



## **Water Resources LICENCE TO**

### **IMPOUND**

## **WATER**

Water Act 2003  
Environment Act 1995  
Water Resources Act 1991 as amended  
by the Water Act 2003  
Water Resources (Abstraction and  
Impounding) Regulations 2006  
Natural Resources Body for Wales (Functions)  
Order 2012

# IMPORTANT NOTES

## Need for safekeeping

This licence is an important document and you should keep it safe, probably with the deeds to the land.

The impounding works may also be conditional on, or otherwise involve, you entering into a related agreement with Natural Resources Wales. This may be registered and will bind the land. It will therefore affect not only you, as the licence holder, but also your successors in title to the land. This licence and any such Agreement should therefore be disclosed on any change of title or occupation.

## Scope of this licence

This licence has effect only for the purposes of Part II of the Water Resources Act 1991 as amended by the Water Act 2003. In granting this licence, and in considering any drawings submitted, you should assume that Natural Resources Wales has taken into account only considerations relevant to the conservation and proper use of water resources in the area. Grant of this licence does not imply that Natural Resources Wales has approved the details of construction of the impounding works, including whether the proposed construction is adequate or safe. The licence holder is entirely responsible for ensuring compliance with all other requirements. Grant of this licence does not in any way suggest that these have been fulfilled.

## Changes to the impounding works or revocation of this licence

If you want to alter the impounding works and/or the way you operate them, you will need to vary the terms of the licence (and, if applicable, the related agreement). If you want to revoke this licence, you may be required to satisfy certain conditions that Natural Resources Wales may specify for the removal of the works. Contact Natural Resources Wales at the address at the bottom of the front page of this licence if you want to vary or revoke this licence.

## Transfer of this licence

If you need to pass this licence to someone else, you must contact Natural Resources Wales and obtain the appropriate application forms. The licence holder remains responsible for compliance with the terms of the licence until it has been transferred.

## Death or bankruptcy of the licence holder

If a licence has been 'vested' in you, as a result of the death or bankruptcy of the licence holder, please contact Natural Resources Wales in writing, telling us the licence number(s) and the date that the licence vested in you as a personal representative or trustee of the licence holder. This is necessary in order to enable you to subsequently transfer the licence.

'Vesting' is the transfer of responsibility and ownership of a licence when an existing licence holder is no longer able to hold the licence either through death or bankruptcy.

You do not have to complete a form, but you must notify us in writing within 15 months of the date of vesting, giving the full names of all personal representatives or trustees and a contact address.

## Other requirements for impoundments

Depending on circumstances, you may also have to comply with other legal requirements, i.e. apart from obtaining this licence, before carrying out or operating the impoundment. These may include:

- obtaining consent from Natural Resources Wales under section 109 Water Resources Act 1991 (relating to structures on main rivers);
- obtaining consent under section 23 Land Drainage Act 1991 from Natural Resources Wales or the relevant internal drainage board (relating to obstructions in watercourses);
- obtaining planning permission from the planning authority;
- complying with requirements of the Reservoirs Act 1975 (in relation to safety of larger raised reservoirs). Natural Resources Wales' predecessor the Environment Agency, became the regulatory body on 1 October 2004.
- obtaining consent from the owner of the other bank of the watercourse to the proposed impoundment;

- not contravening pollution control provisions of the Water Resources Act 1991, particularly in relation to allowing matter to be carried away in suspension when sluices etc. are opened;
- complying with the provisions of the Salmon and Freshwater Fisheries Act 1975 relating to the passage of fish.

Some of these matters are under the control of Natural Resources Wales, but for administrative and legal reasons are kept separate from the issue of this licence. If you require information or assistance about them, contact Natural Resources Wales, and you will be directed to the right person to help you.

For advice about planning permission, contact the appropriate authority. The planning authority will normally be the district, borough or city council.

## Offences

This impounding licence authorises you, the licence holder, to obstruct or impede the flow of a specified inland water at a specified point by means of impounding works.

"Impounding works" means either, any dam, weir or other works by which water may be impounded; or, any works for diverting the flow of waters in connection with the construction or alteration of such dam, weir or other works.

Under the Water Resources Act 1991 it is an offence to construct or alter, or cause or permit any other person to construct or alter, any impounding works in inland waters or cause or permit the flow of any inland waters to be impeded or obstructed at any point by means of impounding works unless:

- an impounding licence is in force;
- the flow of the inland waters is not obstructed or impeded except to the extent and in the manner authorised by a licence;
- any other requirements of the licence, whether as to provision of compensation water or otherwise, are complied with.

It is an offence knowingly to make false statements for the purpose of obtaining a licence.

It may be an offence not to comply with the other legal requirements mentioned above for details, check with Natural Resources Wales or the authority concerned.

## Right of appeal

If you are dissatisfied with our decision on your licence application, you may appeal.

If you are in England, you should write to the Secretary of State for Environment, Food and Rural Affairs, care of The Planning Inspectorate at:  
Room 4/19 Eagle Wing, Temple Quay House, 2 The Square,  
Temple Quay, Bristol, BS1 6PN.  
The telephone number is 0117 372 8235.

If you are in Wales, you should write to Welsh Government care of The Planning Inspectorate at:  
Crown Buildings, Cathays Park, Cardiff, CF10 3NQ.  
The telephone number is 029 2082 3857.

You must serve notice of appeal within 28 days of the date of receipt of this licence (although the Secretary and Welsh Government have power to allow a longer period for serving notice of appeal). See Water Resources Act 1991, section 43.

## Disclosure of Information

Information about this licence is available on the public Register held by Natural Resources Wales. Members of the public are also entitled to ask us for other "environmental information" it holds, including any activities likely to affect "the state of any water" or any "activities or other measures designed to protect it". That would include the information additional to the licence document e.g. any related agreement. In certain restricted circumstances it is possible to claim that information should be kept confidential. If you require more information about keeping information off the public register because it is confidential, please contact us by writing to the address shown at the bottom of the front page of the licence within 28 days of receiving this licence.



