



Cyfoeth Naturiol Cymru
Natural Resources Wales

Water Resources LICENCE TO

ABSTRACT

WATER

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. The permission or right to abstract water may be valuable to your landholding. So -

- **Keep the licence safe, preferably with your deeds etc.**
- **Take careful note of the comments below about “transfer and apportionment” and “death and bankruptcy”.**

This is to ensure that the permission and any rights granted by the licence continue if you need to pass it on to someone else.

If you want to:

- **revoke (cancel) the licence;**
- **vary (change/amend) the licence in any way or**
- **change your contact address (but you continue to hold the licence).**

Please write to us at your local Natural Resources Wales office.

Details of this licence are placed on a register, kept by Natural Resources Wales and open for inspection by the public. The public may also obtain further details about it by virtue of the Environmental Information Regulations 2004 (see also Disclosure of Information) except in special cases (for advice please contact us at the address shown on the front page of the licence).

Transfer and apportionment

If you need to pass this licence or any part of it to someone else, you must contact Natural Resources Wales and obtain the appropriate application forms. Temporary licences cannot be transferred or apportioned. The licence holder remains responsible for compliance with the terms of the licence and any charges payable until the licence has been transferred or apportioned.

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.

Time limits

Your licence may be subject to a time limit (stated on the front of your licence). All new abstraction licences are legally required to include a time limit. For variations to licences, time limits are added in accordance with our policy.

The duration of a time limit is determined in accordance with our time limiting policy. The time limit is linked to the next or subsequent review of water resources within a Catchment Abstraction Management Strategy (CAMS).

There will be a presumption of renewal providing three tests are met: environmental sustainability is not in question; there is continued justification of need; and water is being used efficiently. Any application for renewal will still be subject to the normal statutory considerations.

If your licence is time limited and you wish to renew it when it expires, you will need to apply for a new licence to replace the existing one. You are advised to submit this application at least three months before it expires. To allow you to give early consideration to this, we will send you a reminder approximately 18 months before the expiry date.

If your licence cannot be renewed, we will endeavour to give at least six years notice. We will also endeavour to give at least six years notice where the licence is likely to be renewed on different terms and will significantly impact upon the use of the licence.

In exceptional circumstances, for example where there are other overriding statutory duties such as the Habitats Regulations, it may not be possible to provide six years notice.

Charges

Unless specifically exempted, we may levy an annual CHARGE for water AUTHORISED to be abstracted by this licence, in accordance with our abstraction charges scheme in force at the time.

The licence may be revoked if charges are not paid.

Quantity and quality of water

You must not abstract more than the quantity specified in the licence.

Natural Resources Wales does not, by issue of this licence or otherwise, in any way guarantee that the source of supply will produce the quantity of water authorised to be abstracted by this licence, nor that the water is fit for its intended use.

The quantity of water authorised for abstraction is given in cubic metres. One cubic metre is approximately 220 gallons.

(The precise conversion is 1 cubic metres = 219.969 gallons).

Source of supply and authorised point of abstraction

You may abstract from the point(s) specified in the licence and from no other points. If you want to add or change the authorised point(s) of abstraction, you must apply to us to vary the licence.

Land on which water is authorised to be used

Where this condition applies, you may only use the water you abstract on the area specified in the licence. You must apply to us to vary the licence if you wish to extend or alter this area or remove it.

Purpose for which water is authorised to be used

You may only use the water for the purpose(s) specified in the licence. You must apply to us to vary the licence if you wish to add to or change the purpose(s).

Offences

Under the Water Resources Act 1991 it is an offence:-

- to abstract water, or cause or permit any other person to abstract water, unless the abstraction is authorised by and in accordance with an abstraction licence, or is subject to an exemption;
- to do anything to enable abstraction, or to increase abstraction, except in accordance with an abstraction licence or exemption;
- to fail to comply with the conditions of an abstraction licence.
Note in particular that it may be a condition of the licence to maintain the meter or other measuring device etc. and failure to do so will be an offence;
- to interfere with a meter or other device which measures quantities of water abstracted so as to prevent it from measuring correctly;
- to fail to provide information which we have reasonably required for the purpose of carrying out any of the Natural Resources Wales water resources functions;
- to knowingly make false statements for the purpose of obtaining a licence or consent or in giving required information.

The requirement for a licence is subject to some exemptions, set out in the Water Resources Act 1991 as amended. If in any doubt as to whether you need a licence, contact us at the address shown at the bottom of the front page of the licence.

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 the 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.

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

You must serve notice of appeal within 28 days of the date of receipt of this licence (although the Secretary of State and The 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 in 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 or abstraction returns. In certain restricted circumstances it is possible to claim that information should be kept confidential. If you require more information about keeping this information off the public register because it is confidential, please contact us by writing to the address shown on the front page of the licence within 28 days of receiving this licence.

FULL LICENCE TO ABSTRACT WATER

The Natural Resources Body for Wales (hereafter referred to as “NRW”) grants this licence to:-

Statkraft Energy Limited (“the Licence Holder”)

19th Floor
22 Bishopsgate
London
United Kingdom
EC2N 4BQ

Company Registration Number: 06544123

This licence authorises the Licence Holder to abstract water from the source of supply described in the Schedule of 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:



Ashley Lansdown
Permitting Team Leader
Permitting Service
Natural Resources Wales
Cambria House
29 Newport Road
Cardiff
CF24 0TP

Date of issue.....24 January 2022

Date effective.....24 January 2022

Date of original issue.....20 December 1965

This licence should be kept safe and its existence disclosed on any sale of the property to which it relates. Please read the ‘important notes’ on the cover to this licence.

