

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/058/0061/0060**

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

Associated British Ports (APB) have applied to technically vary transfer abstraction licence WA/058/0061/0060. The purpose of the licence is to transfer water via a weir on the River Afan into Port Talbot Dock. The weir is known as Green Park Weir. The variation proposed is to remove reference to 5 water level sensors from conditions 3.1 and 6.1 of the licence and alter condition wording of 3.1, 6.1 and 6.2 to account for sensor reference removal and revoked licences. The upstream Afan level sensor at NGR SS 76078 89737 will remain referenced on the licence as well as the electronic control box. In addition a gauge board will be installed at the entrance to the fish pass to aid in compliance assessment at NGR SS 76058 89757 which will be added to the licence.

1.1. Departures from application forms

The applicant had failed to request for commercial confidentiality as was requested in original licence application. When pointed out the applicant confirmed they wished for commercial confidentiality, see email [18/07/2025](#) saved to DMS. The request for commercial confidentiality was accepted for the original application so has been accepted for this application.

Water efficiency measures was left blank on application form. After discussions with applicant it was confirmed electronic control system, monitoring, site inspections, preventative maintenance and manual intervention where abnormal conditions are identified are all used to ensure water efficiency. This information was provided in email dated [05/02/2026](#) and saved to DMS.

2. Application details

Administrative details	
Applicant name and address	Associated British Ports, 25 Bedford Street, London, WC2E 9ES
Application contact details	Mark Elliot, Associated British Ports, 25 Bedford Street, London, WC2E 9ES Jessica Ager (Agent) JBA consulting Limited, Suite C, first floor, George Parker Bidder Building. 4 Babbage Way, Exeter Science Park, Clyst Honiton. Exeter, Devon. EX5 2FN
Application reference number	PAN-029510
Existing licence number	WA/058/0061/0060
New licence number	WA/058/0061/0060/V001
Catchment	058 – 0061:Afan
NRW Area	South West
Date application received	04/06/2025

Valid date	29/07/2025
Determination date	29/11/2025
Agreed extended determination date	Email request sent to extend until 31/03/2026 Confirmation received approving extension dated 02/03/2026 and saved to DMS.

Abstraction details	New Proposal	Existing Licence
Location of abstraction	As before	Green Park Weir, Aberavon, Neath Port Talbot
Source of supply	As before	Inland water known as the River Afan
Point of abstraction (NGR)	As before	SS 76039 89707
Purposes of abstraction	Transfer for navigation Transfer for subsequent abstraction under abstraction licence numbers 21/58/61/0009 and 21/58/61/0042	Transfer for navigation Transfer for subsequent abstraction under abstraction licence numbers 21/58/61/0009, 21/58/61/0042 and 21/58/61/0012
Period of abstraction	As before	All year
Quantities and rates:		
cubic metres per hour	As before	Not relevant as transfer licence
cubic metres per day		
cubic metres per year		
litres per second		
Means of abstraction	<p>Refurbished concrete weir consisting of crump style north weir with fish pass, stepped south weir with smolt by-wash, trash and fish screen; dock feeder channel with scour protection; twin arch culvert with glass reinforced plastic lining; two penstock pipes; upstream River Afan level sensor and electronic control system allowing a maximum abstraction rate not exceeding 4,400 litres per second; in accordance with specification and drawing:</p> <p>'Dock feeder culvert elevations' drawing number 2016s4601_D403</p> <p>Submitted on page 38 of "Application Annexes (Supporting Info)", dated 16/12/2019, or such minor amendments to this</p>	<p>Refurbished concrete weir consisting of crump style north weir with fish pass, stepped south weir with smolt by-wash, trash and fish screen, dock feeder channel with scour protection, twin arch culvert with GPR lining, two penstock pipes; six water level sensors, electronic control system allowing a maximum abstraction rate not exceeding 4400 litres per second; in accordance with specification and drawings: 'Dock feeder culvert elevations', drawing number 2016s4601_D403 dated 23/04/2015, copy of which is appended to this licence, or such minor amendments to this document that is accepted in writing by NRW.</p>

Abstraction details	New Proposal	Existing Licence
	document that is accepted in writing by NRW.	
Measurement of abstraction	See section 15	See section 15

3. Case History

Date	Event
04/06/2025	Application received to vary transfer licence WA/058/0061/0060
18/06/2025	Application invalidated
29/07/2025	Applicant provided additional information and application validated.