**Cyfoeth  
Naturiol  
Cymru  
Natural  
Resources  
Wales**

## LICENCE TO IMPOUND WATER

Welsh Ministers are hereby deemed to grant this licence to:-

Natural Resources Wales ("the Licence Holder")

Tŷ Cambria  
29 Newport Road  
Cardiff  
CF24 0TP

This licence authorises the Licence Holder to obstruct or impede the flow of the inland water described in the Schedule of Conditions (to extent and manner authorised by those conditions) to this licence and subject to the provisions of that Schedule. The licence commences from the effective date shown below and shall remain in force until revoked.

Signed:

A handwritten signature in black ink, appearing to read 'Ceri Davies'.

Ceri Davies  
Executive Director of Evidence,  
Policy and Permitting  
Natural Resources Wales  
Cambria House  
29 Newport Road  
Cardiff  
CF24 0TP

Date of issue.....19 January 2021

Date effective.....19 January 2021

This licence should be kept safe and its existence disclosed on any sale of the land and the impounding works to which it relates.

Note: References to "the map" are to the map which forms part of this licence.  
References to "NRW" are to the Natural Resources Body for Wales or any successor body.

## **SCHEDULE OF CONDITIONS**

### **1. NAME OF INLAND WATER TO BE IMPOUNDED**

- 1.1 Inland water (river) known as Ebbw Fach at near Aberbeeg Road, Abertillery, Blaenau Gwent.

### **2. POINTS OF IMPOUNDMENT**

- 2.1 At National Grid Reference SO 21735 03745 marked 'Point A' on the map.
- 2.2 At National Grid Reference SO 21748 03732 marked 'Point B' on the map.
- 2.3 At National Grid Reference SO 21753 03726 marked 'Point C' on the map.

### **3. MANNER AND EXTENT OF IMPOUNDMENTS**

- 3.1 Impoundment works comprising of alterations to an existing weir, to include a Larinier Fish Pass and Eel Pass, and two new 'pre-barrages' downstream each with a 480 millimetre deep, 420 millimetre wide streaming flow notch and adherent nappe profile in accordance with the specifications and drawings:

General Arrangement - 273427-ARP-XX-XX-DR-CX-0001  
 Sections Sheet 1 of 2 - 273427-ARP-XX-XX-DR-CX-0002  
 Sections Sheet 2 of 2 - 273427-ARP-XX-XX-DR-CX-0003  
 Existing Sections Sheet 1 of 1 - 273427-ARP-XX-XX-DR-CX-0004  
 Details Sheet 1 of 2 - 273427-ARP-XX-XX-DR-CX-0501  
 Details Sheet 2 of 2 - 273427-ARP-XX-XX-DR-CX-0504

Dated 31/07/2020, copies of which are appended to this licence, or such minor amendments to those documents that are accepted in writing by the NRW prior to the date of commencement of construction.

### **4. FURTHER CONDITIONS**

- 4.1 For the purpose of this licence, references to 'impounding works' shall mean all works that include alterations to an existing weir, to include a Larinier Fish Pass and Eel Pass, and two new 'pre-barrages' downstream each with a 480 millimetre deep, 420 millimetre wide streaming flow notch and adherent nappe profile.
- 4.2 The Licence Holder shall ensure that during construction works, any subsequent maintenance works to the impounding structures, the flow in the Ebbw Fach is allowed to pass downstream unchanged in quantity and quality at all times.
- 4.3 Prior to commencement of the works authorised by this licence, the Licence Holder shall give 28 calendar days' notice in writing to NRW of their intention to commence the authorised works.
- 4.4 The Licence Holder shall give NRW notice in writing of completion of the works authorised by this licence within 15 calendar days of completion.
- 4.5 The Licence Holder shall construct, operate and maintain the impounding works in accordance with the specifications and drawings referred to in Condition 3.1 of this licence and keep them free from leakage and obstruction at all times.

- 4.6 The Licence Holder shall maintain, repair or replace the eel passage structure referred to in condition 3.1 to ensure that it remains effective at all times.
- 4.7 The Licence Holder shall keep records of maintenance, repair or replacement of the eel passage structure referred to in condition 3.1 for 6 years and shall make them available during all reasonable hours for inspection by NRW.
- 4.8 No works authorised by this licence shall take place during the period from 15th October and 15th May inclusive.

## **ADDITIONAL INFORMATION**

Note: the following information is provided for information only. It does not form part of the licence.

### **REASONS FOR CONDITIONS**

Conditions 4.1 and 4.6: to ensure the intake works are constructed, in accordance with the drawing and specifications agreed by NRW during the determination of this licence.

Conditions 4.2: to ensure a flow is maintained in the watercourse in order i) to maintain the riverine habitat for the conservation of the flora and fauna of the watercourse, ii) to safeguard existing protected rights, iii) to protect the interests of existing downstream lawful users of water and iv) to ensure that the water environment is not impacted during construction and subsequent maintenance.

Condition 4.5: to ensure a flow is maintained in the watercourse in order i) to maintain the riverine habitat for the conservation of the flora and fauna of the watercourse, ii) to safeguard existing protected rights, iii) to protect the interests of existing downstream lawful users of water and iv) to ensure that the water environment is not impacted during construction and subsequent maintenance

Condition 4.3 and 4.4: to start NRW's compliance process.

Condition 4.6 and 4.7: to ensure compliance with the Eels (England and Wales) Regulations 2009 and allow safe passage of eels and elver within the watercourse.

Condition 4.8: to avoid damage to fish during vulnerable life stages such as spawning, migration, emergence and early maturation.

