

Determination Report

Report under the Water Resources Act 1991 (as amended) and the Environment Act 1995 of an application for a new impounding licence number WA/366/0006/0018

In this document, Natural Resources Wales ('NRW') means the Natural Resources Body for Wales ('the NRW') established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.

Please note that on 01 April 2013, the functions previously conducted by the Countryside Council for Wales ('CCW'), Forestry Commission Wales ('FCW'), and the functions of the Environment Agency within Wales ('EA/EAW'), (CCW, FCW and EA/EAW together 'the Legacy Bodies') were transferred to NRW.

In determining this application, NRW has exercised its duties and powers under the Water Resources Act 1991 (as amended) and the Environment Act 1995 and has taken account of guidance issued by the Legacy Bodies where relevant.

The Welsh Ministers are deemed to have granted this application in accordance with Section 64 of the Water Resources Act 1991.

1. Summary of the proposal

The applicant, Natural Resources Wales (NRW), has applied for a new impoundment licence for a weir at Prince Llewelyn Reservoir near Dolwyddelan, Conwy at NGR SH 74270 53060.

NRW consider the reservoir to be a priority asset based on both its current condition and proximity to residential properties and a major road, with the potential for loss of life in the event of a breach. NRW has taken the decision to rebuild the dam at the reservoir, including the addition of a notch to transform it into a weir, to reduce liability, cost and ongoing risk.

The current dam is an embankment, 5.8m at greatest height, spanning 39m in length with a 4m crest width. There is an additional 1m shelf on the upstream face that is one meter lower than the main crest. It is proposed to alter the existing dam at Prince Llewelyn Reservoir by creating a trapezoidal shaped notch 3.1m below the current crest level. The following plans show the proposed changes to the dam (please see plans saved to DMS, dated respectively as below):

- 10035306-ARC-XX-XX-DR-RE-0018 -PO1-Wetted Perimeter (dated 13/03/2020)
- 10035306-ARX-XX-XX-DR-RE-0006-PO2-Dam Cross Sections (dated 13/03/2020)
- 10035306-ARC-XX-XX-DR-RE-0008-PO4-Spillway Details ver 2 (dated 05/08/2020)
- 10035306-ARC-XX-XX-DR-RE-0007-PO3-Long Section ver 2 (dated 05/08/2020)

This work will significantly improve the safety of the structure whilst ensuring minimal variation to the downstream waterbody. It is proposed to carry out dewatering of the reservoir during the construction phase; the abstracted water will be returned to the water body (a very small tributary of the Afon Lledr) 20-30m downstream— note: an abstraction licence is not required for this part of the project, as the activity is exempt under The Water Abstraction and Impounding (Exemptions) Regulations 2017.

Please see below location map:



1.1 Departures from application forms

Signatures

The original application forms (see form WRA and WRE dated 06/04/2020, saved to the DMS) were not signed by an appropriate signatory on initial submission. The application forms were amended and resubmitted 04/06/2020 with an appropriate Head of Place signatory for authorisation (see application forms dated 04/06/2020, saved to DMS).

Application type

The applicant originally applied for an accompanying abstraction licence to dewater the reservoir to allow for the construction work on the impoundment. They subsequently determined that the dewatering activity was exempt under The Water Abstraction and Impounding (Exemptions) Regulations 2017. This decision was noted by the WR Permitting Team on 28/04/2020.

Discharge point

In the Invalid Application letter of 24/4/2020 (saved to the DMS) the applicant was advised that they had given the discharge point as NGR SH 74304 53065 but Section 2.2 of form WRE noted that the discharge would take place 20-30 metres downstream of the abstraction

point. Subsequently, the applicant withdrew the application to abstract water from the reservoir, so they did not need to confirm this information.

Water Framework Directive (WFD) Assessment

The applicant did not provide a WFD assessment to support the application. A WFD Assessment was later submitted by the applicant via email (please see WFD assessment dated 01/05/2020, saved to DMS).

