

## **Llanllyr Water Company groundwater abstraction**

### **1. Purpose of this document**

This report:

- explains how the application for a transitional full licence (also known as ‘New Authorisation’ licence) has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies the use of specific bespoke conditions within the licence.

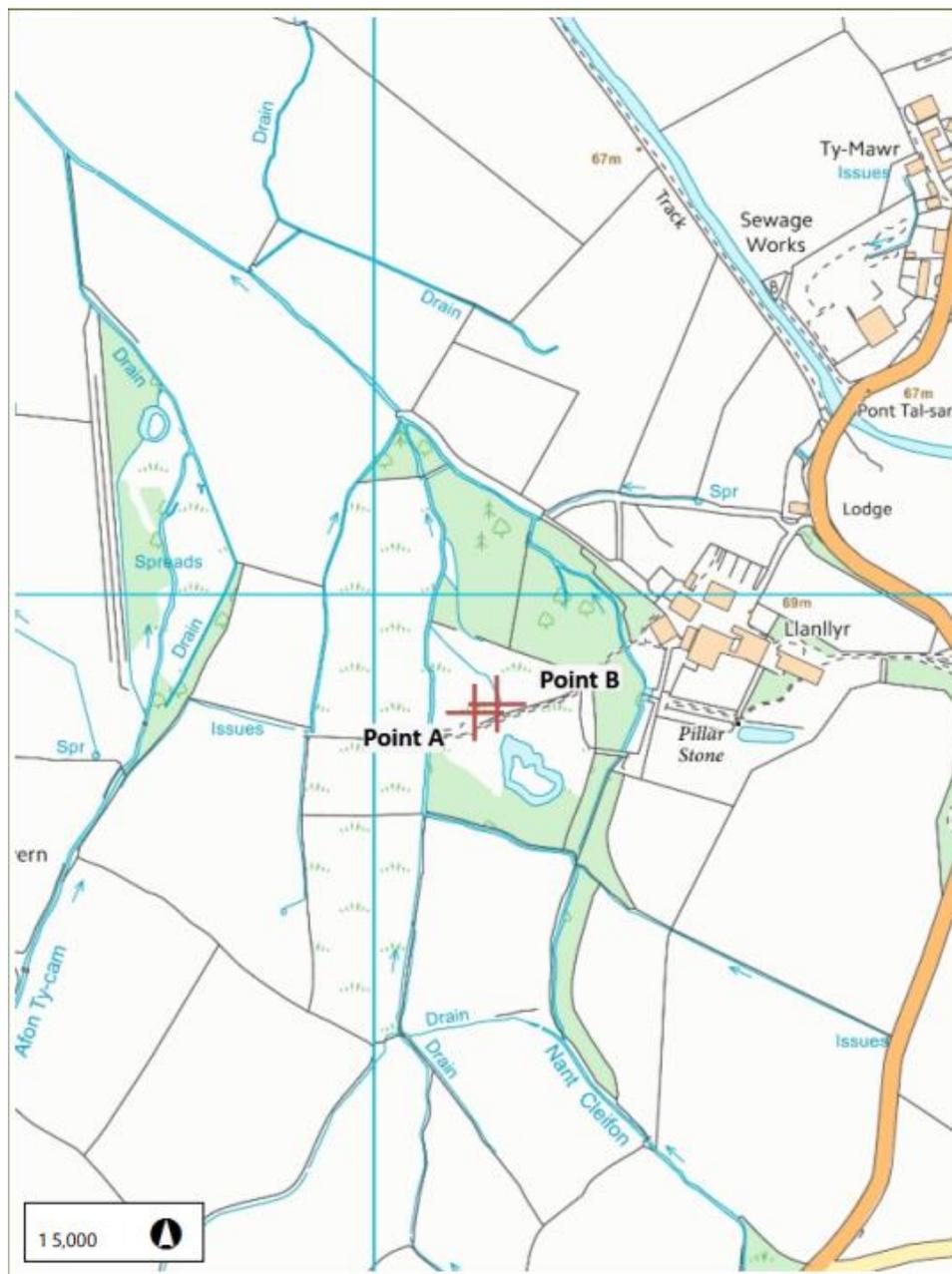
In determining this application, NRW has exercised its duties and powers under The Water Abstraction (Transitional Provisions) Regulations 2017.