### **IMPORTANT NOTES**

For the purposes of Conditions 3.1, 4.3 and 4.4 the Licence Holder shall contact:

South East Area Planning Officer  
 South East Area Planning Team  
 Natural Resources Wales  
 Rivers House  
 St. Mellons Business Park  
 Fortran Road  
 St Mellons  
 Cardiff  
 CF3 0EY

Tel: 0300 065 3000

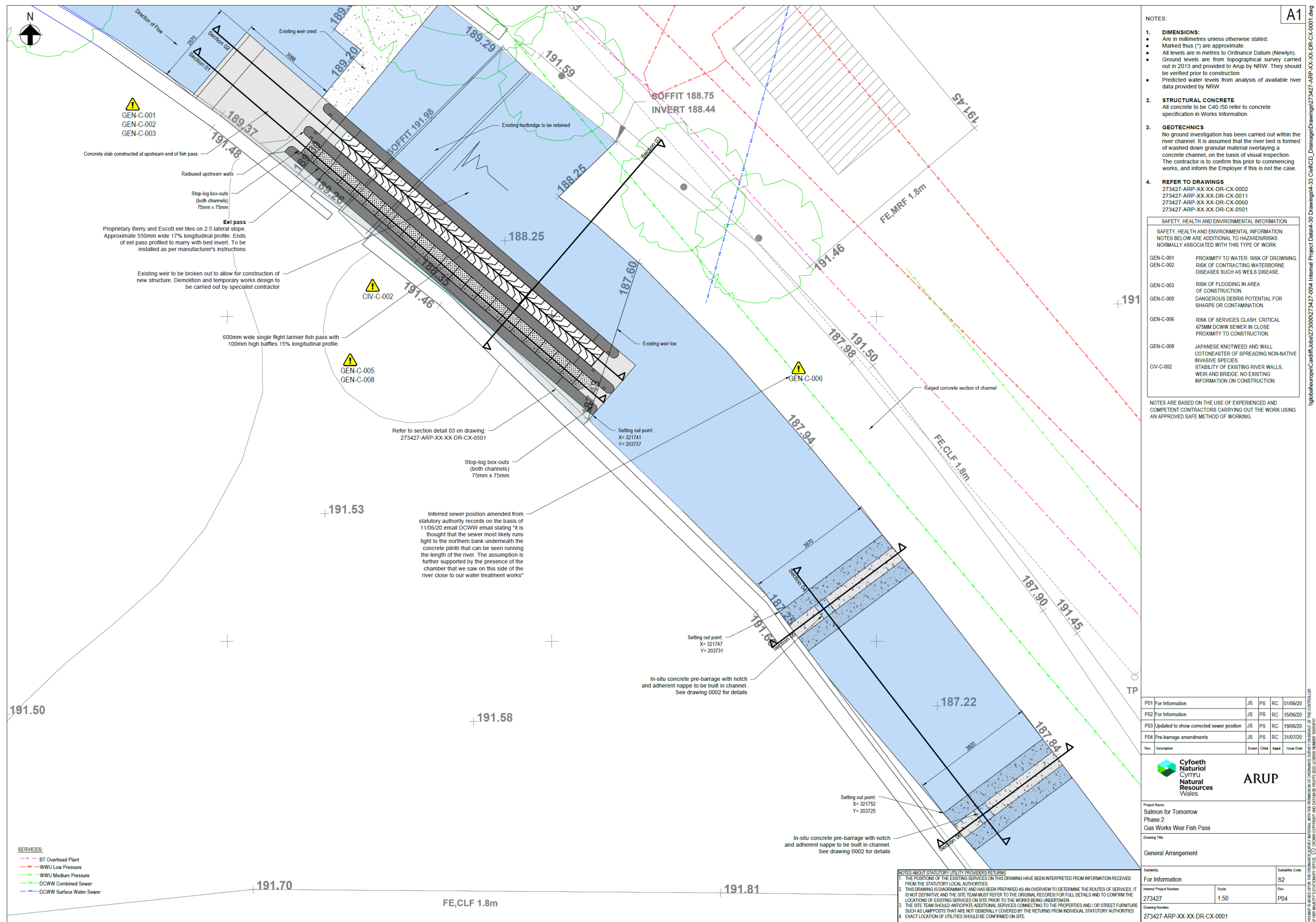
Email: [nrp.southeast@cyfoethnaturiolcymru.gov.uk](mailto:nrp.southeast@cyfoethnaturiolcymru.gov.uk)

### **Eel passage**

NRW may have regard to its Best Practice Guide, the Eel Manual: Elver & eel Passes (or equivalent guidance) in agreeing where, how and what type of eel pass should be installed and together with the results of any monitoring in determining whether the eel pass is properly effective and maintained, and in judging whether it is necessary to require repair or replacement of the eel pass.









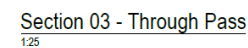
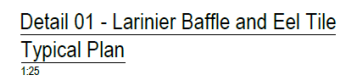
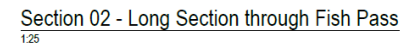
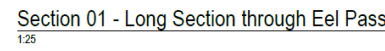
1. **DIMENSIONS:**
  - Are in millimetres unless otherwise stated.
  - Marked thus (\*) are approximate.
  - All levels are in metres to Ordnance Datum (Newlyn).
  - Ground levels are taken topographical survey carried out in 2013 and provided to Arup by NRW. They should be verified prior to construction
  - Predicted water levels from analysis of available river data provided by NRW
2. **STRUCTURAL CONCRETE**
  - All concrete to be C40/50. Refer to concrete specification in Works Information.
3. **GEOTECHNICS**
  - No ground investigation has been carried out within the channel. It is assumed that the river bed is a core of washed down granular material overlying a compacted channel, on the basis of visual inspection. The contractor is to confirm this prior to commencing works, and inform the Employer if this is not the case.

