Determination report

Licence number: WA/054/0001/0130

Application reference number: PAN-033478

Site name: Garthmyl, Welshpool

Report of an application for a new temporary 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.

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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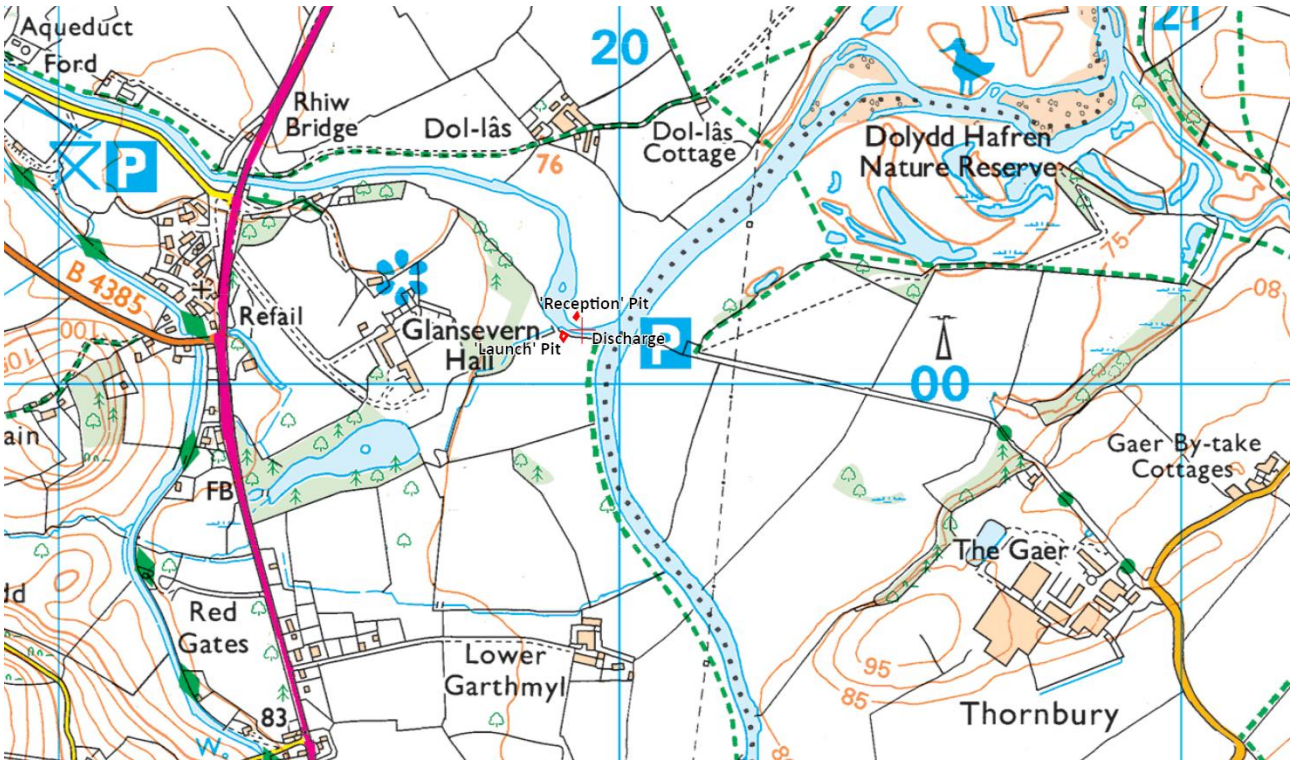
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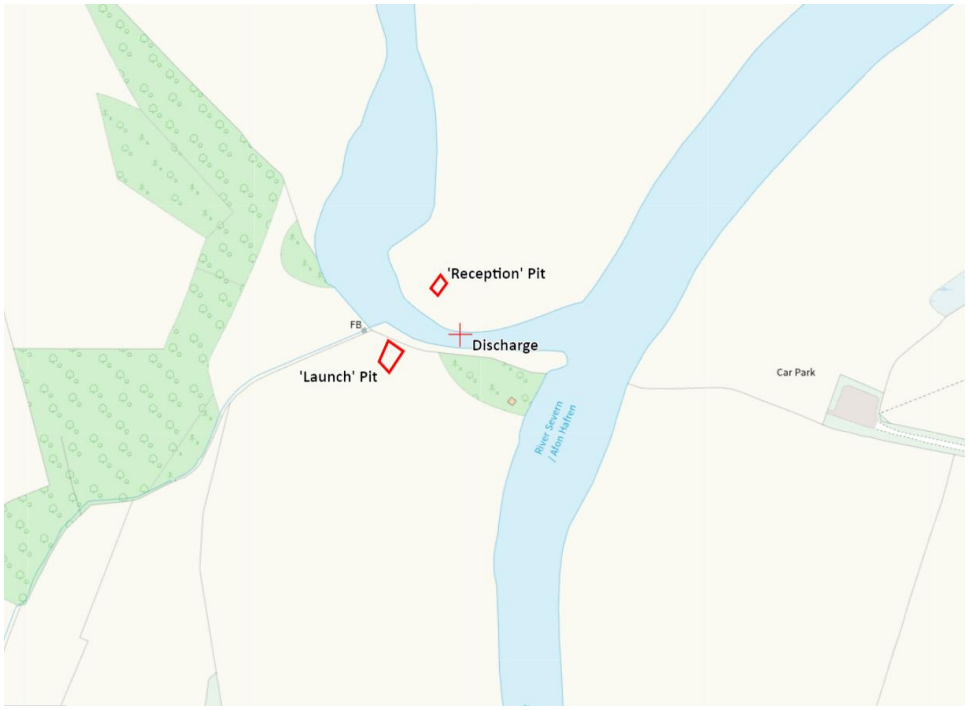
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1. Summary of the proposal

