

Determination report

Licence number: 24/66/1/0047/V004

Application reference number: PAN-031344

Site name: The Creamery

Report of an application for a technical variation to full abstraction licence number 24/66/1/0047/V003

Purpose of this document

This determination report:

- explains how the application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies any further conditions in the licence other than those applied as standard.

Unless the determination report specifies otherwise we have accepted the applicant's proposals.

NRW has decided to issue the licence.

We consider that in reaching this decision, we have taken into account all relevant considerations and legal requirements and that the licence will ensure that the appropriate level of environmental protection is provided.

A glossary of acronyms used can be found at the end of this document in [Annex 2](#).

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1. Summary of the proposal

P. J. Colours Ltd. have applied to technically vary their existing groundwater abstraction licence. The proposed variation includes:

- Reducing authorised quantities,
- Removing two boreholes from the licence,
- Changing and adding purposes to the licence,
- Updating specifications of remaining borehole to reflect as built structure.

P. J Colours Ltd. primarily intend to use the abstracted water as part of their manufacturing process in creating pigment products for use in the construction industry. Secondly the water will be used for amenity purposes.

Site map -



Figure 1 © CNC/NRW All rights Reserved. Contains Ordnance Survey Data. Ordnance Survey Licence number AC0000849444.

2. Application details

Administrative details	
Applicant name and address	P. J. Colours Ltd The Glades Festival Way, Festival Park, Stoke on Trent ST1 5SQ
Existing licence number	24/66/1/0047/V003
New licence number	24/66/1/0047/V004
Hydrometric sub-catchment	0001:Clwyd/Clywedog (Upper)

Departures from application forms	
Aspect of application	New value applied for
Volumes	25 m ³ per day
Means of Abstraction	30m deep and 250mm wide

Any differences between what was applied for within the initial application and what was subsequently agreed as the application details have been communicated to the applicant.

3. Validation of the application and further information received during determination

The application was validated on 11/02/2026. This means we considered it was submitted on the correct forms, the correct application fee has been received and that the application contained sufficient information for us to begin our determination.

Entitlement to apply

The applicant demonstrated that they are entitled to apply for the abstraction licence, as they have, or will have when the licence takes effect, a right of access to the abstraction point.

4. Advertising

In exercise of its discretion under the Water Resources (Abstraction and Impounding) Regulations 2006 (Regulation 7(4)), Natural Resources Wales dispensed with the advertising requirements in relation to this proposal. This decision is documented on a dispensation notice, which can be found on the public register.

Notice of this proposal has not been published; consequently no external representations from the general public can be made or considered. No statutory bodies have been notified because the proposal is not subject to advertising.

5. Justification of requirements and water efficiency

P. J. Colours Ltd. have applied for these volumes

1.04 cubic metres per hour
25 cubic metres per day
6,375 cubic metres per year

The applicant has stated that they will use the water for the purpose of general amenity and for the purpose of manufacturing.

For amenity use the applicant has stated that water will be required for the employees, in particular at end of shifts for hygiene purposes e.g. showers etc. This is the only water available to employees as the site is not on mains water.

When assessing justification of requirements for the purpose of manufacturing – the applicant has stated that primarily they blend pigments for use in the construction industry. One of the items that they produce is a liquid pigment that is created by blending their powder pigment with differing quantities of water. There is no specific optimum use reference to be taken into account when assessing this need.

As such the applicant has been collecting data over the past year to show how much water they require and subsequently how much they wish to reduce their volumes by. The readings provided over the past 12 months show their need and the requested maximum volumes with regard to both manufacturing and the amenity use. The applicant has also stated that they have accounted for an anticipated future increase in manufacturing and therefore requirement.

NRW have assessed the applicant's justification of requirements and have deemed them reasonable.

Water efficiency

Natural Resources Wales have reviewed the measures provided by the applicant and consider that they are satisfactory to ensure that water is used efficiently.

Water efficiency measures provided by the applicant are –

- Daily Water Checks
- Meter Reading of main water meter vs the meters on the manufacturing units.
- Highlighting any anomalies in the figures
- Servicing of pumps and pipes by contract plumber.

6. Consultation

Natural Resources Wales carried out consultation on the application in accordance with its legal obligations, our statutory Public Participation Statement (PPS) and Principles of Working Together agreements.

A summary of consultation comments and our response can be found in 7.11. We have taken all relevant representations into consideration in reaching our decision.

7. Technical assessment of the proposal

This proposal has been screened for potential impacts to the water environment, which includes designated sites, protected species, protected rights and lawful users.