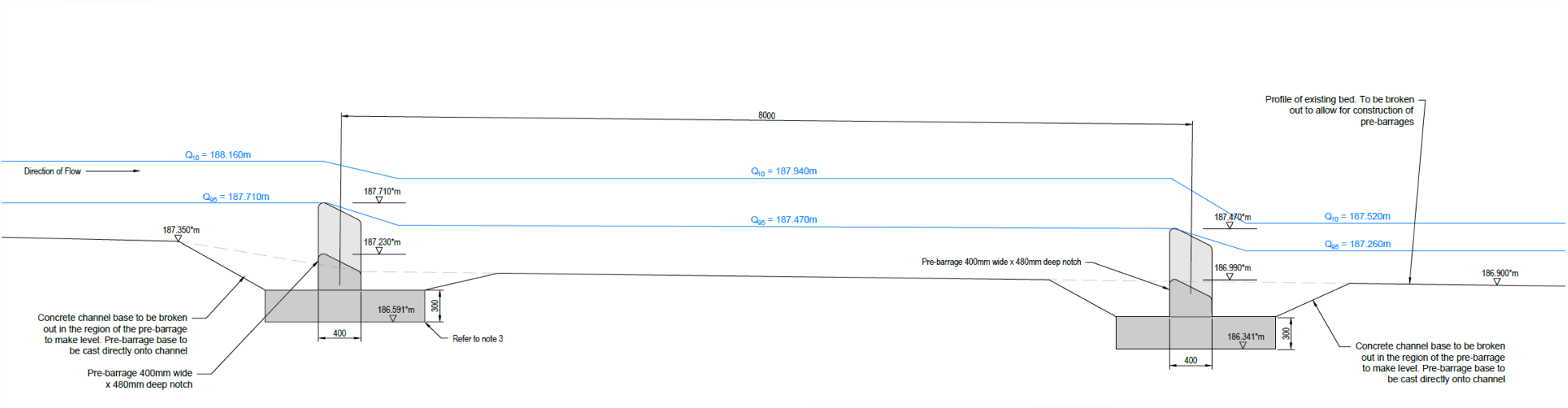
SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION  
NOTES BELOW ARE ADDITIONAL TO HAZARDS/RISKS  
NORMALLY ASSOCIATED WITH THIS TYPE OF WORK:

NOTES ARE BASED ON THE USE OF EXPERIENCED AND COMPETENT CONTRACTORS CARRYING OUT THE WORK USING AN APPROVED SAFE METHOD OF WORKING.

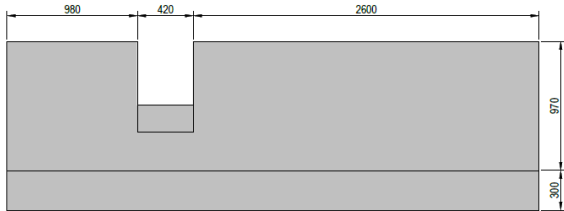
NOTES ARE BASED ON THE USE OF EXPERIENCED AND COMPETENT CONTRACTORS CARRYING OUT THE WORK USING AN APPROVED SAFE METHOD OF WORKING.

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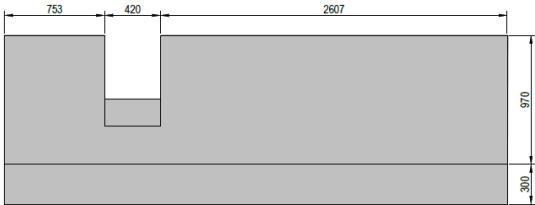




Section 04 - Long Section Through  
Downstream Pre-Barrages



Section 05 - Cross Section Through  
Pre-barrage 1



Section 06 - Cross Section Through  
Pre-barrage 2

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  - GEOTECHNICS**
    - No ground investigation has been carried out within the river channel. It is assumed that the river bed is formed of washed down granular material overlying a concrete channel, on the basis of visual inspection. The contractor is to confirm this prior to commencing works, and inform the Employer if this is not the case.

SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION	
NOTES BELOW ARE ADDITIONAL TO HAZARDS/RISKS NORMALLY ASSOCIATED WITH THIS TYPE OF WORK:	
GEN-C-001	PROXIMITY TO WATER: RISK OF DROWNING.
GEN-C-002	RISK OF CONTRACTING WATERBORNE DISEASES SUCH AS WELLS DISEASE.
GEN-C-003	RISK OF FLOODING IN AREA OF CONSTRUCTION.
GEN-C-005	DANGEROUS DEBRIS POTENTIAL FOR SHARPS OR CONTAMINATION.
GEN-C-006	RISK OF SERVICES CLASH: CRITICAL 675MM DOW SEWER IN CLOSE PROXIMITY TO CONSTRUCTION.
GEN-C-008	JAPANESE KNOTWEED AND WALL COTONEASTER OF SPREADING NON-NATIVE INVASIVE SPECIES.
CIV-C-002	STABILITY OF EXISTING RIVER WALLS, WEIR AND BRIDGE. NO EXISTING INFORMATION ON CONSTRUCTION.

NOTES ARE BASED ON THE USE OF EXPERIENCED AND COMPETENT CONTRACTORS CARRYING OUT THE WORK USING AN APPROVED SAFE METHOD OF WORKING.