An application for a temporary abstraction (lasting for less than 28 consecutive days) to facilitate the installation of a mains gas pipe underneath the River Rhiw, near Berriew, Welshpool. Two excavations are necessary to launch and retrieve tunnel boring equipment.
Abstraction from the 'launch' pit is defined by the boundary formed by straight lines running between the following National Grid References: SJ 19904 00085, SJ 19899 00076, SJ 19895 00079 and SJ 19900 00088. The 'launch' pit excavation will be 11.2 metres x 5.8 metres with a depth of 7 metres.
Abstraction from the 'reception' pit is defined by the boundary formed by straight lines running between the following National Grid References: SJ 19928 00121, SJ 19924 00116, SJ 19920 00118 and SJ 19924 00124. The 'reception' pit excavation will be 5.0 metres x 4.0 metres, depth of 7 metres.
The pits will be required to be dewatered to provide a dry working area. Abstraction will be via installation of eight deep wells installed around the launch Pit, and four deep wells around the reception Pit; each well fitted with an electrical submersible pump. The combined maximum abstraction rate will be 328 litres per second (l/s) and 28,339.2 cubic metres per day (m^3/day). All water abstracted will be discharged to the River Rhiw at SJ 19934 00096 via a v-notch settlement tank.



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2. Application details

Administrative details	
Applicant name and address	Fitzwilliam Engineering Limited
New licence number	WA/054/0001/0130
Hydrometric sub-catchment	054/0001 Severn Uplands

Departures from application forms	
Aspect of application	New value applied for
Volumes	Total combined volumes confirmed in email dated 13/08/2026, maximum abstraction rate 328 l/s.
Duration of abstraction	Confirmed in email 11/08/2026 to be less than 28 consecutive days.
Method and location of discharge	Location confirmed as SJ 19934 00096 in email dated 11/08/2026.
Commercial confidentiality	Confirmed in email 11/08/2026 that the claim for commercial confidentially is not required for the application. Application

	submissions uploaded to NRW's Public Register.

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 13/08/2026. 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 (optional). NRW agree that the application qualifies as a temporary abstraction as it is for less than 28 days and does not meet the requirements of Regulation 5 of The Water Abstraction and Impounding (Exemptions) Regulations 2017 (as abstracted water is not immediately discharged to soakaway rather to the River Rhiw and the volumes are large).

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:

- Hydrological Impact Assessment, version3
- Rights of access evidence to demonstrate landownership/tenant boundaries of the landowners of river bank and works contract between Wales & West Utilities and Fitzwilliam Engineering Ltd.

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(s).

4. Advertising

Notice of this proposal has not been published as under the Water Resources Act 1991 (Section 37 (1)) there is no requirements to publish temporary abstraction applications; 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

The project collectively known as Garthmyl, River Rhiw is a pipeline diversion. As part of the works, a new pipeline diversion is to be constructed. Dewatering is required during the two pit excavations needed for construction of the new pipeline diversions.