4. Validation of Application

It was noted that the application forms were not signed by an appropriate person. Supporting information was provided by the applicant in a letter of authorisation dated [29/07/2025](#) and saved to the DMS.

Also it was enquired as to whether the applicant wished to apply for commercial confidentiality. This was confirmed by applicant in email dated [18/07/2025](#) saved to the DMS. Commercial confidentiality was accepted on the same grounds that the previous application was accepted.

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:	
Were any supplementary reports submitted or has any additional information been requested by Natural Resources Wales?	Yes
Comments:	
Supporting technical report was provided by applicant dated 02/06/2025 and saved to the DMS.	
Information regarding water level details was requested and provided dated 01/12/2025 saved to the DMS.	
Design Report for green park weir provided 01/12/2025 .	
Information requested on revoked licence, penstock operations, licence drawing and gauge board and provided by applicant dated 21/11/2025 saved to DMS.	
Information requested regarding original drawing on licence requested and supporting annexes provided by applicant dated 19/01/2026 saved to DMS.	

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

The original licence determination requested the applicant to provide evidence to demonstrate the quantities of water abstracted and a justification of need. The applicant supplied dated dock water levels and shipping records between 2016 and 2018 showing movement of vessels in and out of the docks. This demonstrated the justification of need for the transfer licence.

Water efficiency

There are no changes to the water efficiency measures currently in place at the site. The site operates with an electronic control system, monitoring, site inspections, preventative maintenance and manual intervention where abnormal conditions are identified.

7. Advertising

Application was not advertised	Yes/No	Comments
WR-29 completed	Yes	Dispensation saved to DMS and signed dated 16/10/2025

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

Internal consultation sent 07/01/2026 comments dues for response by 21/01/2026.

Consultee (name, date and summary of Comments)	
Technical Fisheries	Date: N/A
Comments: No comment	
People and Places	Date:27/01/2026
Comments: No concerns based on AWMG response	
Environment Team	Date:06/02/2026
Comments: No concerns about abstraction, a request for gauge board direction was suggested. This was put to applicant for installation and will be added to issue letter.	
Marine Advisory team	Date:19/01/2026
Comments: Initial concerns, however post response from hydrology and Afan water management group withdrew concerns.	
Hydrology	Date:20/01/2026
Comments: Meeting set up with Hydrology with representative from Afan water management group. No concerns as abstraction will fundamentally remain the same.	
Protected species team	Date: N/A
Comments: Team confirmed they would not be consulting on proposal see email dated 29/01/2026 saved to DMS	

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)	Swansea Bay Rivers
CAMS Assessment Point (AP)	7 Afan at weir downstream of Docks Feeder Canal
Current resource status and licensing strategy (CAMS or other strategy) for this location	<p>No water available for licencing at this assessment point.</p> <ul style="list-style-type: none"> • Licences will only be considered for consumptive abstractions at the highest flows. These will be considered due to the economic importance of development in the area. • Applications for new consumptive abstractions will be considered on a case-by-case basis and would need to be supported by an appropriate business case. • Licences for non-consumptive abstractions would be considered.
WFD Integrated Water Body (name/ID)	GB541005800600 - Afan Estuary Incl Docks GB110058026110 - Afan - confluence with Pelenna to tidal limit.
WFD Ecological Potential (if HMWB)	Moderate

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 licence will be issued in line with Abstraction Licensing Strategy for the catchment.

There has been no material change to how the licence was originally issued for this variation application. Assessment was undertaken for the previous application and was concluded that after weir improvements in 2017 there were no WFD concerns. This variation is not changing how the water is abstracted, and no water framework directive concerns were raised in consultation. This variation can be considered a green light activity.

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 and/or hydrogeology

The abstraction is located on River Afan at the bottom of the catchment, less than 2 km before the river discharges into Swansea Bay.

A separate meeting about hydrology was arranged to discuss the variation which included representatives from the Afan Water Management Group (AWMG). After the conclusion of the meeting the ICE pack was completed by hydrology consultee in response to the discussions. The result of the consultation meeting was - there is no fundamental change to the way the abstraction works. The report about maximum abstraction rates was accepted showing that 4400 l/s cannot be exceeded due to infrastructure design. There were no

concerns from a hydrology perspective or from the AWMG about the removal of the reference to the level sensors from the licence. These comments were put into the ICE pack.