### **2. Table of Contents**

1. [Purpose](#)
2. [Content](#)
3. [Summary](#)
4. [Application and licence determination details](#)
5. [Advertisement of application](#)
6. [Location of abstraction](#)
7. [Rights of access](#)
8. [Historical evidence of abstraction and volumes](#)
9. [Technical assessment](#)
  - 9.1 [Water Framework Directive](#)
  - 9.2 [Hydrogeology/hydrology and low flows protection](#)
  - 9.3 [Impact on fisheries](#)
  - 9.4 [Impacts upon water quality](#)
  - 9.5 [Protected rights and lawful uses](#)
  - 9.6 [HRA, CROW Act, Conservation, heritage and landscape impacts](#)
  - 9.7 [Serious Damage](#)
  - 9.8 [Cumulative Impacts](#)
  - 9.9 [Subsidence and Desiccation](#)
  - 9.10 [Existing legislation and permissions](#)
10. [Means of measurement of abstraction](#)
11. [SMNR](#)
12. [PALs & Abstraction charges](#)

### 3. Summary of the application

An application from Llanllyr Water Company to licence an existing abstraction from two boreholes at Llanllyr, Talsarn, Lampeter – NGR SN 54093 55890 and SN 54114 55898. The water abstracted is bottled for drinking and also pumped into a tanker to be taken off site to contract packers for mixer drink production.



(For the map included here and in the licence document, a scale of 1:5,000 was selected for enhanced clarity of the site.)

**We have decided to issue the licence on 21/04/2021**

#### 4. Application and licence determination details

Application details	
Applicant name and address	Llanllyr Water Company Limited Talsarn Lampeter Ceredigion SA48 8QB
Application contact details	01570 470788 ext 0201 maria@llanllyrwater.com
Application reference number	<a href="#">PAN-007931</a>
New licence number	WA/063/0005/0001
WFD Waterbody number & name	Teifi and Coastal Ceredigion GB41002G203300
Abstraction Licensing Strategy (ALS)	Teifi and North Ceredigion
Catchment and sub-catchment	Aeron (C063002) Aeron (0005)
NRW Area	Mid

Determination process details	
Date application received	07/11/2019
Date technical checks undertaken	19/11/2019
Date any final further information received and application validated	Annual water used – see email dated 25/11/2019 Sage sales by product – see email dated 09/12/2020 Property lease document & Extraction licence – see email dated 10/12/2020 Sales Order 3847 – see email dated 20/12/2020  Application validated – see letter dated 23/12/2020  Agreement with proposed daily abstraction volume based on annual abstraction volume and assumed abstraction over 5 days a week, 17.5 hours a day – see email dated 14/04/2021.
Reason abstraction was previously exempt	Abstraction is located within the previously exempt groundwater licensing geographical area.
Non- statutory determination date	31/03/2021
Application publication	<b>This advertising decision was agreed by the <a href="#">NA Panel on 14<sup>th</sup> January 2021</a> and recorded in the <a href="#">NA Screening spreadsheet</a>.</b>  It is NRW's opinion that there is no appreciable adverse effect upon the environment caused by the abstraction, therefore the need for advertisement can be dispensed with in accordance with the regulations.
National Park notification	Not relevant as abstraction not located within a National Park.
External Consultation	None undertaken in accordance with current policies and guidance.

Environmental Impact Assessment Regulations (EIA) requirements	The proposal is not relevant under these regulations; therefore no environmental statement is required.
Application score	Low. This score was agreed by the NA Panel on 14th January 2021 and recorded in the NA Screening spreadsheet

Abstraction details	Licence details
Location of abstraction	Llanllyr Water, Talsarn, Lampeter, Ceredigion
Source of supply	Underground strata comprising of Borth Mudstones Formation
Points of abstraction (NGR)	Borehole A - SN 54093 55890 Borehole B - SN 54114 55898
Purpose of abstraction	Commercial water bottling
Period of abstraction	All year
Quantities and rates:	
cubic metres per day	32.5
cubic metres per year	8,456.1
Means of abstraction	At 'Point A' a borehole screened 10.1 metres below ground level and 100 millimetres in diameter with a pump.  At 'Point B' a borehole screened 14 metres below ground level and 100 millimetres in diameter with a pump.
Measurement of abstraction	Flow meter
Frequency of measurement	Monthly
Frequency of recording/reporting	Not required (based on the above annual maximum quantity applied for and the applicant's information that they abstract Monday to Friday for 17.5 hours, the daily quantity abstracted would be approximately 32.5 m <sup>3</sup> . Data do not have to be provided to NRW if the abstraction is less than 100 m <sup>3</sup> /day according to OI 056_08.)
Annual returns requirement	No
Licence end date	31/03/2028 in accordance with The Teifi and North Ceredigion ALS
Minimum value condition (Y/N)	N
Issue date	21/04/2021
Effective date	21/04/2021