To determine the abstraction quantities, particle size distribution tests were conducted as part of a ground investigation. Using these results, permeability was derived and then entered into a series of calculations. As a result, the applicant was able to estimate the dewatering flow rates giving a range of maximum, average and minimum flow rates. This has been calculated for both pits separately due to the differing dimensions.

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

Water efficiency

The proposal includes measure to return all abstracted water to the River Rhiw just below the works. The water will be treated if necessary to remove sediment. 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	
Environment Agency	14/08/2026

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 the Environment Agency's Severn Corridor (including Severn uplands) Abstraction Licensing Strategy (ALS) area.

Hydraulic connectivity between groundwater within the River Terrace Deposits and the River Rhiw is anticipated. Where groundwater abstractions directly impact on surface water flows, including reduction of base flow, the impact is measured at the surface water Assessment Point. In these cases, restrictions may be applied to licences, such as Hands off Level (HoL) or Hands off Flow (HoF) conditions.

At the location of the proposed abstraction the ALS states that water is available with restrictions at Q95 and Q70, and that water is available at Q50 and higher. No new consumptive licences would be granted without a suitable HoF to protect the flows needed by the environment. As the proposed abstraction is non-consumptive, with all abstracted water being returned to the River Rhiw, a HoF is not required. The water will be returned approximately 20 to 30 metres downstream of the dewatering works so consideration of potential impacts upon this depleted stretch of the river is required to ensure that no deterioration of the water environment is allowed to occur.

7.2 Hydrology and hydrogeology

The abstraction will predominantly take place from River Terrace Deposits although ground investigation data did confirm the presence of alluvium above the river terrace deposits. These superficial deposits are underlain by bedrock from the Forden Mudstone Formation however, based on the maximum abstraction pit depth of 7 metres, they are not expected to encounter bedrock.

Hydraulic connectivity between the permeable river terrace deposits and the nearby River Rhiw is expected. The River Rhiw, which is a tributary to the River Severn, is immediately adjacent to the abstraction pits, and is located approximately 7 metres away. Due to the permeable nature of the superficial deposits, impacts to the base flows of the River Rhiw

cannot be ruled out. The River Severn is located approximately 45 m from both excavations however, all abstracted water is returned to the River Rhiw upstream of its confluence with the River Severn.

7.3 Impact on groundwater

No impacts to groundwater have been identified as a result of this proposal.
The applicants Hydrogeological Impact Assessment (HIA) states that groundwater drawdown will be greatest immediately adjacent to the abstraction pits, where groundwater levels will be lowered to the required design level. Drawdown will reduce with increasing distance from the excavations and will be constrained by the presence of the River Rhiw and River Severn, which represent significant recharge boundaries and are expected to limit groundwater drawdown through recharge to the superficial deposits. As a result of this, the presence of the River Rhiw and River Severn are considered natural mitigation to the groundwater drawdown.

In addition, the applicants HIA suggests that all water abstracted during dewatering is to be discharged directly to the River Rhiw. Although this discharge is not assumed to provide direct recharge back to groundwater, it is expected to maintain water within the local River Rhiw system and help maintain the hydraulic boundary condition during pumping. The dewatering is anticipated to operate for less than 28 days and therefore represents a temporary and reversible hydraulic stress.

NRW agrees with the applicant’s assessment and conclusions, documented within the HIA.

7.4 Impact on surface water flows

Due to the nature of the aquifer, hydraulic connectivity between groundwater within the River Terrace Deposits and the River Rhiw is anticipated. All abstracted water will be returned to the River Rhiw approximately 20 to 30 metres downstream of the dewatering works so depletion of the flows within the River Rhiw between the point of abstraction and discharge is assumed.

As the abstraction will be non-consumptive, a HoF is not required, however, potential impacts upon fisheries interests and other water dependent species or habitats within the depleted reach have been considered, see section 7.5.

The abstraction pits are located within the Powysland Internal Drainage District and are situated approximately 500 metres north of an IDD watercourse named Lower Garthmyl. NRW have assessed potential impacts upon Lower Garthmyl as a result of the dewatering and do not anticipate any impact due to the location of the watercourse and temporary nature of the abstraction.