Rights of Access

The applicant did not provide an appropriate map as evidence of ownership of the land they wished to abstract from. However, as the applicant withdrew the application to abstract water from the reservoir, they did not need to supply this information.

Geomorphological Photo Survey

A geomorphological survey was not provided as part of the original application. The Geomorphology Study was provided by the applicant on 25/06/2020 (please see Geomorphology Study dated 25/06/2020, saved to DMS).

Amendments to Two Drawings/Plans

The following drawings/plans were amended following consultation with Hydrology technical specialists. They requested additional elevation in MAOD information be added to the two drawings/plans and asked that the amended drawings/plans be included in the final licence.

The original drawings/plans are:

10035306-ARC-XX-XX-DR-RE-0007-P02-Long	Sections	(approved 12/02/2020 / print date 25/03/2020)
10035306-ARC-XX-XX-DR-RE-0008-P02-Spillway	(approved 11/02/2020 / print date 26/03/2020)	

And the amended drawings/plans are:

10035306-ARC-XX-XX-DR-RE-0007-P03-Long	Section ver 2	(approved 12/02/2020 / print date 05/08/2020)
10035306-ARC-XX-XX-DR-RE-0008-P04-Spillway	Details ver 2	(approved 11/02/2020 / print date 05/08/2020)

All copies are saved to the DMS.

Protected Species Survey

The Protected Species technical advisor advised that adequate survey work for otters should be carried out and to ensure the impoundment would not impact on this species, e.g. loss of holts or laying up areas. The applicant submitted a Preliminary Ecological Appraisal on 12/9/2020 (saved to the DMS), but this was produced in December 2015 and was only a brief overview. The applicant then provided a more recently written survey (named Ground Truthing Visit Memo_For Issue, produced in March 2020 – saved to the DMS). The technical advisor accepted the March 2020 survey and asked for clarification in the Environmental Action Plan that the mitigation measures applied to otters as well as badgers. The technical advisor further requested downstream pools to be built to enhance the local otter habitats, which is being discussed with the project lead.

1. Application details

Administrative details	
Applicant name and address	Natural Resources Wales Tŷ Cambria 29 Newport Road Cardiff CF24 0TP
Application contact details	Jo Parkinson Natural Resources Wales Tŷ Cambria 29 Newport Road Cardiff CF24 0TP jo.parkinson@cyfoethnaturiolcymru.gov.uk
Application reference number	PAN-010000
Existing licence number	N/A
New licence number	WA/366/0006/0018
Catchment	Lledr 366
NRW Area	Conwy
Date application received as complete	07/04/2020
Relevant date	07/04/2020
Determination date	25/10/2020
Agreed extended determination date	29/01/2020

Impoundment details	New Proposal
Name of inland water to be impounded	Inland water (reservoir) known as Prince Llewelyn Reservoir at Dolwyddelan, Conwy, Gwynedd.
Point of impoundment (NGR)	At National Grid Reference SH 74270 53060 marked 'Point A' on the map.
Manner and extent of impoundment	<p>Impoundment works comprising of alterations to an existing dam with a maximum crest level of 193.30 metres Above Ordnance Datum and a trapezoidal shaped notch in accordance with the specifications and drawings:</p> <p>10035306-ARC-XX-XX-DR-RE-0018-P01-Wetted Perimeter dated 13/03/2020 10035306-ARC-XX-XX-DR-RE-0006-P02-Dam Cross sections dated 13/03/2020 10035306-ARC-XX-XX-DR-RE-0008-P04-Spillway Details ver 2 dated 05/08/2020 10035306-ARC-XX-XX-DR-RE-0007-P03-Long Section ver 2 dated 05/08/2020</p> <p>copies of which are appended to this licence, or such</p>

Impoundment details	New Proposal
	minor amendments to those documents that are accepted in writing by NRW prior to the date of commencement of construction.

3. Case history

Date	Event
-	The dam at Prince Llewelyn Reservoir dates back to the 1800s and has no previous impoundment licence.
07/04/2020	Application received for a new full impoundment licence.
24/04/2020	Application initially invalidated and correspondence sent to applicant.
01/07/2020	Additional information received and application validated.