7.1 Resource assessment and Abstraction Licensing Strategy (ALS)

The abstraction is within NRW's Clwyd Abstraction Licensing Strategy (ALS) area. According to the ALS, there is no water available for licensing at this location.

The current application includes a request for a reduction in authorised volumes. As such with regard to the ALS this is already licenced water, and as this variation will be surrendering a quantity of water it will benefit the environment. There is no HOL currently conditioned on the licence and as this is a reduction it is not justified in imposing one now.

7.2 Hydrology and/or hydrogeology

The abstraction is from the underground strata comprising of Permo-Triassic Sandstone.

The abstraction does not fall within a groundwater Source Protection Zone.

7.3 Impact on groundwater

Previous impact assessments were undertaken as part of the application for this abstraction back in 1991 for the 1994 licence variation. No impacts were identified as part of those assessments. There have been no impacts identified during the history of this licenced abstraction.

This variation will include the removal and amendment of conditions relevant to groundwater. These are as follows -

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Condition 3.1 (i), 3.1 (iii) and 9.2 – Removed to reflect removal of two boreholes and only one licenced borehole going forward.

Condition 6.1 – Amended to reflect new authorised quantities and removal of conditions 9.1 and 9.2.

Condition 9.1, 9.3, 9.4, and 9.5 – Removed as no longer relevant with newly authorised quantities.

Given the nature of this variation is to reduce quantities and no concerns have been raised NRW believe that no impacts are expected to groundwater.

7.4 Impact on surface water flows

Not applicable as this application is for a ground water abstraction, no impacts have been identified over the history of this licenced abstraction to surface water, and no concerns have been raised.

7.5 Impact on ecology

Note that impacts to ecological features within designated sites can be found in section 7.8

7.5.1 Impacts on fisheries

There are no anticipated impacts to fisheries as a result of this proposal.

7.5.2 Impacts on other water dependent species and habitats

No species or habitats were identified that could be at risk as a result of this proposal. There are no anticipated impacts to water dependent species or habitats as a result of this proposal. This is a groundwater abstraction and no impacts have previously been identified through the history of the licenced abstraction with no identified impact pathway to surface water features.

7.6 Impact on water quality

There are no anticipated impacts to water quality as a result of this proposal.

7.7. Protected rights and lawful users

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.

Conditions 9.6, 9.7, 9.8, 9.9, and 9.10. relating to lawful users and protected rights that are no longer relevant due to the nature of the variation will be removed.

7.8 Conservation impacts – Designated sites

7.8.1 The National Site Network and Ramsars:

No National Site Network Sites or Ramsars have been identified as at risk as a result of this proposal. Therefore, a Habitats Regulations Assessment (HRA) is not required because there is no conceivable impact pathway by virtue of location of the project.

7.8.2 Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs) and Areas of Outstanding Natural Beauty (AONB)

Natural Resources Wales is of the opinion that the proposal is not likely to have an impact on any SSSIs, NNRs nor any AONBs as none of these sites was identified in NRW's risk screening exercise.

7.8.3 Other Designations

No other designated sites were identified during screening exercise

7.9 Water Framework Directive Regulations 2017

The abstraction is within the GB41001G202100 Clwyd Permo-Triassic Sandstone WFD waterbody, and within the GB110066059960 Clwyd - tidal limit to Hesbin WFD surface waterbody.

According to NRW policy, the proposal has screened out of requiring any further assessment under the WFD Regulations 2017 because it is a variation of an existing licence that is in accordance with the abstraction licence strategy and is therefore considered a 'low risk' activity.

7.10. Other considerations

Consideration	
Flooding	No concerns have been raised regarding flood risk as a result of this proposal.

Archaeology	NRW consider that this proposal will have no impacts to the historic environment and archaeology as a result of this proposal.
Recreation and amenity	NRW consider that this proposal will have minimal impact to recreation and amenity.
Subsidence and dessication	NRW do not have concerns regarding the risk of subsidence and dessication as a result of this proposal.

7.11 Representations and external consultation/notification responses

No representations were received as this application was not subject to advertising requirements.

7.12 Other consents

The applicant may be required to apply for other consents in addition to this application. It is the applicant's responsibility to ensure that all necessary consents are obtained before commencing this proposal.

8. Cost benefits and environmental mitigation or gain

In accordance with the Environment Act 1995, Section 39, NRW have had regard to costs and benefits in exercising its powers in the assessment below.

Assessment of probable benefits and costs of proposed option to the :	
Water Resources/ The Environment	There is low risk of environmental damage occurring as a result of this proposal. 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.

