

# Determination report

**Licence number: WA/054/0001/0129**

**Application reference number: PAN-031363**

## **Glascoed Bypass Channel**

**Report of an application for a new transfer licence.**

### **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.

For this NRW-own application, the Welsh Ministers are deemed to have granted this application in accordance with Section 64 of the Water Resources Act 1991.

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

The applicant, Natural Resources Wales (NRW) have submitted an application for a transfer licence to operate an existing fish bypass channel on the Afon Cynllaith. The Glascoed Weir is a 3.3 metre high stone-pitched weir which acts as a barrier to fish migrating upstream of the Afon Cynllaith. The bypass channel was constructed in 2014 as part of Natural Resources Wales (NRW) 'Salmon for Tomorrow' programme. The bypass channel diverts a portion of the flows of the Afon Cynllaith around the Glascoed Weir at National Grid Reference (NGR) SJ 21714 28311, improving fish passage around the weir. The bypass channel provides fish species and aquatic ecology access to additional upstream habitat within the catchment. All abstracted water will be returned to the Afon Cynllaith at SJ 21677 28211.

The transfer activity was previously licenced under licence number WA/054/0001/0001. However, this licence expired in 2022.

The application submitted includes an improved inlet structure in response to significant scour and storm damage which had caused instability to the structure and led to its closure in 2022. Through the revised inlet design and application to re-licence the transfer activity to operate the channel, the applicant aims to reinstate the bypass channel to support fish passage and restore access to habitat and spawning grounds upstream of Glascoed Weir.

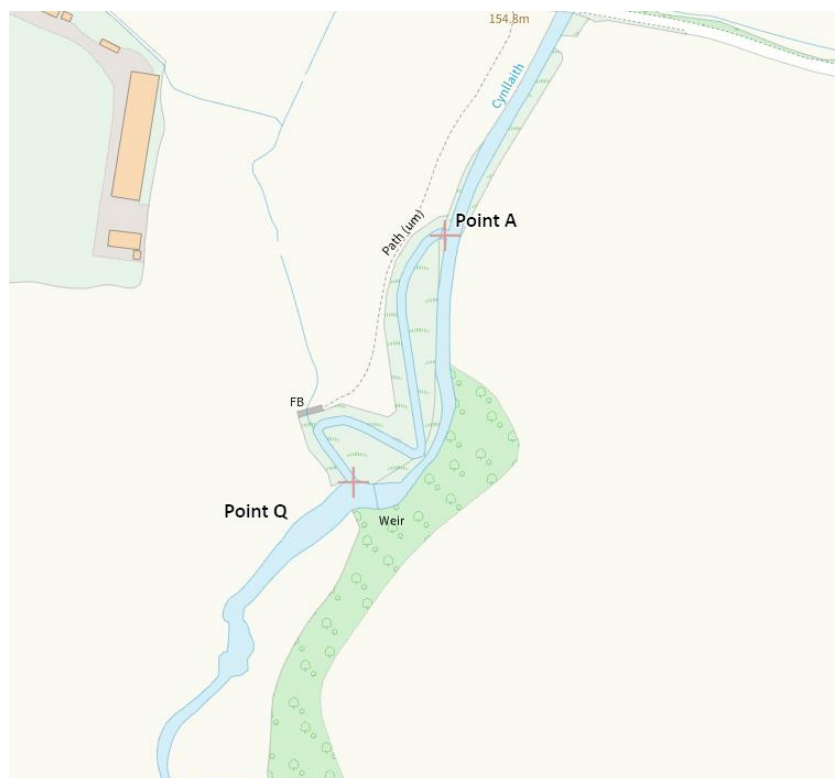


**Figure 1:** Bypass channel at Glascoed Weir. Point A is the point of abstraction and Point Q is the point of discharge.