4. Validation of the application

The applicant has submitted all the required information for a complete and valid application.

	Yes/No	Comments
Is the applicant entitled to apply for the necessary licence?	N/A	Not required for impoundment licences.
Were any supplementary reports submitted or has any additional information been requested by Natural Resources Wales?	Yes	Design Philosophy (version 4 approved 18/03/2020) Diagrams – Wetted Perimeter (approved 13/03/2020); Spillway Details (approved 11/02/2020 / print date 05/08/2020); Long Sections (approved 11/02/2020 / print date 05/08/2020) ; Dam Cross Sections (approved 12/02/2020) WFD Screening (undated) Geomorphology Photo Survey (approved 19/06/2020) Flood Risk Study (version 2 31/07/2020) Flood Consequences Assessment (31/07/2019) Environmental Action Plan (version 2 March 2020) Preliminary Ecological Appraisal (16/12/2015) Summary of Environmental Screening (undated spreadsheet) Ground Truthing Memo (Ecology Constraints Memo) (16/03/2020) NRW Reservoir Sampling Project – Interpretative Memo: Prince Llewelyn Reservoir (October 2020)

5. Water Resources (Environmental Impact Assessment Regulations) 2003 as amended by the Water Resources (Environmental Impact Assessment) (England and Wales) (Amendment) Regulations 2006.

The applicant has consulted Natural Resources Wales and it has confirmed that the proposal is not a “relevant project”, as defined by the Regulations. No environmental statement is

therefore required by Natural Resources Wales to be submitted in respect of this application and project proposal.

6. Justification of requirements

Justification of Requirements

The current dam leaks, particularly during flood events, and the bottom outlet is inoperable, so it is not possible to have an emergency drawdown to lower the hydrostatic pressure on the dam and reduce leakage. Due to the proximity of the reservoir to several properties (about 300m from the toe of the dam) and the A470 (the main trunk road between Cardiff and Llandudno) a breach of the dam could endanger lives. Consequently, NRW decided to add a notch to the dam to turn it into a weir and reduce the risk of a breach. Consideration was given to complete removal of the dam, but this was decided against for two reasons:

1. The reservoir is likely to have a history of pollution from local abandoned metal mines. There is a risk that pollutants have been concentrated in the silt of the reservoir. If the dam was removed, the silt could be re-mobilised and enter the downstream watercourse (a tributary of the Afon Lledr) – see WFD Screening Report saved to the DMS. (Please see section 10.5 for further details)
2. The reservoir forms part of the relict landscape associated with the 19th century Prince Llewelyn quarry. The Gwynedd Archaeological Trust consider the quarry of local importance and although the dam is not required to be preserved *in situ* (i.e. without any alteration) it is an important part of the Prince Llewelyn complex and they would like it to retain as much of its current character as possible. The local Trust support the proposed work, i.e. to keep the reservoir, to finish the modified structure with re-used stone etc.

7. Advertising

Application was advertised	Comments
Date when advertised	25/11/2020
Name of local paper	North Wales Pioneer
Public inspection address	The documents were available on request via email or post
<u>Notice served to:</u>	
Internal Drainage Board (IDB)	N/A
Navigation Authority (NA)	N/A
Harbour Authority (HA)	N/A
Conservancy Authority (CA)	N/A
Statutory Water Undertaker (SWU)	DCWW – no comments
Number of representations received in writing	None
Representation Decision Statement	N/A

8. Internal consultation

Consultee (name, date and summary of comments)
Technical Fisheries
Date: 03/08/2020 and 26/08/2020.
Comments: Happy with proposal (see section 10.4).

