecon is below 90,000 cubic meters a day.

The proposal is to remove condition 9.2, and alter the wording of condition 9.3 whilst also adding data to the flow table in condition 9.3. This will allow CRT to abstract support release water which they have requested when flows fall below 90,000 cubic meters per day from the River Usk In Brecon (which was the original intention of the licence).

1.1. Departures from application forms

An invalid letter was sent to the applicant on 29/07/2025 ([saved to DMS](#)) because the application forms were not signed by an appropriate person. The applicant provided a letter of authorisation via email dated [30/07/2025](#) (saved to DMS).

2. Application details

Administrative details	
Applicant name and address	Canal and River Trust National Waterways Museum Ellesmere Port, South Pier Road, Ellesmere Port, Cheshire, England. CH65 4FW
Application contact details	Dr Adam Comerford Canal and River Trust Address: As above Telephone: 07810 856554 Email: Adam.Comerford@canalrivertrust.org.uk
Application reference number	PAN-029924
Existing licence number	WA/056/0044/0004
New licence number	WA/056/0044/0004/V001
Catchment	056 Usk 0044: Usk Brecon to Abergavenny

NRW Area	Mid
Date application received	10/07/2025
Valid date	30/07/2025
Determination date	30/11/2025
Agreed extended determination date	31/01/2026 (signed extension letter saved to DMS , dated 01/12/2025)

Abstraction details	New Proposal	Existing Licence
Location of abstraction	As existing.	River Usk at Brecon.
Source of supply	As existing.	Inland water (river) known as River Usk.
Point of abstraction (NGR) (single point)	As existing.	At National Grid Reference SO 03975 28882 marked 'Point A' on the map.
Purpose of abstraction	As existing.	Transfer for the purpose of operations in the course of carrying out functions as a navigation authority.
Period of abstraction	As existing.	All year.
Quantities and rates (6.1):		
cubic metres per day	As existing.	35,000
cubic metres per year	As existing.	8,623,778
Quantities and rates (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:		
cubic metres per day	As existing.	35,000
cubic metres per year	As existing.	12,775,000
Means of abstraction	As existing	Gravity flow to an open channel controlled by a sluice gate.
Measurement of abstraction	As existing	Measuring device.

3. Case History

Date	Event
26/03/2025 – 25/04/2025	Discussions of licence condition issues and variation requirements between NRW and CRT.
10/07/2025	Invalid application for a variation to a abstraction transfer licence received.
29/07/2025	Invalid letter sent to applicant.
30/07/2025	Additional information received, application valid.
31/07/2025	Valid letter sent to applicant.

4. Validation of Application

The applicant has submitted all the required information for a complete and valid application.

Is the applicant entitled to apply for the necessary licence?	Yes
Comments: Rights of access map received saved to DMS dated 10/07/2025	
Were any supplementary reports submitted or has any additional information been requested by Natural Resources Wales?	No
Comments: No further information requested or required.	

5. Water Resources (Environmental Impact Assessment Regulations) 2003 as amended by the Water Resources (Environmental Impact Assessment) (England and Wales) (Amendment) Regulations 2006.

Natural Resources Wales Permitting Team confirm that the proposal is not a “relevant project”, as defined by the Regulations. No environmental statement is therefore required by Natural Resources Wales to be submitted in respect of this application and project proposal.

6. Justification of requirements and water efficiency

Justification of need

NRW are satisfied with the justification of requirements, the variation is to amend licence conditions to allow CRT to abstract DCWW support release water, which was the original intention of the licence.

Water efficiency

In application form WRD dated [10/07/2025](#) and saved to the DMS the applicant noted that they have continuous leak monitoring and repair programmes on the canal undertaken by dedicated teams, as well as hydrologist checks when canal flow is constrained to ensure efficiency of water usage.

NRW consider the applicant has demonstrated that water will be used efficiently.

7. Advertising

Application was not advertised	Yes/No	Comments
WR-29 completed	Yes	Signed dispensation notice, dated 13/11/2025 , saved to DMS
Temporary licence	No	
Variation to permanent licence to introduce time limit	No	
Renewal on same terms	No	
National security	No	

No statutory bodies have been notified because the proposal is not subject to advertising.