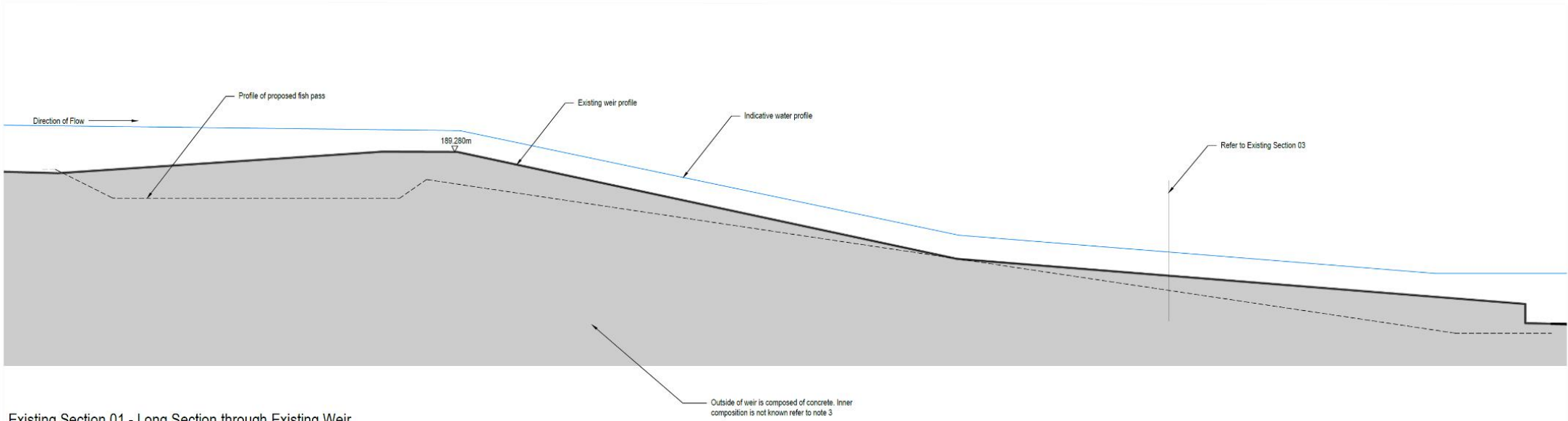
P01	For Information	JS	PS	RC	15/06/20
P02	Aerofill removed due to corrected sewer pos.	JS	PS	RC	19/06/20
P03	Level and dimension amendments	JS	PS	RC	31/07/20
Rev	Description	Drawn	Chk'd	App'd	Issue Date



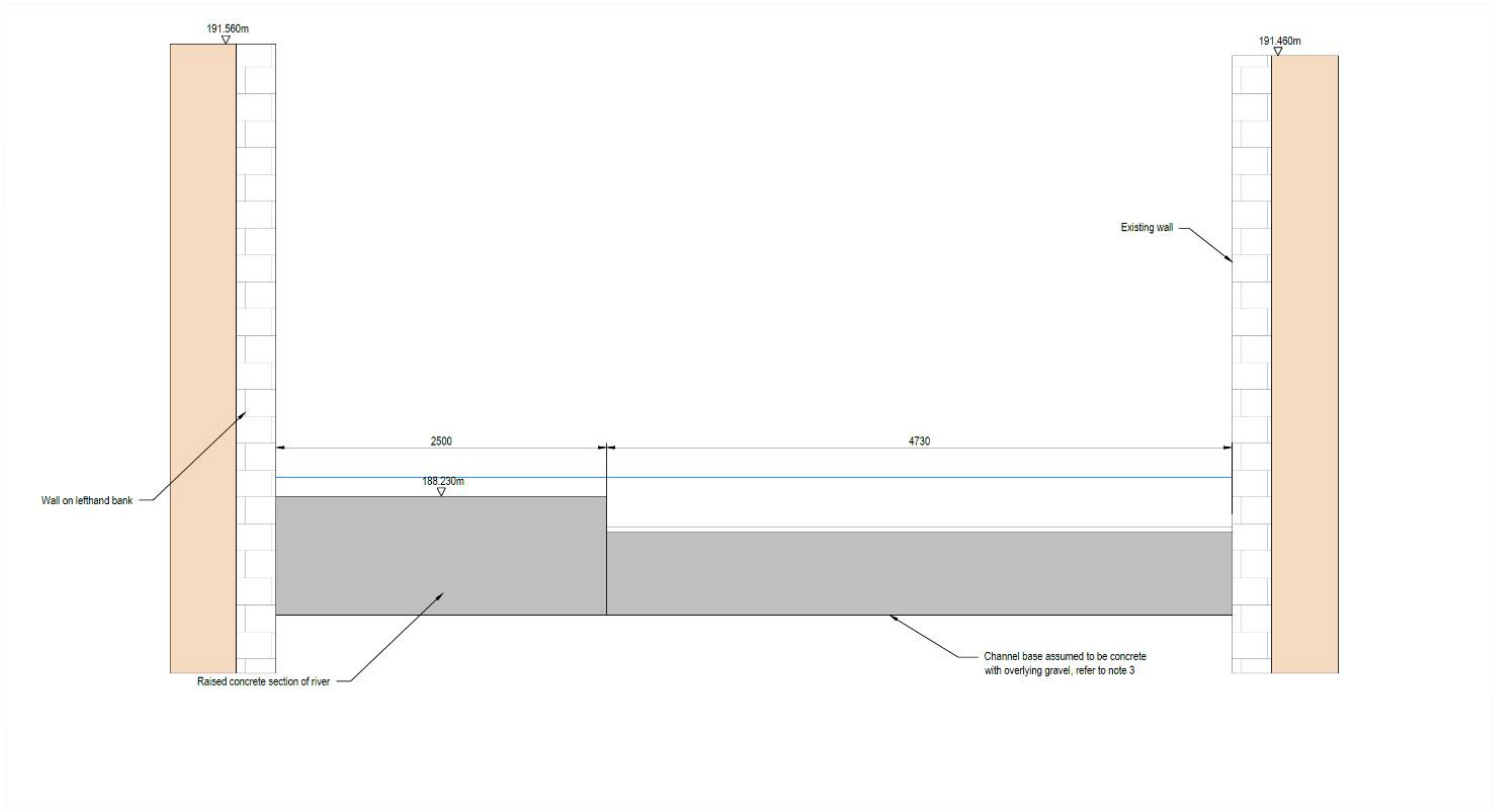
Project Name:  
Salmon for Tomorrow  
Phase 2  
Gas Works Weir Fish Pass