Designated Conservation Officer (Ex CCW)
Date: 05/08/2020
Comments: Happy with proposal.
People and places (NRP)
Date: 05/08/2020
Comments: Happy with proposal
Environment Management
Date: 04/08/2020
Comments: Happy with proposal (see section 10.5).
Development and Flood Risk
Date: 27/08/2020 and 20/01/2021
Comments: Happy with proposal (see section 10.2.1).
Area or Regional Hydrologist
Date: 28/07/2020 & 11/08/2020
Comments: Happy with proposal (see section 10.2).
Geomorphology
Date: 22/04/2020, 30/06/2020, 06/08/2020 and 20/08/2020.
Comments: Happy with proposal (see section 10.3).
Protected Species
Date: 03/08/2020, 27/08/2020, 09/10/2020, 12/10/2020.
Comments: Happy with proposal (see section 10.3).
Planning Liaison
Date: 28/07/2020
Comments: Happy with proposal (see section 10.3).
Reservoir Safety
Date: 29/07/2020
Comments: Happy with proposal (see section 10.2.1).
Specialist Engineer (Silt Contamination)
Date: 28/09/2020, 29/09/2020, 30/10/2020 and 05/11/2020
Comments: Happy with proposal (see 10.5).

9. External consultation

In accordance with its obligations, Natural Resources Wales has consulted the following bodies about the proposal:

Consultation Bodies (name, date and summary of comments)
National Park Authority (NPA) – Snowdonia National Park

Date: 27/11/2020
Comments: No response received.
Welsh Archaeological Trust (WAT) – Jenny Emmett (Gwynedd Archaeological Planning Service)
Date: 28/08/2020
Comments: Happy with proposal (see below).

The WAT consultee noted that the reservoir forms part of the industrial landscape associated with the 19th century Prince Llewelyn quarry; the quarry is considered to be of local importance. They consider the reservoir to be of historic importance as evidence of the 19th century industry that characterised the region but the dam itself does not require preservation *in situ*. The WAT supports the proposal to finish the new weir with re-used stone to keep the design sympathetic with the Snowdonia National Park. They note that the work will have a significant physical and visual impact on the reservoir, but do not object to the proposed modifications. (Please see correspondence dated 28/08/2020, saved to DMS)

10. Technical assessment of the proposal

10.1 Water Framework Directive and CAMS resource assessment, and licensing strategy

Category	Comments/Name
Catchment Abstraction Management Strategy Area (CAMS)	Conwy
Current resource status and licensing strategy (CAMS or other strategy) for this location	The Lledr catchment has water available for licensing.
WFD Integrated Water Body (name/ID)	Lledr (GB110066054940)
WFD Ecological Status	Good

The proposal is not likely to have an impact on the CAMS status or WFD status as the following conditions will be imposed on the impoundment licence:

- Construction, operation and maintenance in accordance with the submitted specifications and drawings.
- Flow maintenance during construction and subsequent maintenance.
- Submission of a Method Statement that must be approved prior to work commencing.
- Construction of an eel passage will ensure compliance with the Eels (England and Wales) Regulations 2009 and allow safe passage of eels and elver within the watercourse.
- Ensuring the work does not diminish the quantity or quality of the water downstream of the impoundment.
- The works authorised in the licence shall not be carried out in the watercourse between 15th October and 15th May in any year, to avoid damage to fish during vulnerable life stages such as spawning, migration, emergence and early maturation.

A WFD Assessment was completed on behalf of the project manager for this proposal. (please see WFD assessment saved to DMS on 01/05/2020). This assessment has been reviewed and its conclusions agreed with.

NRW are satisfied that there will be no deterioration in ecological status/potential to the identified waterbody(ies) as a result of the components of this activity authorised by the licence.

10.2 Hydrology

The Prince Llewelyn is a small, man-made reservoir upstream of an un-named tributary of the Afon Lledr. The Afon Lledr joins the River Conwy at Betws-y-Coed; the Conwy then flows north through Llanrwst, discharging into Conwy Bay at Conwy/Llandudno.