Notice of this proposal has not been published; consequently no external representations from the general public can be made or considered.

8. Internal Consultation

Due to the administrative nature of the application, limited internal consultation (via IcePack dated [04/11/2025](#), saved to DMS) was carried out on 26/11/2025 with comments due for response by 10/12/2025.

Consultee (name, date and summary of Comments)	
Technical Fisheries	Date: N/A
Comments: No response received, no impacts anticipated – See section 10.4.	
Designated Conservation Officer	Date: 11/12/2025 (Environment Team Tab)
Comments: Happy with proposal – See sections 10.2.2 and 10.8.	
People and Places	Date:09/12/2025
Comments: Happy with proposal.	
Environment Team	Date:11/12/2025
Comments: Happy with proposal – See section 10.2.2.	
Hydrology	Date: 26/11/2025 - 15/12/2025
Comments: Happy with proposal – See section 10.2.2.	
Marine Advisory team	Date:26/11/2025
Comments: Happy with proposal – See sections 10.2.2 and 10.8.	

9. External Consultation

It was not necessary to refer the proposal to statutory consultation bodies.

10. Technical assessment of the proposal

10.1. Water Framework Directive and CAMS resource assessment, and licensing strategy

Category	Comments/name
Catchment Abstraction Management Strategy Area (CAMS)	Usk
CAMS Assessment Point (AP)	AP 15
Current resource status and licensing strategy (CAMS or other strategy) for this location	All licence applications will be considered on a case by case basis, The protection of designated features (e.g. SAC, SSSI, UK BAP, and Ramsar), important local features and the rights of other water users will be taken into consideration, All new consumptive licences will be issued with flow restrictions.

WFD Integrated Water Body (name/ID)	Usk - conf Afon Senni to conf Afon Crawnon /GB109056040081
WFD Ecological Status	Good

The proposal is not likely to have an impact on the CAMS status or WFD status as the following conditions are retained on the licence:

- Maximum abstraction quantities
- Metering / Assessment and recording of abstracted quantities
- Time Limit
- Hands off flow
- Fish Screening

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. The activity was deemed to be a “green light activity” during the original determination as the licence was issued in line with the Abstraction Licencing Strategy for the catchment.

Due to the nature of the proposal, no consultees required a WFD Assessment to be undertaken for the variation to this licence. See IcePack dated [04/11/2025](#) saved to DMS.

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.

10.2. Hydrology

The activity is situated at the main river Usk in Brecon which then flows for a further 95 km downstream before reaching the tidal limit and discharges into the Severn estuary.

10.2.1. Borehole construction, pump test, analysis and discussion

As this application is for a variation to a surface water abstraction this section is not relevant.

10.2.2. Impact on flows

As a result of technical assessment during the original licence determination (see report saved to DMS), the licence contains bespoke conditions that impose staggered abstraction restrictions, linked to flow bands in the river, to ensure the River Usk SAC is protected from serious damage. As these restrictions affected CRT’s water supply, licence conditions were also included allowing abstraction of support water provided by DCWW from the Usk Reservoir.

Following issue of the original licence, it was identified that Conditions 9.2 and 9.3 prevent abstraction of the ‘Canal & River Trust support release’ water from DCWW when the ‘Unsupported rate of flow in the River Usk at Brecon’ is less than 90,000 cubic meters per day. NRW consider this was not the intention of the original conditions and that CRT should be able to abstract the support water (even when the unsupported rate in the River Usk at Brecon is less than 90,000 cubic meters per day), as this water has been purchased and released specifically to support the canal.

Therefore, to resolve this issue, Condition 9.2 has been removed from the licence and the wording and table associated with condition 9.3 (now 9.2) has been updated to ensure it is possible for CRT to abstract the 'Canal & River Trust support release', even when the 'Unsupported rate of flow in the River Usk at Brecon' is less than 90,000 cubic meters per day.

Following internal consultation (see section 8 above), the below wording was agreed:

“When the unsupported rate of flow in the River Usk at Brecon is within the range of quantities stated in column 1 of table 1 below, the restrictions on abstraction as set out in column 2 shall apply.”

Due to the administrative nature of the application, NRW are satisfied that the proposal has no potential to impact on flows.