## 5. Advertisement of application

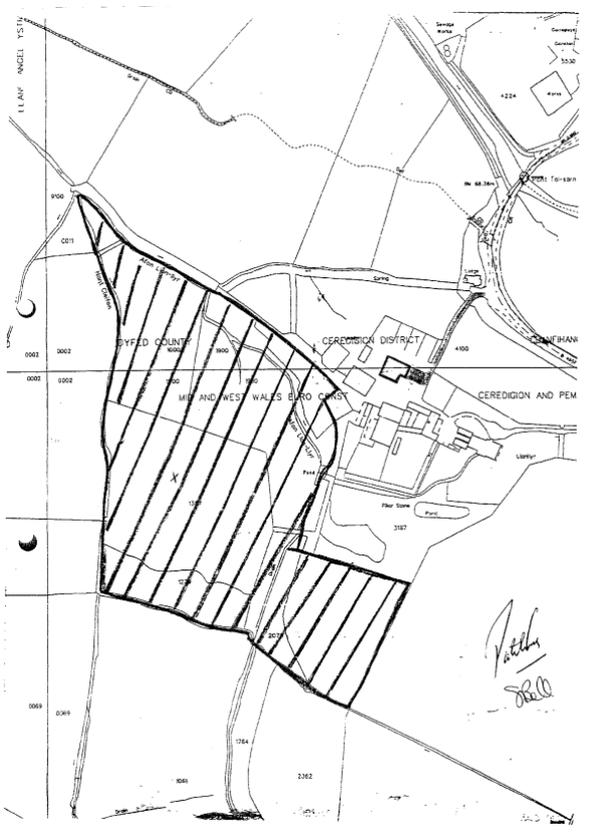
It is NRW's opinion that there is no appreciable adverse effect upon the environment caused by the abstraction, therefore the need for advertisement can be dispensed with in accordance with the regulations.

## 6. Location of abstraction and discharge

The applicant agreed that the map produced by NRW accurately demonstrates that the abstraction points are located at National Grid References SN 54093 55890 and SN 54114 55898. Application form WRH gave both points as 254416/256063. The correct NGRs have been assigned by plotting the location on NRW's MyMap, which has been agreed by the applicant (see telephone record dated 27/11/2019).

## 7. Rights of Access

The map provided includes an outline of the land leased by the applicant and demonstrates that the abstraction point lies within this leased land. See also documents PAN-007931 – 11.b.1\_Poperty\_Lease and PAN-007931 – 6.e.1\_Extraction\_licence\_990525 both dated 10/12/2019.



## 8. Historical Evidence of abstraction and volumes

The applicant initially supplied data in form WRH showing monthly water usage from 2017. Paperwork showing actual meter readings were not supplied. When asked to supply data to show evidence of abstraction during the qualifying period, they provided a spreadsheet of sales by product, but no original documents. The applicant finally sent NRW a copy of an original sales order (see PAN-007931 – Sales Order 3847 dated 20/12/2019) for bottle caps from 2015, providing evidence of bottling during the qualifying period. The sales order indicates that the applicant was bottling and, hence, abstracting throughout one year of the qualifying period.

The applicant only supplied annual volumes of water abstracted during the qualifying period but did confirm that they abstracted Monday to Friday for 17.5 hours a day. Using this information an estimated daily abstraction volume was calculated and agreed with the applicant for the licence.

NRW considers the volumes applied for acceptable. The evidence submitted supports the application and demonstrates that the abstraction has occurred during the qualifying period.

## 9. Technical assessment of the proposal

The application has been screened according to the New Authorisations (NA) screening process [and the results are recorded within the NA screening spreadsheet](#). Following this the application has been assigned a low risk and complexity score.

### 9.1 Water Framework Directive Regulations 2017

The abstraction is located within groundwater waterbody Teifi and Coastal Ceredigion GB41002G203300.

In line with the approach set out in Annex D of OGN 72 for green activities, the application has been screened out from further assessment under the WFD Regulations 2017 for the following reasons:

- The status of this waterbody is at Good quantitative status.
- The abstraction is not in connectivity with surface water bodies at high overall status or high status for morphology / hydromorphology.
- Surface water flows do not support Good Ecological Status (GES) but screening consultation has confirmed abstraction unlikely to be contributing to flow failure. check screening spreadsheet – delete as appropriate
- The abstraction has been ongoing for many years with no reported impacts to the WFD status of the waterbody, therefore we are satisfied that there are no anticipated cumulative / in-combination impacts.
- No WFD-related concerns have been raised through the screening consultation, therefore there is no need for “local expert override”.
- The abstraction will be licensed based on historic operation so there will be no change in groundwater levels / river flows or quantitative status / ecological status / ecological potential of the waterbody as a result of this abstraction.