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## 2. Application details

| Administrative details     |                                                                                                                 |
|----------------------------|-----------------------------------------------------------------------------------------------------------------|
| Applicant name and address | Natural Resources Wales<br>Welsh Government Offices, Cathays Park,<br>King Edward VII Avenue, Cardiff, CF10 3NQ |
| New licence number         | WA/054/0001/0129                                                                                                |
| Hydrometric sub-catchment  | 054 / 0001: Severn Uplands                                                                                      |

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 04/02/2026. This means we considered it was submitted on the correct form, the correct application fee has been received and that the application contained sufficient information for us to begin our determination, but not that it necessarily contained all the information we would need to complete that determination; see below.

Further information was required to enable final determination of the application. Copies of these requests and the responses when received were placed on our public register.

The applicant submitted:

- WFD Scoping Assessment.

### Entitlement to apply

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

## 4. Advertising

A copy of the application is available on the public register. In accordance with our legal obligations we also advertised the application in a local newspaper and served notice to relevant bodies.

| Advertisement details   |                                       |
|-------------------------|---------------------------------------|
| Date of advertisement   | 17/06/2026                            |
| Name of local newspaper | Oswestry & Border Counties Advertiser |
| Notice served to        | The Statutory Water Undertaker        |

This notice was also placed on our website directing people to the public register, advising them of how they could view or request copies of the application documents if required and how they can provide comments.

A summary of representations and our response to the representations we received can be found in Section 7.11. We have taken all relevant representations into consideration in reaching our decision.

## 5. Justification of requirements and water efficiency

The 'Salmon for Tomorrow' programme worked to improve the WFD status of waterbodies by identifying barriers to fish movement which could be removed or improved. The Afon Cynllaith was identified as a site where fish passage was constrained by a physical barrier formed by Glascoed Weir. The bypass channel was designed to improve fish passage around the Glascoed Weir and enable migratory fish access to additional upstream habitat. The bypass channel had been successful in its aim of facilitating fish passage until 2022, when the channel was closed due to instability of the inlet structure caused by scour and storm damage.

The transfer abstraction licence is required as water is abstracted from the Afon Cynllaith into the bypass channel, flowing through the channel and then back into the Afon Cynllaith without an intervening use. The inlet structure is designed to facilitate a passive abstraction and the applicant has provided calculations to evidence that velocities through the inlet structure are low enough to allow fish passage up to Q10 flows, at velocities that do not exceed the Mean Burst Speed of most fish species.

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.

## 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.

| Consultation with other bodies         |            |
|----------------------------------------|------------|
| Heneb: The Trust for Welsh Archaeology | 07/04/2026 |
| Environment Agency                     | 23/04/2026 |

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 Severn Corridor (including Severn uplands) Abstraction Licensing Strategy (ALS) area. According to the ALS, there is restricted water available at low flows (Q70 and above), but water is available at median and high flows (Q50 and below) at this location.

The nature of the water transfer means all water is returned to the river and therefore the proposal is considered non-consumptive. The ALS document does not consider non-consumptive transfer licences. As the proposal does not result in a loss of water to any part of the catchment, and the proposal is thought to be of an overall environmental benefit, supporting in river ecology, no Hands off Flow is required.

### 7.2 Hydrology and/or hydrogeology

The abstraction is located on the Afon Cynllaith, a tributary of the Afon Tanat. The River Cynllaith flows into the River Tanat approximately 7 kilometres from the discharge point of the proposal. The River Tanat flows into the Afon Vyrnwy and then into the River Severn and discharging into the Severn Estuary.

All water abstracted with respect to this proposal is returned to the Afon Cynllaith approximately 160 metres downstream from the point of abstraction.

### 7.3 Impact on groundwater

Not applicable as this application is for a surface water abstraction with no identified impacts to groundwater.

## **7.4 Impact on surface water flows**

There are no concerns regarding the impact on flows as a result of the proposed abstraction.