10.2.1 Flood Risk

Flood Risk Study

The study concluded that the work to the impoundment would give a slight increase in flows during the design event; the Flood Risk Technical Specialist confirmed that drawing 10035306-ARC-XX-XX-DR-RE-0008-P02-Spillway Details showed that adequate scour protection had been incorporated into the design to accommodate this (please see skype conversation record saved to DMS, dated 20/01/2021). They also noted that overall the reduced volume of the reservoir after the modification to the impoundment would greatly reduce the risk of a breach (Please see ICE Pack consultation response dated 27/08/2020, saved to DMS.)

Reservoir Safety

The Reservoir Safety technical specialist recommended a Qualified Civil Engineer (QCE) be appointed to oversee the work. The applicant confirmed that they were taking advice from a QCE and an internal Reservoir Supervising Engineer was involved in the design of the modified impoundment. (Please see ICE Pack consultation response of 29/07/2020 and email from applicant also dated 29/07/2020.)

10.2.2 Impacts on flows

Hydrology Technical Specialists raised concerns with two of the submitted drawings (the spillway and long sections). As such, they were amended to include additional elevation (in MAOD) information (see email dated 05/08/2020). They also requested clarification in the final licence that the notch in the new weir would be trapezoidal, not v-shaped as stated in the original design document, as the former was the shape used for the modelling work.

Hydrology requested the actual change in downstream peak flows during a flood event (see ICE Pack consultation response of 28/07/2020). These were provided by the applicant and Hydrology confirmed that the predicted 100 and 1000 year increases in peak flow gave an insignificant increase in a downstream flood risk (see ICE Pack consultation response of 11/08/2020)

Hydrology noted that the drawing down of the reservoir prior to works should be done at a controlled and continuous rate, and when the Afon Lledr and Afon Conwy are not in flood. River levels should be checked on NRW's 'River Levels Online' website using Pont Gethin gauging station on the Lledr and Cwmlannerch gauging station on the Afon Conwy. Applicant was advised of this requirement on 29/07/2020 and it will also be added to a bespoke issue letter.

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

10.3 Impact on the ecology

Geomorphology

No concerns raised however the Geomorphology technical specialist required that the work at the reservoir not be referred to as 'decommissioning' in the licence as this would be misleading, as the project will lower the level of water in the reservoir by modification of the existing dam to a weir.

Fundamentally, as sediment is not highlighted as being built up behind the dam to a level above that of the proposed lowering, and the hydrology of the reservoir will otherwise remain the same, this should have no/little impact or benefit to the geomorphology upstream or downstream of the reservoir.

They queried why NRW was not fully decommissioning the weir. This is due to:

1. The potential for the silt in the reservoir to be contaminated with heavy metals (see Section 10.5).
2. The request by the local Welsh Archaeological Trust to maintain the historic site as intact as possible, this option had been decided against (see Section 9).

Please refer to section 6 for further information.

NRW are therefore satisfied that this proposal and the licence conditions as drafted will have no anticipated impact on geomorphology.

Protected Species

The Protected Species technical specialist asked that an adequate otter survey be conducted to ensure the proposed work would not impact on this species. After provision of two ecological surveys and discussions with this specialist and the project officer, it was agreed that an EPS licence was not required for this proposal; the mitigation measures in the Environmental Action Plan for the badger are also appropriate for otters so the EAP needed updating to reflect this; and the project will include the building of pools downstream of the reservoir to provide more potential habitats for otters. (See emails dated 09/10/2020 and 12/10/2020.)

Planning Liaison

The Planning Liaison specialist noted that protected species advice would be required since otters had been seen at the site of the reservoir – this had already been sought during the internal consultation, please refer to 'Protected species' section above. They also recommended producing a Construction Environmental Management Plan (CEMP); this had been completed in the form of the Environmental Action Plan (saved to the DMS, dated 07/10/2020).

10.4 Impact on fisheries

The downstream section of the Afon Lledr has the following protected species present:

- eels (including Silver eel and Yellow eel),
- trout - Brown, Ferox, Sea, Peal, Salmon, Sewen and White, and
- Atlantic salmon, specifically grilse (young salmon returning to spawn after their first winter at sea) and Springers (older individuals returning from between January and May).