Drawing Title:  
Sections  
Sheet 2 of 2

Suitability:	Suitability Code:
For Information	S2
Internal Project Number:	Scale:
273427	As Shown
Drawing Number:	Rev:
273427-ARP-XX-XX-DR-CX-0003	P03



Existing Section 01 - Long Section through Existing Weir



Existing Section 03 - Through Existing Weir

- NOTES:
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    - Predicted water levels from analysis of available river data provided by NRW.
  - GEOTECHNICS**

No ground investigation has been carried out within the river channel. It is assumed that the river bed is formed of washed down granular material overlaying a concrete channel, on the basis of visual inspection. The contractor is to confirm this prior to commencing works, and inform the Employer if this is not the case.

SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION	
NOTES BELOW ARE ADDITIONAL TO HAZARDS/RISKS NORMALLY ASSOCIATED WITH THIS TYPE OF WORK:	
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GEN-C-002	RISK OF CONTRACTING WATERBORNE DISEASES SUCH AS WEIL'S DISEASE.
GEN-C-003	RISK OF FLOODING IN AREA OF CONSTRUCTION.
GEN-C-005	DANGEROUS DEBRIS POTENTIAL FOR SHARPS OR CONTAMINATION.
GEN-C-006	RISK OF SERVICES CLASH. CRITICAL 675MM DOWN SEWER IN CLOSE PROXIMITY TO CONSTRUCTION.
GEN-C-008	JAPANESE KNOTWEED AND WALL COTONEASTER OF SPREADING NON-NATIVE INVASIVE SPECIES.
CIV-C-002	STABILITY OF EXISTING RIVER WALLS, WEIR AND BRIDGE. NO EXISTING INFORMATION ON CONSTRUCTION.

NOTES ARE BASED ON THE USE OF EXPERIENCED AND COMPETENT CONTRACTORS CARRYING OUT THE WORK USING AN APPROVED SAFE METHOD OF WORKING.

P01	For information	JS	PS	RC	15/06/20
P02	Proposed fish pass profile amendments	JS	PS	RC	31/07/20
Rev	Description	Drawn	Chkd	Appt	Issue Date

