

Dyddiad/Date: 29 November 2021

Mr Oliver Paish
Derwent Hydro Developments Ltd
40 Holloway Road
Duffield
Belper
Derbyshire
DE56 4FE

Acknowledgement of your application to vary an abstraction licence and an impoundment licence

Application numbers: PAN-015795 & PAN-015796

Dear Mr Paish

Thank you for your application to vary two licences. I confirm that we have now assessed and accepted your applications and that you have paid the correct fee.

I also confirm that your applications:

- began the formal decision process on 26/11/2021 and
- The statutory determination date for your applications is 26/02/2022. We will make a decision on your applications for the licences by this date unless you agree in writing to extend this period, or we find that we need more information from you before we can make a decision.

You may be asked to provide further information to assist us during our determination of your applications. Please provide this within the timescales defined within the request to minimise any delay on determination of your applications.

Entitlement to Apply (Rights of Access)

Section 35 of the Water Resources Act 1991 states that an application shall not be entertained unless the applicant satisfies Natural Resources Wales ('NRW') that they have, or at the time when the proposed licence is to take effect, will have a right of access to land contiguous to the inland waters at that place and that they will continue to have such a right for a period of at least one year beginning with the date on which the proposed licence is to take effect.

The evidence of prospective rights of access you have provided is sufficient to demonstrate that you are in negotiations with the landowner to give you an entitlement to apply, meaning that we can continue with determination of your application. However, in order for the licence to be issued we must be satisfied that the right of access has been legally granted and is binding for the appropriate time period.

We will not accept a copy of a letter from the landholder as proof of a right of access. It must be something that creates or leads to a legal right or an interest and is legally binding. You must be able to prove that your right of access for the purpose of water abstraction continues for 12 months after any abstraction licence is issued, unless you only need the licence for a period of less than 12 months.

You must submit evidence of your rights of access a minimum of 2 weeks before the above determination date.

It is an offence under Section 206 of the Water Resources Act 1991 to furnish any information or make a statement which is known to be false or misleading, or to recklessly make any statement which is false or misleading. Enforcement action, in line with Natural Resources Wales Enforcement and Sanctions Policy can be taken if it becomes evident that this offence has been committed.

If we cannot make a decision on your licence applications by the decision date shown above, or by any agreed extended date, you can appeal to the Planning Inspectorate in Wales at the following addresses.

The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ
Phone: 02920 823857

You can get a standard notice for making an appeal from the address above. The notice of appeal must be sent to the Planning Inspectorate **within 28 days** of the decision date shown on the previous page (or any agreed extended decision date). The notice must give the reasons for the appeal and you must also send a copy of:

- the application which it relates to;
- any information or reports you sent to us with the application; and
- any other relevant correspondence, including this acknowledgement letter.

You must also send us a copy of your notice of appeal.

You may withdraw an appeal at any time before a decision has been made. In exceptional circumstances, the Planning Inspectorate has the power to allow a longer period for serving a notice of appeal.

If you have any questions about your application. Please use the below contact details.

Yours sincerely

Deri McDonagh

Water Resources Permitting Officer

Direct e-mail address: Deri.McDonagh@cyfoethnaturiolcymru.gov.uk