Fisheries consultee stipulated that the embargo dates of 17th October to 15th May should be included in the licence as a standard precautionary interpretation of the 'Salmon and Freshwater Fisheries Act 1975' Section 2(4) to avoid damage to fish during vulnerable life stages such as spawning, migration, emergence and early maturation.

NRW are therefore satisfied that this proposal and the licence conditions as drafted will have no anticipated impact on fisheries.

10.5 Impact on water quality

As a Method Statement had not been submitted with the application, the Environmental Management Consultee stipulated that this would require submission and review prior to the works commencing. A condition (4.1) has been included in the licence requiring this Statement to be written and agreed by relevant parties before any work to the impoundment can start.

The Specialist Engineer was unaware of any local heavy metal mines but noted that the reservoir could still be contaminated. At its sampling point, the Afon Lledr does have a raised zinc level of 14 µg/L (EQS is 10 µg/L). The Specialist Engineer asked for the WFD Assessment and Method Statement to be based on known heavy metal levels rather than assumed contamination. The applicant has, therefore, been asked to take samples up and downstream of the reservoir to inform these documents. The applicant will also need to share the Method Statement with the Specialist Engineer before they can begin works. A condition (4.7) will be included on the impoundment licence ensuring that during construction works and any subsequent maintenance works to the impounding structure, the flow in the un-named tributary of the Afon Lledr is allowed to pass downstream unchanged in quantity and quality at all times.

NRW are satisfied that this proposal and the licence conditions as drafted will have minimal potential to impact on water quality.

10.6 Protected rights and lawful users

Following the impact assessment screening (see Section 10.7 for further details), no licenced abstractions or deregulated abstractions were identified (1km) upstream or downstream of this proposal. As this proposal is for an impoundment licence and necessary conditions to ensure quality and quantity shall be included on the licence no protected rights have been identified as being at risk of derogation as a result of this proposal.

We have considered lawful users during determination of this proposal by:

- requesting the applicant makes us aware of any local abstractions, on the application forms;
- consulting a local officer on whether they are aware of any lawful users or local issues we need to consider; and
- advertising the application in the local newspaper and on our website to allow any lawful users we may be unaware of, to contact us and make us aware of their use of water.

No lawful users were identified upstream or downstream of this proposal, during the determination of the application. Therefore, lawful uses of water have been considered and appropriate measures to safeguard them have been taken.

10.7 Conservation impacts

Nearest Conservation Sites (Distance or downstream) and Potential Impacts			
Designation Types	Name of Site	Potential Impact	Distance & Direction
National Conservation Designations			
Special Area Conservation (SAC)	Y Fenai a Bae Conwy / Menai Strait & Conwy Bay	No	>30km
Ramsar	N/A	-	-
Special Protection Area (SPA)	Liverpool Bay / Bae Lerpwl	No	>30km
Site of Special Scientific Interest (SSSI)	Aber Afon Conwy Benarth Wood Fairy Glen Woods Morfa Uchaf, Dyffryn Conwy	No	~2.6km ~2.4km ~0.5km ~1.4km
Groundwater Dependent Terrestrial Ecosystems (GWDTEs) GW only	N/A	-	-
Other Conservation Designations			
National Nature Reserve (NNR)	N/A	-	-
Local Nature Reserve (LNR)	Bodlondeb Woods	No	~2.5km
Ancient Woodland	Multiple records identified – please see MyMap Screening Report	No	Nearest is ~0.2km away
Listed Buildings	Multiple records identified – please see MyMap Screening Report	No	Nearest is ~4m away
Historic Monuments	Multiple records identified – please see MyMap Screening Report	No	Nearest is ~6m away
Scheduled Ancient Monuments (SAMs)	Caerhun Llanrwst	No	~1.5km ~1km
World Heritage Sites	N/A	-	-
Heritage Coast	N/A	-	-
ESA	N/A	-	-
Site of Importance for Nature Conservation (SINC)	Multiple records identified – please see MyMap Screening Report	No	Nearest is ~14km away
National Landscape Designations			
National Parks (NPs)	Snowdonia	Yes	Proposal within boundary
Area of Outstanding Natural Beauty (AONB)	N/A	-	-
Heritage Coast	N/A	-	-
Others			
Restoring Sustainable Abstraction Programme (RSAP)	N/A	-	-
Protected Species	Atlantic Salmon and Brown/Sea Trout though	Yes	~0.6km downstream