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

Improvements were made to the weir in 2017 with a refurbishment. In addition as part of the original application and in collaboration with the AWMG, improvements included provision of an electronic control system which operates the opening of the penstock pipes, and working in conjunction with the upstream River Afan level sensor. This system is set up so that the penstocks are only open if water levels in the River Afan upstream of the intake is at 5.82mAOD or below. This is the level required to allow water over the fish pass and thus helping protect flows.

10.3. Impact on the ecology

Protected habitats

Swansea Bay intertidal mudflats were identified during screening as detailed in section 10.7 below. As this variation is not to change the method of abstraction nor the quantities being abstracted, and no concerns were raised about the abstraction impacting this habitat, it was considered that there would be no impact on protected habitats.

Site of Importance for Nature Conservation (SINC)

The Afan estuary SINC was identified during screening as detailed in section 10.7 below. In line with our current guidance, consultation with the County Council was not deemed necessary. This was due to there being no change to the abstraction (as above) that is already licenced.

Shellfish waters protected area

The Swansea Bay East CEFAS area was identified during screening as detailed in section 10.7 below. This variation is not to alter the method of abstraction, nor the quantities being abstracted. No concerns were raised during consultation, as such no impact is expected to this CEFAS.

NRW are satisfied that this proposal has minimal potential to impact on ecology.

10.4. Impact on fisheries

The refurbished weir and sensor controlled abstraction were deemed to provide significant improvement for fish passage during the original determination of this licence. The upstream River Afan level sensor (which will remain as part of this variation) ensures that whilst

abstraction is occurring 30 litres per second must pass through the fish pass. No abstraction shall take place when the water level in the River Afan upstream of the intake is at 5.82m AOD or below. This ensures that rate of flow is maintained and fish migration can continue over the weir. A fish screen condition is also already included within the licence. There is no discernible change to how the abstraction operates in this variation and as such no impact is expected on fisheries, no concerns were raised at consultation.

10.5. Impact on water quality

No concerns raised or impacts anticipated on water quality as a result of this variation proposal.

10.6. Protected rights and lawful users

There are two ongoing licenced abstractions which are connected to ABP's abstraction at Green Park Weir - 21/58/61/0009 Tata Steel and 21/58/61/0042 Civil & Marine Ltd.

No protected rights have been identified as being at risk of derogation as a result of this proposal. This is due to nature of the variation. There are no material changes to the way the abstraction works and has already been licenced. No concerns have been raised since the licence was originally issued.

Lawful users of water have been considered and appropriate measures to safeguard them have been taken.

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

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)	None identified	No	N/A
Ramsar	None identified	No	N/A
Special Protection Area (SPA)	None identified	No	N/A
Site of Special Scientific Interest (SSSI)	None identified	No	N/A
Groundwater Dependent Terrestrial Ecosystems (GWDTEs) GW only	N/A	No	N/A
Other Conservation Designations			
National Nature Reserve (NNR)	None identified	No	N/A
Local Nature Reserve (LNR)	None identified	No	N/A
Ancient Woodland	None identified	No	N/A
Listed Buildings	None identified	No	N/A

Historic Monuments	None identified	No	N/A
Scheduled Ancient Monuments (SAMs)	None identified	No	N/A
World Heritage Sites	None identified	No	N/A
Heritage Coast	None identified	No	N/A
ESA	None identified	No	N/A
Site of Importance for Nature Conservation (SINC)	Afan Estuary	No	680m d/s
Shellfish Waters protected area (CEFAS)	Swansea Bay East	No	1780m d/s
National Landscape Designations			
National Parks	None identified	No	N/A
Area of Outstanding Natural Beauty (AONB)	None identified	No	N/A
Heritage Coast	None identified	No	N/A
Others			
Restoring Sustainable Abstraction Programme (RSAP)	None identified	No	N/A
Protected Species	Atlantic Salmon. Trout and eels	No	Within

SINC and CEFAS – See section 10.3 – no significant impacts expected.

Protected species – No impacts are expected as the existing conditions on the licence such as screens and fish pass flow are in place to reduce impact. No concerns have been raised since the licence was originally granted and no concerns were brought forward at consultation.