The proposal involves abstracting and transferring water to operate a fish bypass channel on the Afon Cynllaith and is non-consumptive. All water is returned to the main channel 160 metres downstream of the abstraction point. To ensure that the proposal can be classed as non-consumptive a condition has been included on the licence requiring all abstracted water to be returned to the Afon Cynllaith at National Grid Reference SJ 21677 28211, as proposed.

The proposals inlet structure is designed to be passive, transferring flow based on river flow rates between Q95 to Q10. At low flows (Q95) the bypass channel takes 48% of the total river flow, with the rest of the water remaining in the Afon Cynllaith to go over the existing Glascoed Weir. The orifice is designed to allow flow velocities through the inlet that are low enough to allow fish passage up to at least the Q10, as velocities do not exceed the Mean Burst Speed of most fish species.

To avoid impacts to surface water during construction and maintenance of the bypass channel, a condition has been included on the licence stating that the Licence Holder shall ensure that during construction works and any subsequent maintenance, all flow shall be allowed to pass downstream unchanged in quantity and quality at all times to protect downstream flows.

## **7.5 Impact on ecology**

The proposal is considered to be suitably protective for the ecology of the watercourse, whilst enabling fish passage around the weir.

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. The proposal is designed to be beneficial to fish passage within the Afon Cynllaith, providing access to additional habitat and spawning grounds upstream of Glascoed Weir.

### **7.5.2 Impacts on other water dependent species and habitats**

There are no anticipated impacts to water dependent species or habitats as a result of this proposal. The proposal is considered to be suitably protective as there will be a flow retained in the original channel at all times.

## **7.6 Impact on water quality**

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

No abstraction licences or consented discharges have been identified within the depleted reach or within 100 metres upstream of the proposal. Therefore, it can be concluded that no water quality impacts are expected due to this proposal. No change in water quality and/or temperature is anticipated 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.

Risk screening had identified a number of licences downstream as being at risk from this proposal. The nearest abstraction is a significant distance (11 kilometres) downstream from the point in which water abstracted is return to the Afon Cynllaith. As the proposal is non-consumptive it is not considered that the proposal will have an effect on any licenced abstractions identified.

Therefore, no protected rights have been identified as being at risk of derogation as a result of this proposal.

## **7.8 Conservation impacts – Designated sites**

### **7.8.1 The National Site Network and Ramsars:**

The following National Site Network sites and Ramsars have been identified as at risk as a result of this proposal:

- Montgomery Canal SAC
- Severn Estuary SAC
- Severn Estuary RAMSAR
- Severn Estuary SPA

A Habitat Regulations Assessment (HRA) was completed by the applicant (NRW) to assess the potential to affect any of the sites identified. The project was screened for likelihood of significant effects and, taking account of the advice received from the ANCB, it is considered not likely to have a significant effect on any National Site Network site (as documented in section 3.2 of OGN 200 Form 1,).

The assessments conclusion was agreed with the ANCB (as documented in OGN 200 Form 3) and assessed by the Permitting Service (as documented in OGN Form 4).

The Habitats Regulations Assessment is available to view on the public register.

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

The following sites were identified within the potential impact pathway of the proposal:

- Montgomery Canal SSSI
- Severn Estuary SSSI
- River Teme SSSI
- Wyre Forest SSSI
- Wyre Forest NNR
- Shropshire Hills AONB

Natural Resources Wales is of the opinion that the proposal is not likely to have any impact on these sites as the proposal is non-consumptive with all water being returned to the same watercourse, upstream and outside of the site boundaries identified. The proposals aim is to improve fish passage upstream of the Glascoed Weir, providing access to additional upstream spawning grounds and habitats.

A SSSI assessment is available on the public register to view.

### **7.8.3 Other Designations**

#### **Local Nature Reserves (LNRs)**

- Cherry Orchard (England)
- Llanymynech Heritage Area (England)
- Alney Island (England)

Natural Resources Wales is of the opinion that the proposal is not likely to have any impact on Local Nature Reserves as identified, as set out above. This is due to the nature of the proposal, all water is returned to the watercourse upstream of the identified sites. Therefore, no impact pathways were identified.