	also multiple records identified over the full screening – please see MyMap Screening Report		in the Afon Lledr
Protected Habitats	Multiple records identified – please see MyMap Screening Report	No	Nearby, all terrestrial

Protected Species

NRW are satisfied that this proposal has minimal potential to impact on protected species. Refer to section 10.3 and 10.4 above.

Protected Habitats

Protected habitats were identified during screening, as detailed in Section 10.7 above. No impacts are anticipated by this proposal as the designations are a significant distance downstream of the proposal. Additionally it will be conditioned that during any construction and maintenance works, the flow in the watercourse shall not be changed in quantity and quality

Local Nature Reserve (LNR)

One Local Nature Reserve (LNR), Bodlondeb Woods, was identified within 3km of the proposal, but due to the nature and location of the project, this proposal is not expected to have any impact on the wood.

SINC's

Multiple local wildlife sites were identified during screening, but due to the nature of the project and the distance of most of them from the site, this proposal is not expected to have an impact on any of these.

Ancient Woodland

Multiple Ancient Woodland sites were identified during the screening but due to the nature of the project and the distance of most of them from the site, this proposal is not expected to have any impact on the woodlands.

Listed Buildings

Multiple Listed Buildings were identified during the screening but due to the nature of the project and the distance of most of them from the site, this proposal is not expected to have any impact on any of them.

Historic Monuments

Multiple Historic Monuments were identified during the screening. No impacts upon these features are anticipated by this proposal due to the nature of the project and the distance from the site.

Scheduled Ancient Monuments (SAMs)

Two SAMs were identified during the screening. No impacts upon these features are anticipated by this proposal due to the nature of the project and the distance from the site.

National Parks

The impoundment sits within the Snowdonia National Park. The National Park Authority had no comments on the proposed activity. (Refer to section 9)

The Welsh Archaeological Trust

Refer to section 9.

10.8 Habitats Directive Regulations and CRoW Act

Natural Resources Wales is of the opinion that the proposal is not likely to have an impact on sites designated under the Habitats Regulation.

The following designated sites were considered:

- Menai Strait & Conwy Bay (SAC)
- Liverpool Bay (SAC/SPA)

Consultation with the relevant designated sites officer confirmed that there is no conceivable impact pathway to any Natura 2000/Ramsar site by virtue of the scale and location of the project. (Please see Designated Site Officer comments in the Internal Consultation Spreadsheet dated 05/08/2020, saved to DMS).

SSSI's:

Multiple SSSIs were identified in excess of 5 kilometres downstream of the proposal during impact assessment screening, please see screening dated 01/07/2020 saved to DMS. Consultation with the Designated Site Officer confirmed that there is no conceivable impact pathway to any designated sites by virtue of the scale and location of the project. (Please see Designated Site Officer comments in the Internal Consultation Spreadsheet dated 05/08/2020, saved to DMS).

10.9 Other considerations

Consideration	Impact Yes/No	Comments
Flooding	No	The aim of the proposed work is to reduce the risk of flooding caused by a breach of the existing dam, which is in a poor state of repair. The project officer was advised, by the Flood Risk Technical Specialist, to ensure appropriate scour protection is incorporated into the new spillway to accommodate the slight increase in flows expected as a result of the changes to be incorporated into the dam. The applicant confirmed on 13/01/2021 (see email on DMS) that this had already been done in the weir design (see drawing 10035306-XX-XX-DR-RE-0008 – Spillway Details on DMS).
Archaeology	No	The relevant Welsh Archaeological trust were consulted as part of this determination and no concerns were received (please see section 9)
Recreation/amenity	No	No impacts expected.