Under section 66 of the Land Drainage Act 1991, the Powysland Internal Drainage Board (IDB), have established Byelaws which are considered necessary for securing the efficient working of the drainage system in the District. The proposed dewatering is confirmed to be in contravention of Byelaw 3 which states that, in relation to the control of introduction of water and increase in flow or volume of water, no person shall, without the previous consent of the IDB, for any purpose, by means of any channel, siphon, pipeline or sluice or by any other means whatsoever, introduce any water into the District or, whether directly or indirectly, increase the flow or volume of water in any watercourse in the District.

The applicant has been advised to contact the IDB to gain consent for the activity.

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.

Due to the confirmed hydraulic connectivity with the River Rhiw, screening of the discharge pipe was considered however, due to the short term nature of this temporary abstraction, there are no concerns regarding impacts to fish.

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.

7.6 Impact on water quality

Impacts on water quality are expected as a result of the proposal.

Regulatory Position Statement (RPS) 261: Temporary dewatering from excavations to surface water states that the operator must not discharge at a flow rate that is more than 10% of dry weather flow (Q95 low flow) of the receiving surface water.

This abstracted water will discharge into the River Rhiw, which will then enter into the Severn.

The Q95 flow of the River Rhiw is 0.28 cubic metres per second (m^3/s). The maximum discharge rate of 0.328 m^3/s represents 119% of Q95 flow.

Similarly, the Q95 flow of the River Severn at the confluence with the Rhiw is 2.25 cubic metres per second (m^3/s). The maximum discharge rate of 0.328 m^3/s represents 15% of Q95 flow.

It is due to this high volume and high percentage of the actual flows that we have concerns surrounding the water quality and dilution.

As the conditions of the RPS cannot be satisfied, the applicant has been advised that an Environmental Permit will be required to authorise discharge of the water.

7.7. Protected rights and lawful users

A deregulated abstraction has been identified approximately 300 metres north west of the proposed ‘reception pit’ abstraction area. This deregulated abstraction was previously licensed under licence number 18/54/01/0371 for the purpose of general farming and agriculture at Dol-las Farm (groundwater abstraction via a well). The protected right status of the deregulated abstraction is unknown however, to ensure the abstraction is not at risk of derogation as a result of the proposed dewatering, further assessment on potential impacts has been undertaken.

The British Geological Survey borehole records and national well archive were reviewed to obtain further hydrogeological information and to help inform the assessment on potential impacts however, there is no data held for the borehole/well associated with the deregulated abstraction. On this basis, potential impacts cannot be ruled out.

The applicant has contacted that occupier of Dol-las Farm who has confirmed that abstraction of under 20 $m^{3/}$day is still being undertaken via a borehole. A consent to derogate from protected rights has been provided by the occupier of Dol-las Farm.

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:

- Mongomery Canal SAC
- Severn Estuary SAC/SPA/Ramsar (although not identified in screening, potential hydrological connection).

A Habitat Regulations Assessment (HRA) was completed 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 NRW's protected sites advisors 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, or section 5 if applicable). 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
- Caeau Glyn SSSI
- Severn Estuary SSSI

Natural Resources Wales is of the opinion that the proposal is not likely to have any impact on these sites for the following reasons: the abstraction is temporary in nature and for less than 28 days, and all water abstracted will be discharged to the River Rhiw.

7.8.3 Other Designations

Natural Resources Wales is of the opinion that the proposal is not likely to have any impact on other designations, as no sites were identified as part of the risk screening process.

7.9 Water Framework Directive Regulations 2017

The abstractions are within GB40902G205300 Severn Uplands - Lower Palaeozoic, and hydrologically linked with surface water body GB109054049410 Afon Rhiw (conf N and S arm) to conf R Severn.

According to NRW policy, the proposal has screened out of requiring any further assessment under the WFD Regulations 2017 because it is classed as a green light activity in accordance with NRWs Operational Guidance Note 072 Annex D: risk screening and screening thresholds. This specifies that where abstractions for less than a 28-day duration, which are not part of a longer abstraction in the waterbody and where there are no physical works within a watercourse as part of the abstraction pose no/low risk to the delivery of WFD objectives – no further WFD assessment required.

7.10. Other considerations

Consideration	
Flooding	It is confirmed that the proposed areas of abstraction sit within the Powysland Internal Drainage District (IDD). To ensure flood risk elements are addressed, Powysland IDD have been consulted, please see section 7.4 for detail. Due to the nature of this proposal, NRW will advise the applicant to apply for any necessary consents relating to flood risk.
Archaeology	Consultation with Heneb the Trust for Welsh Archaeology is not required for an application for a temporary abstraction application. As a result, no concerns have been raised regarding 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 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

No public representations were received as this application was not subject to advertising requirements.
Below is a table 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.