The 75% of Qn99 HoF recommended in the 2017 Government response to protect lowest (drought) flows is not considered appropriate for the reasons outlined in section 9.2.

Licensing this abstraction is considered a first step to move towards sustainable abstraction and it will continue to be reviewed through future sustainability review processes.

## 9.2 Hydrogeology/Hydrology and low flows protection

The abstraction is located in Borth Mudstones Formation underground strata and lies approximately 40 metres east of a tributary of the Afon Llan-llyr.

The abstraction has been occurring lawfully for many years, and in recognition of this the 2017 Government response allows NRW as the regulator to have some discretion about the application HoFs to transitional licences. It is recognised that the HoF condition may not be in line with the recommended HoFs detailed in the Abstraction Licensing Strategy (ALS) for Teifi and North Ceredigion but considers licensing the abstraction will allow the catchment to move towards sustainable management in the future, through future sustainability review processes.

For abstractions that are located within WFD waterbodies where flows are 'supporting good ecological status', the 2017 Government response suggests the application of a 75% of Qn99 HoF condition. However, in line with our regulatory discretion, NRW consider this HoF is not required for the following reasons:

- The abstraction is from groundwater. The status of this waterbody is at Good quantitative status and the abstraction is not considered to be impacting surface water flows.
- There is insufficient evidence in Wales that a prescribed flow of 75% of Qn99 would provide any environmental benefit / be likely to result in any improvement to WFD status.

Finally, flow gauges are not generally considered to operate reliably at such low flows, and therefore any condition applying this HoF would not be considered legally enforceable.

## 9.3 Impact on fisheries

Not applicable to this application as a groundwater abstraction and considered unlikely to have any impacts to local surface waters.

## 9.4 Impact on water quality

There are no known local discharges in the area where the abstraction has been occurring; therefore no impacts upon water quality are expected.

## 9.5 Protected rights and lawful users

Following MyMap screening, no licensed abstractions or deregulated abstractions were identified in the vicinity of the abstraction. Therefore, no protected rights have been identified as being at risk of derogation as a result of this proposal. No lawful users have been identified as part of the consultation screening process. The abstraction has been occurring lawfully for many years, and in accordance with Government Policy a light touch approach to licensing needs to be applied. NRW are satisfied that the risk to protected rights and lawful users is low risk and the abstraction should be licensed.

## 9.6 Habitats Directive, CROW Act, Conservation, heritage and landscape impacts

The following sites have been identified as a result of screening the application using MyMap. See [MyMap screening result](#) for full details.

Designation Type	Name of Site	Potential Impact	Distance & Direction from abstraction
SAC	None identified	N/A	
SPA	None identified	N/A	
RAMSAR	None identified	N/A	
SSSI	None identified	N/A	
AONB	None identified	N/A	
Protected habitat	None identified	N/A	
Source Protection zone	None identified	N/A	
National Park	None identified	N/A	

An Appendix 4 and HRA are not required because there is no conceivable impact pathway to any Natura 2000/Ramsar site/SSSI. The abstraction has been occurring lawfully with no reported impacts.

## 9.7 Serious Damage

Not applicable to this application.

## 9.8 Cumulative Impacts

Not applicable to this application.

## 9.9 Subsidence and Desiccation

Not applicable to this application.

## 9.10 Existing legislation and permissions

Not applicable to this application.

## 10 Means of measurement of abstraction

The abstraction from both boreholes will be measured by meter at the point of pumping into production prior to bottling and pumping into the tanker. (The applicant's email dated 22/02/2021 confirms that there is only one meter measuring the output of the two boreholes.)

## 11 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.

## 12 Criticality, PALS purposes and abstraction annual charges

### Criticality Class

Less Critical

### PALS Purposes

Primary Code	Secondary Code	Use/Loss Level code
I: Industrial, Commercial, Public Services	FAD: Food & Drink	470: Water bottling: General Use relating to Secondary category – Medium Loss – Medium

See NALD purpose code and loss factor guidance on DMS

### Abstraction annual charges

The licence will be charged by multiplying together the following factors:

STANDARD CHARGE:						
Volume (ML)	Source	Season	Loss Purpose:	Special Charges Agreements	SUC	Charge
8.4561	1	1	0.6	N/A	£15.54	£78.84

PLUS

COMPENSATION CHARGE:						
Volume (ML)	EIUC Source	Season	Loss Purpose:	Special Charges	EIUC	Charge
8.4561	1	1	1	N/A	0	£0

<b>Total Charge for 2020/2021</b>	<b>£78.84</b>
-----------------------------------	---------------