Project Name:  
Salmon for Tomorrow  
Phase 2  
Gas Works Weir Fish Pass

Drawing Title:  
Existing Sections  
Sheet 1 of 1

Subsidiary:  
For Information

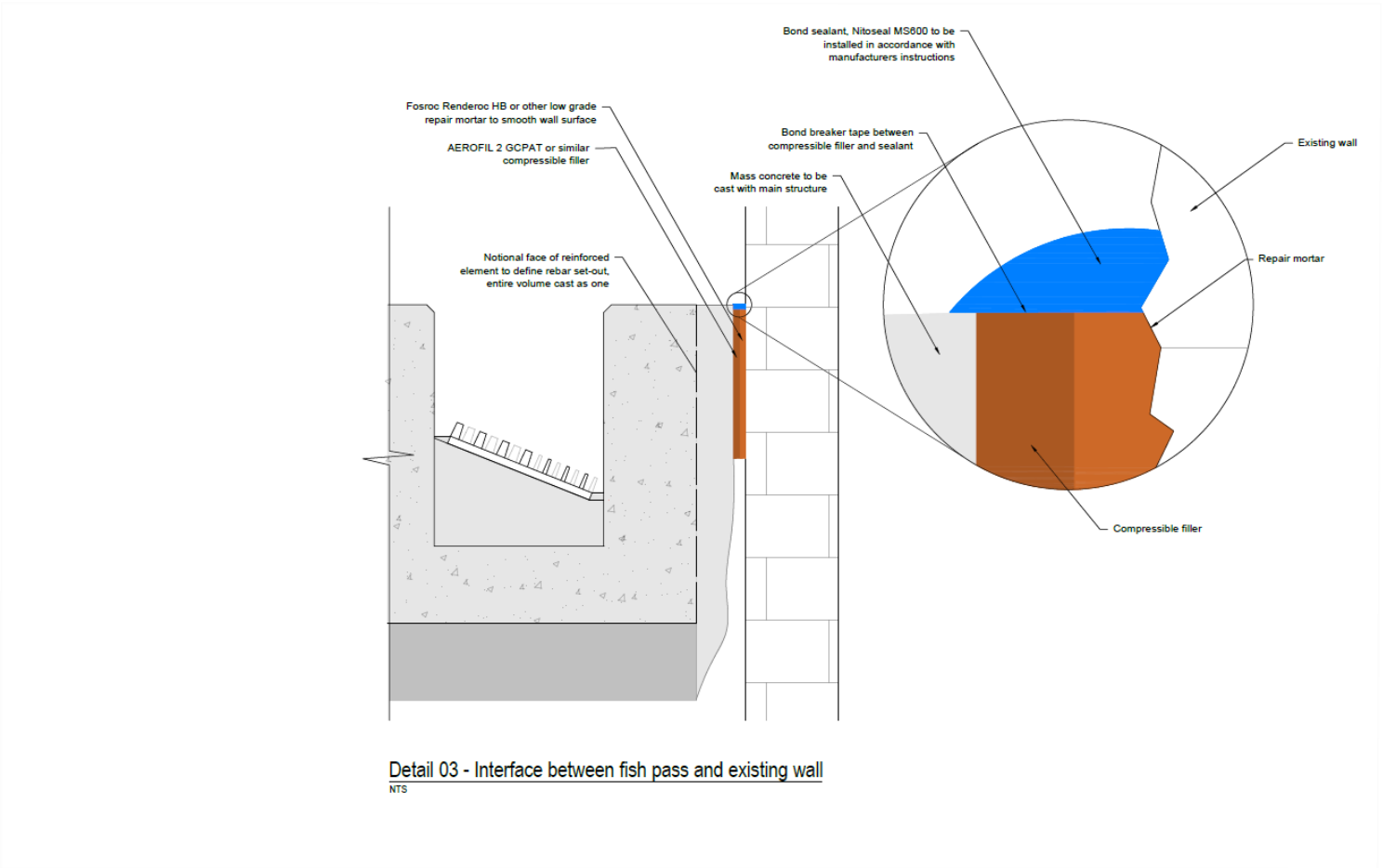
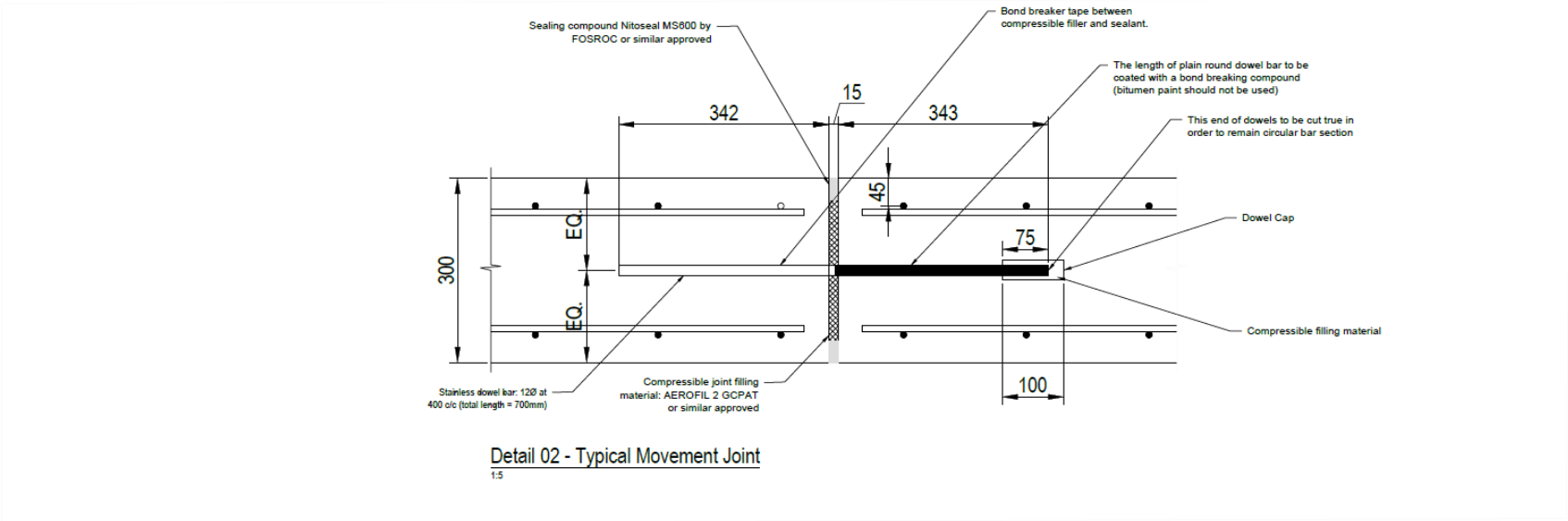
Internal Project Number:  
273427

Scale:  
As Shown

Revision:  
P02

Subsidiary Code:  
S2

Drawing Number:  
273427-ARP-XX-XX-DR-CX-0004



NOTES:

A1

1. DIMENSIONS:
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P01	For Information	JS	PS	RC	01/06/20
P02	For Information	JS	PS	RC	15/06/20
P03	For Information	JS	PS	RC	15/06/20
P04	For Information	JS	PS	RC	01/07/20
Rev.	Description	Drawn	Chkd	Appd.	Issue Date