Representations from statutory & non-statutory bodies	
Name of organisation and summary of representation	**NRW response**
Environment Agency: 1. For the River Severn, flows estimates show that the maximum discharge volume of water will have limited effects on flows, with an estimated 2% of Qmean and 14% of Q95 being added to the river. For the River Rhiw, concerns for high to mid flows are not anticipated as the discharge volume constitutes an estimated 12% of the Qmean. However, at Q95 the discharge volume would equal flows at this location, therefore potentially doubling river flows at this location. 2. Noted the proximity of the proposed works to the Montgomery Canal SSSI and	1. NRW notes the EA's assessment of flows and comments on discharge as a percentage in relation to flow estimates of the River Severn and River Rhiw. Due to the high volume discharge and high percentage of the actual flows, as detailed in section 7.6 of this report, the applicant has been advised to apply for an Environmental discharge permit. 2. NRW have assessed potential impacts upon the Montgomery Canal SSSI and SAC, as detailed in section

SAC, NRW are advised to ensure that there is no significantly harmful impact of the abstraction in this site.	7.8.1 and 7.8.2 of this report and documented in the Habitats Regulations Assessment and SSSI assessment, which are both available to view on the public register.
3. Noted presence of licence number 18/54/01/0536 nearby which is a surface water licence for direct spray irrigation. Due to the non-consumptive, so this is less of a concern as water is to be returned.	3. Licence number 18/54/01/0536 is located approximated 2 km upstream of the River Rhiw's confluence with the River Severn. No concerns have been raised regarding potential impacts upon this abstraction.
4. Noted potential hydrological connectivity to the River Rhiw and recommended further assessment to understand the potential impacts of this connectivity.	4. NRW have considered the hydrological connectivity of the River Terrace Deposits with surface water features including the River Rhiw, as detailed in section 7 of this report.
5. Noted the abstraction duration limit of up to 28 days for a temporary abstraction licence and advised consideration of a licence duration of 6 months to give some contingency time to carry out the abstraction but without exceeding the 28-day limit.	5. NRW have considered application of an expiry date of greater than 27 days to allow time for the applicant to obtain any other consents/permissions required and included relevant further conditions to limit the period of abstraction, as detailed in section 10 of this report.

7.12 Other consents

The applicant has been advised to apply for an Environmental Permit in relation to the discharge element of the proposal, and to obtain permission from the Internal Drainage Board in relation to control of introduction of water and increase in flow or volume of water within the Internal Drainage District.

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. The applicant will incur the costs of installing and maintaining the method of abstraction. The applicant will have to pay the application fee, any advertising costs that apply and an annual subsistence charge based on their licensed quantity.
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 and annual charges, where applicable. 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.

9. Biodiversity and Sustainable development

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

10. Time limit

The proposal is for a temporary licence which authorises an one-off abstraction of water from one source of supply over a period of less than 28 consecutive days.

Due to the requirement for other consents/permissions to authorise commencement of the works, a time limit of 10/09/2028 has been applied to the licence, along with a condition stipulating that the licence shall cease to have effect at 23.59.59 hours, on the 27th consecutive calendar day after the date of commencement of abstraction. The applicant is required to notify NRW in writing no later than seven clear calendar days prior to the intended date of commencement of abstraction and the notification must specify the date on which abstraction is intended to commence.

11. Special agreements

There are no special agreements relevant to this proposal.

12. Measurement of water abstracted

In accordance with Section 46(2) of the Water Resources Act 1991, the requirement to measure and record the quantities of water abstracted does not apply to temporary abstraction licences

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/054/0001/0130 with the conditions applied.

Annex 1 – Administration

Purpose code and loss factor

Primary Code	Secondary Code	Use	Loss factor
I: Industrial, Commercial, Public Services	CON: Construction	660: Dewatering	Very Low

Licence Map

A map with a scale of 3:307 has been included on the licence so that the precise area of the abstraction pits and location of the discharge in relation to these is clear. A map with the standard scale of 1:10,000 has also been included to give a better understanding of the general location of the abstraction pits and discharge.

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
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
IDD	Internal Drainage District
IDB	Internal Drainage Board
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