10.8. Habitats Directive Regulations and CRoW Act

Natural Resources Wales is of the opinion that the proposal is not likely to have any impact on sites designated under the Habitats Regulation or the CRoW Act. No sites were identified previously, no concerns have been raised since the original licence was granted and no further sites were identified as part of this variation.

10.9. Other considerations

Consideration	Impact Yes/No
Flooding	No
Comments: Variation does not include any construction work	
Archaeology	N/A
Comments: No consultation with regional archaeologists required.	
Recreation/amenity	No
Comments: No concerns raised by consultees.	
Subsidence and desiccation	N/A
Comments: No advertising	

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 required for activity	
Flood Risk Activity Permit (FRAP)	No
Comments: Not required for activity	

10.11. Representations

Not applicable as application was not advertised.

10.12. Conditions added, amended or removed

Condition Number	Change	Reason for change
3.1	Amended	Altered condition wording to remove reference to level sensors and specify upstream River Afan level sensor. Reference to appended drawing removed. – See detail below
4.1	Amended	Removed reference to revoked licence 21/58/51/0012.
6.1	Amended	Removed reference to dock feeder level sensor and dock level sensors.
6.8 (new)	Added	Provision of a gauge board for fish pass to aid in compliance checks.
6.9 (new)	Added	Provision of a gauge board for fish pass to aid in compliance checks.
6.10 (new)	Added	Provision of a gauge board for fish pass to aid in compliance checks.

Condition 3.1 and 6.1 As part of this variation reference to the level sensors within the dock will be removed, however one level sensor will remain in place that will measure the level of the Afon Afan upstream of the weir, this sensor will remain on the licence.

Condition 3.1 amended – The appended drawing has been removed from the licence. The reason for this is that the drawing is not to the correct scale; without the correct scale the drawing did not show the correct detail appropriately. The only available drawing is at A1 scale within the application annexes dated 16/12/2019 and saved to DMS. This document is now referenced in the licence and available to view for compliance purposes.

Due to the nature of the variation request, the applicant completed a review of the draft licence. The updated wording and added conditions were accepted by the applicant. See email dated [03/03/2026](#) saved to DMS.

11. Cost benefits and environmental mitigation or gain

Options considered	Option 1: Issue licence as applied for; Option 2: Issue licence with conditions; Option 3: Refuse licence
Preferred option	Option 2
Reason for choosing preferred option	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 a Hands off Level and fish screen are considered necessary and adequate to. 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 level conditions will ensure there is enough water for fish to use the fish pass.	
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 partly 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.	

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 of 31 March 2029 has been included in accordance with the CAMS common end date for the Swansea Bay Rivers and Natural Resources Wales's approved policy.

14. Special agreements

No Special agreements

15. Measurement of water abstracted

The original licence is a transfer licence and no quantities were specified within the licence conditions, no conditions were required relating to the measurement or assessment of the actual volume of water abstracted. This variation is not altering that requirement.

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 [Licence_Number WA/058/0061/0060/V001](#) with the conditions as drafted.

APPENDIX 1 – FULL APPLICANT DETAILS AND FINANCE MEMO

1. Enforcement – Criticality Class

Less Critical – The weir operators and interested parties including NRW meet on a regular basis as part of the Afan Water Management Group (AMWG) to discuss the weir operation.

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

	Current	Previous
Licence number:	WA/058/0061/0060/V001	WA/058/0061/0060
Licence Holder name:	As existing	Associated British Ports
Registered address:	As existing	25 Bedford Street London WC2E 9ES
Correspondence address:	As above	As above

Area	South West
CAMS	Swansea Bay Rivers

3. PALS Purpose

Primary Code	Secondary Code	Use/Loss Level
I (Industrial, Commercial, Public)	HRB (Ports & Harbour Authority Operations)	650 - Transfer between sources (post Water Act 2003) very low 'Navigation'
I (Industrial, Commercial, Public)	HRB (Ports & Harbour Authority Operations)	650 - Transfer between sources (post Water Act 2003) very low 'transfer for subsequent abstraction'

4. Financial charge calculation

Issue date	03/03/2026
Effective date	03/03/2026
Expiry date	31/03/2029
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. (The application is for a transfer licence)

Deviations:

Deviation to remove technical drawing from licence document see section 10.12 above.