10.3. Impact on the ecology

NRW are satisfied that the requested variation poses no risk to protected species or other local ecology, due to the administrative nature of the application. It was not necessary to consult biodiversity as there is no meaningful change to the licence.

10.4. Impact on fisheries

NRW are satisfied that the existing 10mm intake screen and flow restrictions are adequate to protect fish species. It was not necessary to receive a consultation response from NRW fisheries as there is no meaningful change to the licence.

10.5. Impact on water quality

NRW is satisfied that there is no meaningful change to the abstraction regime as a result of this variation and there will be no impact on water quality.

10.6. Protected rights and lawful users

No protected rights or lawful users were considered to be at risk as a result of the original licence determination. Due to the administrative nature of the application there is no change to the original assessment. We have considered lawful users during determination of this proposal by:

- requesting the applicant makes us aware of any local abstractions, on the application forms; and
- consulting a local officer on whether they are aware of any lawful users or local issues we need to consider

10.7. Conservation impacts (designated and/or wetland sites)

The following sites have been identified as a result of mymap screening. See screening result dated [23/10/2025](#) and saved to the DMS.

Nearest Conservation Sites (Distance or downstream) and Potential Impacts			
Designation Types	Name of Site	Potential Impact	Distance & Direction
National Conservation Designations			

Special Area Conservation (SAC)	River Usk	Yes	Within
	Severn Estuary	Yes	95km downstream
Ramsar	Severn Estuary	Yes	95km downstream
Special Protection Area (SPA)	Severn Estuary	Yes	95km downstream
Site of Special Scientific Interest (SSSI)	River Usk	Yes	37km downstream
	Severn Estuary	Yes	95km downstream
Groundwater Dependent Terrestrial Ecosystems (GWDTEs) GW only	None identified	N/A	N/A
Other Conservation Designations			
National Nature Reserve (NNR)	Newport wetlands	No	95km downstream
Local Nature Reserve (LNR)	St Julien's Park	No	81km downstream
Ancient Woodland	Multiple records found - see screening report for full details	No	Nearest is 2.4km downstream
Listed Buildings	None Identified	N/A	N/A
Historic Monuments	None Identified	N/A	N/A
Scheduled Ancient Monuments (SAMs)	None Identified	N/A	N/A
World Heritage Sites	None identified	N/A	N/A
Heritage Coast	None identified	N/A	N/A
ESA	None identified	N/A	N/A
Site of Importance for Nature Conservation (SINC)	Multiple records found - see screening report for full details	No	Nearest is 37km downstream
National Landscape Designations			
National Parks	Brecon Beacon	No	Within
Area of Outstanding Natural Beauty (AONB)	None Identified	N/A	N/A
Heritage Coast	None identified	N/A	N/A
Others			
Restoring Sustainable Abstraction Programme (RSAP)	None identified	N/A	N/A
Protected Species	Multiple records found - see screening report for full details	Yes	Nearest is within

Brecon National Park

No adverse impact is expected as there has been no meaningful change to the original licence granted in 2022. As such consultation with the National Park is not required.

Protected Species

Potential impacts to protected species have been considered under section 10.4 above and 10.8 below.

10.8. Habitats Directive Regulations and CRoW Act

During the original determination of this licence a HRA appropriate assessment was carried out which established that the project would not adversely affect the integrity of any Natura 2000/Ramsar site, taking into account any conditions or restrictions as applicable, either alone or in-combination with other plans and projects. NRW ANCB agreed with the conclusions of this assessment via Form 2 response. Please see HRA Form 1 and 2, dated 24/11/2022, saved to DMS respectively.

A revised appropriate assessment has been completed (see HRA Form 1, dated 17/11/2025 on DMS) for the variation for audit purposes only, to take into account the amended licence conditions. There is no meaningful impact on activity or the outcome of the original assessment as a result of amending the conditions. The intention of the original conditions was that CRT should be able to abstract support water even when the unsupported rate in the River Usk at Brecon is less than 90,000 cubic meters per day and this was considered within the original appropriate assessment.

An updated Appendix 4 was also completed and filed for audit purposes, dated [25/11/2025](#) and saved to DMS.