Cyfoeth Naturiol Cymru Natural Resources Wales

ARUP

Project Name:  
Salmon for Tomorrow  
Phase 2  
Gas Works Weir Fish Pass

Drawing Title:  
Details  
Sheet 1 of 2

For Information

Internal Project Number:  
273427

Drawing Number:  
273427-ARP-XX-XX-DR-CX-0501

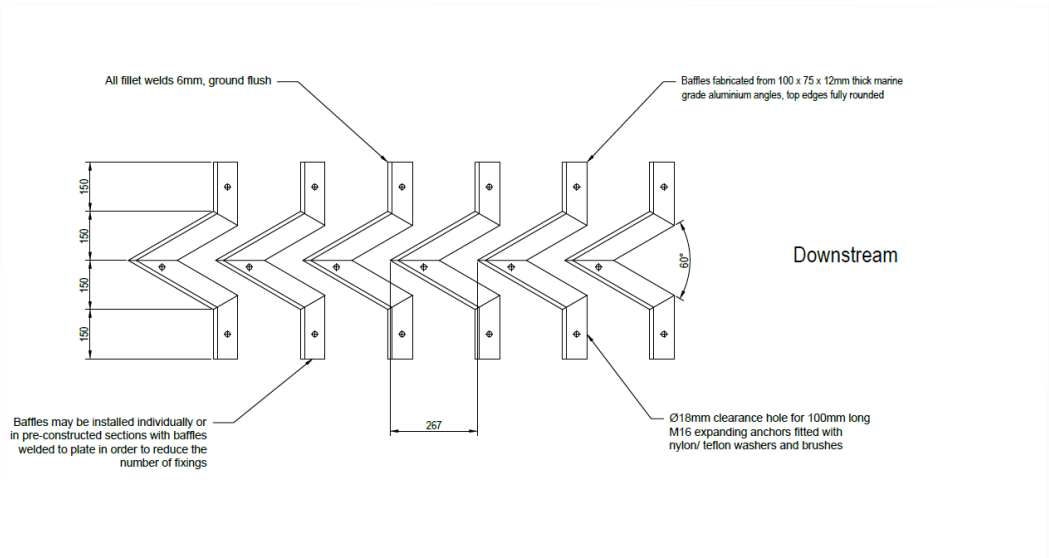
Scale:  
As Shown

Rev.  
P04

Drawability Code:  
S2

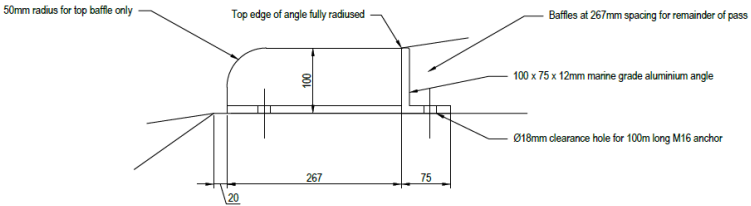


Upstream



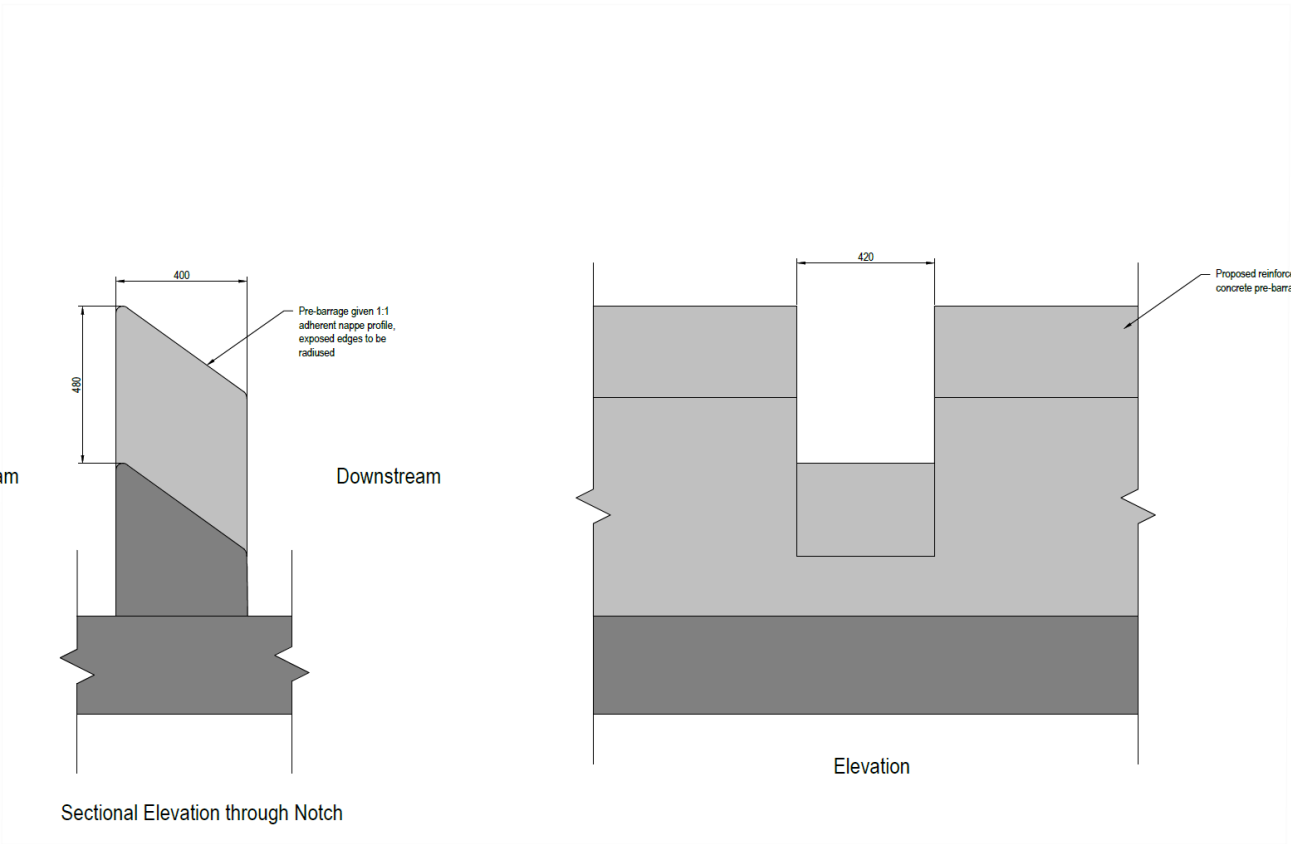
Detail 04 - Typical Baffle Plan  
1:10

Downstream



Detail 05 - Top Baffle Elevation  
1:5

Upstream



Sectional Elevation through Notch

Detail 06 - Typical Low Flow Notch Detail  
1:10

Elevation

A1

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  - GEOTECHNICS**

No ground investigation has been carried out within the river channel. It is assumed that the river bed is formed of washed down granular material overlying a concrete channel, on the basis of visual inspection. The contractor is to confirm this prior to commencing works, and inform the Employer if this is not the case.

P01	For Information	JS	PS	RC	15/06/20
P02	Notch dimension amended	JS	PS	RC	31/07/20
Rev.	Description	Drawn	Chkd.	Appd.	Issue Date



ARUP

Project Name:  
Salmon for Tomorrow  
Phase 2  
Gas Works Weir Fish Pass  
Drawing Title:  
Details  
Sheet 2 of 2

Suitability		Suitability Code:	
For Information		S2	
Internal Project Number:	Scale:	Rev.	
273427	As Shown	P02	
Drawing Number:			
273427-ARP-XX-XX-DR-CX-0504			

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