	<p>There will be a cost saving from not having to use mains water for this purpose.</p> <p>The applicant will incur the costs of installing and maintaining the method of abstraction and of measuring the volumes of water they abstract.</p> <p>The applicant will have to pay the application fee, any advertising costs that apply and an annual subsistence charge based on their licensed quantity.</p>
Natural Resources Wales	<p>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 and annual charges, where applicable.</p> <p>In determining the licence in accordance with local and national policy, Natural Resources Wales is fulfilling its duties as a regulator.</p>
The economic and social well being of the rural community.	<p>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.</p>

9. Biodiversity and Sustainable development

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

10. Time limit

Consideration was given to adding a time limit to the new purpose and associated conditions. NRW concluded that adding a time limit as part of this variation would be unreasonable and disproportionate to the risks proposed as a result of the variation applied for. We took into consideration that the abstraction is very low risk given the large reduction in volume, the very low volumes to be authorised going forward which are near the exemption threshold and that the loss factor of the new purpose is the same as the existing licence purpose. The Regulators Code is clear that regulatory effort should be focused on risk and we consider the decision not to apply a time limit to this variation to be in line with the

regulators code when taking into account the risks posed by the varied abstraction. Any future increases in volumes applied for will be time limited in accordance with our guidance.

11. Special agreements

There are no special agreements relevant to this proposal.

12. Measurement of water abstracted

The applicant will be advised of the measuring requirements which will comply with the Abstraction Metering Good Practice Manual (R & D Technical Report W84).

The applicant will be required to record meter readings each month. There will be no reporting requirement for this proposal as the quantities sit below the required volume where reporting is required.

Due to the nature of this variation the following conditions relating to measurement have been changed -

Condition 7 has been amended to update to modern wording as part of this variation.
Condition 8.1 has been amended to update to modern wording as part of this variation.
Condition 8.2 has been removed to reflect lack of reporting need.
Condition 8.3 has been amended to 8.2 to reflect removal of condition 8.2.
Condition 8.4 has been removed to update with current policy.

13. 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.

14. Conclusion and decision

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.

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The conditions incorporated on the licence are considered to be necessary and reasonable in light of the available and presented evidence. The conditions are also considered to be consistent with appropriate standards for enforcement by Natural Resources Wales.

NRW has therefore approved the application (as modified) and issue of Licence number 24/66/1/0047/V004 with the conditions applied.

Annex 1 – Administration

Purpose code and loss factor

Primary Code	Secondary Code	Use	Loss factor
I: Industrial, Commercial, Public Services	OTI: Other Industrial / Commercial / Public Service	350: Process Water - Medium	Medium
W: Water Supply	PWU: Private Water Undertaking	040: Drinking, Cooking, Sanitary Washing (small garden) - Commercial / Industrial / Public Services - Medium	Medium

Finance

The licence will be subject to annual charges under paragraph 6.1 of [Natural Resources Wales's water abstraction charges scheme](#)

Annex 2 - Glossary of acronyms used in this document

ALS	Abstraction Licensing Strategy
CAMS	Catchment Abstraction Management Strategy
CRoW	Countryside Rights of Way
EFI	Environmental Flow Indicator
FRAP	Flood Risk Activity Permit
GES	Good Ecological Status
GW	Groundwater
HAF	Hydro abstraction factor

HEP	Hydro-electric power
HES	High Ecological Status
HIA	Hydrological Impact Assessment
HoF	Hands-off flow
HoL	Hands-off level
HRA	Habitat Regulations Assessment
LNR	Local Nature Reserve
LSE	Likely Significant Effect
NNR	National Nature Reserve
NRW	Natural Resources Wales
PALS	Permitting and Licensing System
PPS	Public Participation Statement
PWS	Public Water Supply
Q ₃₀	Flow exceeded 50% of the time period considered
Q ₅₀	Flow exceeded 50% of the time period considered
Q ₇₀	Flow exceeded 70% of the time period considered
Q ₉₅	Flow exceeded 95% of the time period considered
RBMP	River Basin Management Plans
ROA	Rights of Access (e
RSA	Restoring Sustainable Abstraction
SAC	Special Area of Conservation
SINCs	Site of Importance for Nature Conservation (Local Wildlife Sites)
SMNR	Sustainable Management of Natural Resources
SPA	Special Protection Area
SPZ	Source Protection Zone
SSSI	Site of Special Scientific Interest
WAT	Welsh Archaeological Trust
WFD	Water Framework Directive (2008/98/EC)
WFS	Water Feature Survey
WIA	Water Industry Act
WR	Water Resources