### Ancient Woodland

Multiple ancient woodland sites were identified downstream of the proposal, the nearest site is 1 kilometres downstream and within a potential impact pathway of the proposal. Natural Resources Wales is of the opinion that the proposal is not likely to have any impact on this ancient woodland site, or any other sites identified, as all water abstracted is returned to the Afon Cynllaith, upstream of any ancient woodland identified.

### World Heritage Sites

Natural Resources Wales is of the opinion that the proposal is not likely to have any impact on any World Heritage Sites identified. This is due to the nature of the proposal, all water is returned the watercourse upstream of the identified sites. Therefore, no impact pathways were identified.

## **7.9 Water Framework Directive Regulations 2017**

A Water Framework Directive Regulations Compliance Assessment has been completed by the Project Manager of this proposal and considered that the proposal has no or low risk of causing deterioration in overall waterbody status or quality elements. NRW consider that the proposal will not prevent any water body or WFD Protected Area from reaching its objectives. The Permitting Team have reviewed and agree with the conclusions of the WFD Assessment.

### **7.10. Other considerations**

| Consideration |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Flooding      | No concerns have been raised regarding flood risk as a result of this proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Archaeology   | <p>NRW sent a screening request to Heneb: The Trust for Welsh Archaeology to seek advice on potential impacts to the historic environment.</p> <p>Concerns were raised in regard to the transfer point being within an area of post-medieval activity. It was confirmed that one core record was situated within the immediate area of the location plan, the Llansilin weir (PRN 214463) which is centred at SJ 21688 28203 and a further record upstream, the Pentre-gwyn Bridge centred at SJ 21764 28398.</p> |

|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                            | <p>It was advised that there is minor potential that archaeological remains will be encountered or existing features will be disturbed. The weir itself is recorded on historic mapping and may be of heritage interest. The Trust advised that all works are to be undertaken with due caution, with particular care taken to avoid unnecessary disturbance or alteration to the structure. Any works should be designed to minimise direct impact on the weir, and operational activities should be carefully managed to avoid unnecessary disturbance.</p> <p>It was advised that the historic environment is not definite, and it is possible that unrecorded sites may be present or encountered and works should therefore avoid damage to any historic environment features that may be extant in the area including structures, earthworks, boundaries, ditches, banks, or other landscape and historic woodland management features. Should any other remains be encountered in the process, the applicant should contact Heneb: The Trust for Welsh Archaeology for further advice.</p> <p>NRW responded to the advice from Heneb: The Trust of Welsh Archaeology to clarify that the application is retrospective and to inform Heneb: The Welsh Archaeology Trust that we would forward the advice for information purposes in the event that future works or maintenance is taken place at the site. This will be included in the issue letter accompanying the transfer licence.</p> |
| Recreation and amenity     | NRW consider that this proposal will have minimal impact to recreation and amenity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Subsidence and desiccation | NRW do not have concerns regarding the risk of subsidence and desiccation as a result of this proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

## 7.11 Representations and external consultation/notification responses

Below are tables which summarise responses received together with how they have been addressed in the determination process. For specific statutory bodies and voluntary organisations, we have summarised their specific responses.

No representations were received after advertising this application from members of the public.