Subsidence and desiccation	No	Not relevant.
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10.10 Other consents that might be required or related to this proposal

Consents	Yes/No	Comments
Environmental Permit for water discharge activity	No	Not applicable – the application is for an impoundment so no associated discharge.
Flood Risk Activity Permit (FRAP)	No	The water course is a non-main river.

10.11 Representations (and Decision Statement if applicable)

No representation were received following the advertisement of this proposal.

11. Cost benefits and environmental mitigation or gain

Options considered	Option 1: Issue licence as applied for; Option 2: Issue licence with conditions; Option 3: Refuse licence
Preferred option	Option 2.
Reason for choosing preferred option(s)	The costs and risks to the environment associated with this proposal do not make a refusal a reasonable or appropriate course of action. Conditions, such as ensuring the quantity and quality of the water passing downstream is not changed and not carrying out works in the watercourse between 15 th October and 15 th May in any year. All conditions placed on the licence are in accordance with current legislation and policy.
Assessment of likely benefits and costs of proposed option to: (does not need to be quantified in £'s, although if available this information should be included).	
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 proposal will reduce the potential for loss of life in the event of a breach.
The applicant	The applicant will have to pay the application fee and any advertising costs that apply.
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.

12. Biodiversity and sustainable development

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

13. Time limit

A time limit has not been included on the impoundment licence in accordance with current legislation.

14. Special agreements

No special agreement has been requested or considered appropriate for this proposal.

15. Measurement of water abstracted

Not applicable as the licence applied for is to impound water.

16. Considerations of SMNR – Compliance with our General Purpose

We are satisfied that this decision is compatible with our general purpose of pursuing the sustainable management of natural resources in relation to Wales and applying the principles of sustainable management of natural resources.

17. Conclusion and recommendations

Full and due consideration has been given to any representations made, and due regard has been taken of protected rights and other lawful interests.

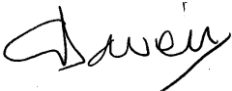
The principles of sustainable development are embodied in the conditions attached to the licence.

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

I therefore recommend approval of the application (as modified) and issue of Licence number WA/366/0006/0018 with the conditions as drafted.

18. AUTHORISATION

Report by: Sarah Senior	Date: 22/02/2021	Signed: Sarah Senior
Position: Permitting Officer		
Audit by: Alex Cowell	Date: 22/02/2021	Signed: A.Cowell
Position: Permitting Officer		

Authorised by: Ceri Davies Position: Executive Director for Evidence, Policy & Permitting	Date: 09/03/2021	Signed: 
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APPENDIX 1 – FULL APPLICANT DETAILS AND FINANCE MEMO

1. Enforcement – Criticality Class

Highly Critical

2. The following new licence impound water has been granted

Licence number:
WA/366/0006/0018
Licence Holder name:
Natural Resources Wales
Registered address:
Tŷ Cambria 29 Newport Road Cardiff CF24 0TP
Correspondence address:
Tŷ Cambria 29 Newport Road Cardiff CF24 0TP

Area	Conwy
CAMS	Conwy Upper
LEAP	CONCL – Conwy and Clwyd LEAP

3. PALS Purpose

Primary Code	Secondary Code	Use/Loss Level
X: Impounding	UNK: Unknown	490: Unknown (Impounding)

4. Financial charge calculation

Issue date	09/03/2020
Effective date	09/03/2020
Expiry date	N/A
Permanent licence (Yes/No)	Yes
Two part tariff offered (Yes/No)	No
Other agreement (Yes/No)	No
Chargeable (Yes/No)	No
Reason if non chargeable	Impoundment only

If authorised, the licence will be exempt from the payment of annual charges being one of the categories under Paragraph 6.2.1 of Natural Resources Wales's Charges Scheme.

The scale of the map on the licence document has been done at a smaller scale than the standard 1:10,000 in order to adequately show the schemes abstraction and discharge point.