Natural Resources Wales is of the opinion that this variation is not likely to have an any impact on sites designated under the Habitats Regulation or the CRoW Act due to the administrative nature of the proposal. The abstraction activity has existing conditions put in place to meet relevant flow objectives and protect against any adverse impact to the integrity of designated sites. The flow restrictions are set in in the previous HRA and also updated in a the new HRA and Appendix 4.

10.9. Other considerations

Consideration	Impact Yes/No
Flooding	No
Comments: No impacts anticipated due to the administrative nature of the proposal.	
Archaeology	No
Comments: No impacts anticipated due to the administrative nature of the proposal.	
Recreation/amenity	No
Comments: No impacts anticipated due to the administrative nature of the proposal.	
Subsidence and desiccation	N/A
Comments: N/A	

10.10. Other consents that might be required or related to this proposal

Consents	Yes/No
Environmental Permit for water discharge activity	No
Comments: Not necessary for this proposal.	
Flood Risk Activity Permit (FRAP)	No
Comments: Not necessary for this proposal.	

10.11. Representations (and Decision Statement if applicable)

Notice of this proposal has not been published; consequently no external representations from the general public can be made or considered.

10.12 Conditions added, amended or removed

Condition number	Change	Reason
Condition 9.2	Removed	Removed to allow for abstraction of support release water.
Condition 9.3	Amended – now 9.2	Updated wording to reflect the intention of licence to allow abstraction of support release water.
Condition 9.4	Amended	Updated condition numbering to reflect the removal of Condition 9.2. Where appropriate, the references within Conditions have also been updated to account for the removal of Condition 9.2.
Condition 9.5		
Condition 9.6		
Condition 9.7		
Condition 9.8		
Condition 9.9		
Condition 9.10		

11. Cost benefits and environmental mitigation or gain

Options considered	Option 1: issue the licence variation as applied for. Option 2: issue the licence with appropriate conditions in accordance with policy and guidance. Option 3: refuse application
Preferred option	Option 2: issue licence with appropriate conditions in accordance with policy and guidance.
Reason for choosing preferred option(s)	The costs and risks to the environment associated with this proposal do not make a refusal a reasonable or appropriate course of action. Conditions, such as flow controls are considered necessary and adequate to protect the ecology. All conditions placed on the licence are in accordance with current legislation and policy.
Assessment of likely benefits and costs of proposed option to:	
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	

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 and of measuring the volumes of water they abstract.

Natural Resources Wales

Natural Resources Wales will incur the cost of determining the application and enforcing the licence.

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.

12. Biodiversity and sustainable development

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

13. Time limit

A time limit has been retained in accordance with the CAMS common end date for the Usk catchment (31/03/2038) and Natural Resources Wales's approved policy.

14. Special agreements

None applicable.

15. Measurement of water abstracted

No changes to the existing licence conditions or requirements.

16. 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.

17. Conclusion and recommendations

Full and due consideration has been given to any representations made, and due regard has been taken of protected rights and other lawful interests.

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

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 (as modified) and issue of Licence number WA/056/0044/0004/V001 with the conditions as drafted.

Determination Report: WA/056/0044/0004/V001
CAMS Area: Usk
Case Officer: Stuart Whincup

APPENDIX 1 – FULL APPLICANT DETAILS AND FINANCE MEMO

1. Enforcement – Criticality Class

Highly Critical

2. The following varied licence to abstract water has been granted

	Current	Previous
Licence number:	WA/056/0044/0004/V001	WA/056/0044/0004
Licence Holder name:	As existing	Canal and River Trust
Registered address:	As existing	National Waterways Museum Ellesmere Port South Pier Road Ellesmere Port Cheshire England CH65 4FW
Correspondence address:	As above	As above

Area	Mid
CAMS	Usk
LEAP	USKLP – Usk LEAP

3. PALS Purpose

Primary Code	Secondary Code	Use/Loss Level
I - Industrial, Commercial, Public Services	NAV - Navigation	650 - Transfer between sources (post Water Act 2003)

4. Financial charge calculation

Issue date	19/01/2026
Effective date	19/01/2026
Expiry date	31/03/2038
Time limited licence (Yes/No)	Yes
Two part tariff offered (Yes/No)	No
Other agreement (Yes/No)	No
Chargeable (Yes/No)	No
Reason if non chargeable	Transfer licence

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.