| Representations from statutory & non-statutory bodies                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Name of organisation and summary of representation                                                                                                                                                                                                                                                                                                                                                                                                       | NRW response                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>Heneb: The Trust for Welsh Archaeology</b></p> <p>Confirmed one core recorded situated within the immediate location plan, the Llansilin, weir (PRN 214463) centred at SJ 21688 28203. Significant impacts to the structure are unlikely, although abstraction operations have the potential to affect the fabric of the weir if appropriate care is not taken.</p> <p>Upstream record, the Pont Pentre-gwyn Bridge centred at SJ 21764 28398.</p> | <p>The application is retrospective; the bypass channel was constructed in 2014 with later alterations to the inlet being carried out in 2024. As the works have been completed the advice received from Heneb: The Welsh Archaeological Trust will be included in the issue letter accompanying the transfer licence for information purposes in the event of any future works and/or maintenance at the site.</p> |
| <p><b>Environment Agency</b></p> <p>Confirmed that the application was low risk, supporting fish migration within the catchment however had questions in regard to how the new structure design takes into account the risk of high flow events, such as the one that previously damaged the structure and whether the temporary flow exercise, as referred to in the supporting information 'Hydraulic</p>                                              | <p>NRW confirmed with the Environment Agency that the main driver for the improvements to the intake structure were to mitigate the risk of high flow events. The new intake structure was engineered to be more robust than that the previous arrangement. The intention was to make the structure more resilient to damage during flood conditions and/or if overtopped.</p>                                      |

|                                                                                                        |                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| modelling' document was undertaken in the winter months of 2023/2024 and if so, what were the results. | NRW confirmed that the temporary flow exercise was considered but was not undertaken as the cost and resource required for such works were not considered commensurate with the scale and nature of the improvement works. The existing modelling from the initial design of the channel was deemed fit for purpose to suitably inform the intake design. |
| <b>Hafren Dyfrdwy Cyfyngedig</b><br><br>No response received.                                          | No action to be taken as no response received.                                                                                                                                                                                                                                                                                                            |

## 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/<br>The Environment                                   | <p>There is low risk of environmental damage occurring as a result of this proposal.</p> <p>The proposal accords with local water resources policy and is sustainable.</p>                                                                                                               |
| The applicant                                                         | <p>The applicant will benefit from the availability of water for their operation.</p> <p>The applicant will incur the costs of installing and maintaining the method of abstraction.</p> <p>The applicant will have to pay the application fee and any advertising costs that apply.</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.</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

A time limit has been included in accordance with the CAMS common end date for the catchment and Natural Resources Wales' approved policy.

## 11. Special agreements

There are no special agreements relevant to this proposal.

## 12. Measurement of water abstracted

Not applicable to this licence. There are no abstraction quantities specified within the licence and no conditions are required relating to the measurement or assessment of the volume of water abstracted.

## 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.

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 WA/054/0001/0129 with the conditions applied.

## Annex 1 – Administration

### Purpose code and loss factor

| Primary Code        | Secondary Code                             | Use                                                     | Loss factor |
|---------------------|--------------------------------------------|---------------------------------------------------------|-------------|
| E:<br>Environmental | OTE: Other<br>Environmental<br>Improvement | 450: Transfer<br>between sources (Pre<br>Water Act 2003 | Very Low    |

### Finance

The licence is exempt from the payment of annual charges being one of the categories under Paragraph 6.2 of [Natural Resources Wales's water abstraction charges scheme](#).

## Annex 2 - Glossary of acronyms used in this document

|      |                                           |
|------|-------------------------------------------|
| ALS  | Abstraction Licensing Strategy            |
| ANCB | Appropriate Nature Conservation Body      |
| CAMS | Catchment Abstraction Management Strategy |
| 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                                              |
| NNR             | National Nature Reserve                                           |
| NRW             | Natural Resources Wales                                           |
| PALS            | Permitting and Licensing System                                   |
| PPS             | Public Participation Statement                                    |
| PWS             | Public Water Supply                                               |
| Q <sub>30</sub> | Flow exceeded 50% of the time period considered (usually a year)  |
| Q <sub>50</sub> | Flow exceeded 50% of the time period considered (usually a year)  |
| Q <sub>70</sub> | Flow exceeded 70% of the time period considered (usually a year)  |
| Q <sub>95</sub> | Flow exceeded 95% of the time period considered (usually a year)  |
| 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) |
| 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                                                   |