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. SOURCE OF SUPPLY

- 1.1 Inland waters consisting of the un-named tributaries of the Afon Hengwm (North), the Rhaeadr Ddu and Llyn Bugeilyn in Cadfarch, Powys.

2. POINTS OF ABSTRACTION

- 2.1 At National Grid Reference SN 78242 92862 marked 'Point A' on the map.
- 2.2 At National Grid Reference SN 78724 92614 marked 'Point B' on the map.
- 2.3 At National Grid Reference SN 80984 92921 marked 'Point C' on the map.
- 2.4 At National Grid Reference SN 82235 92009 marked 'Point D' on the map.
- 2.5 In addition to the abstraction points listed in Condition 2.1, 2.2, 2.3 and 2.4 above, water may also be abstracted from the points listed in Appendix 1, as enabled by Section 16 of the North Wales Hydro Electric Power Act, 1955.

3. MEANS OF ABSTRACTION

- 3.1 Gravity feed.

4. PURPOSE OF ABSTRACTION

- 4.1 Transfer of water to Nant y Moch Reservoir at National Grid Reference SN 75360 86200 and subsequent re-abstracted as authorised by licence serial number 22/63/1/0024 Variation 1 for the generation of electricity.

5. PERIOD OF ABSTRACTION

- 5.1 All year.

6. MAXIMUM QUANTITIES OF WATER TO BE ABSTRACTED

- 6.1 From 01 April 2018 to 31 March 2030:

- (i) The aggregate quantity of water authorised to be abstracted under this licence from 'Point A', 'Point B' and the additional Afon Hengwm points listed in Appendix 1, as detailed in Conditions 2.1, 2.2 and 2.5 shall not exceed:

30,000 cubic metres per day
3,000,000 cubic metres per year

- (ii) The aggregate quantity of water authorised to be abstracted under this licence from 'Points C', 'Point D' and the additional Llyn Bugeilyn points listed in Appendix 1, as detailed in Conditions 2.3, 2.4 and 2.5 shall not exceed:

63,000 cubic metres per day
7,500,000 cubic metres per year

Note: A day means any period of 24 consecutive hours and a year means the 12 month period beginning on 1 April and ending on 31 March.

6.2 From 01 April 2030

The aggregate quantity of water authorised to be abstracted under this licence and under licence serial number 23/64/11/0008 shall not exceed:

110,467.8 cubic metres per day
10,342,660 cubic metres per year

Note: A day means any period of 24 consecutive hours and a year means the 12 month period beginning on 1 April and ending on 31 March.

7. MEANS OF MEASUREMENT OF WATER ABSTRACTED

7.1 The Licence Holder shall use level measuring devices and Manning Equation lookup tables to calculate quantities of water abstracted at Point "D" and at Manhole 8 detailed in Appendix 1. The water levels in the aqueducts at Point "D" and Manhole 8 shall be measured using flow measurement devices with integrated data loggers. The Licence Holder shall provide and install the devices before any abstraction takes place. The Licence Holder shall position and install the devices so as to be capable of continuous measurement in accordance with any written directions given by NRW. The Licence Holder shall keep them installed at all times. The Licence Holder shall maintain the devices in such a condition, and if necessary replace them, so as to measure quantities of water abstracted accurately and efficiently. The Licence Holder shall calibrate the devices regularly in accordance with the recommendations of the manufacturer or at any time when required by NRW. The Licence Holder shall retain evidence of current certification for inspection by NRW. The Manning Equation look up tables used to convert water levels to flows shall be approved in writing from time to time by NRW.

8. RECORDS

8.1 Quantities of water calculated by the means specified in condition 7.1 above shall be recorded by the Licence Holder at the same time each week during the whole of the period during which abstraction is authorised or as otherwise approved in writing by NRW.

8.2 The Licence Holder shall send to NRW a copy of the record required by condition 8.1 or summary data to NRW within 28 days after 31 March in each year and also within 28 days of being so requested in writing by NRW.

8.3 Each record shall be kept and be made available during all reasonable hours for inspection by NRW for at least 6 years

9. FURTHER CONDITIONS

9.1 (i) No abstraction shall take place from the authorised point of abstraction 'Point B' as specified in Condition 2.2, when the flow in the Afon Hengwm (North) immediately downstream of 'Point B' is equal to or less than 4.58 litres per second.

- (ii) The Licence Holder shall maintain the aqueducts at 'Point B' to ensure compliance with Condition 9.1 (i).
- 9.2 No abstraction shall take place from the authorised point of abstraction 'Point D', as specified in Condition 2.4 above, when the flow in the Rhaiadr Wen immediately downstream of Llyn Bugeilyn is equal to or less than 13.15 litres per second.
- 9.3 Condition 6.1 in this licence shall expire on 31 March 2030.

ADDITIONAL INFORMATION

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

REASONS FOR CONDITIONS

Conditions 6.1 and 9.3: time-limited to a date to reflect the timing of a future review of the catchment resources availability.

Conditions 7 and 8: the abstraction is required to be measured to demonstrate compliance with the terms of the licence and to provide information on actual water usage for water planning purposes.

Conditions 9.1 and 9.2: The licence includes hands off flow conditions to protect the downstream environment.

IMPORTANT NOTES

On 15/04/2010 a time-limited upwards variation was applied to update licence number 23/64/9/0003 to reflect the abstractions originally enabled by the North Wales Hydro Electric Power Act, 1955 and to bring all conditions relating to the abstractions into appropriate legal documents. The Hands off Flow Conditions 9.1 and 9.2 are from Section 19 (1) and 19 (2) respectively of the North Wales Hydro Electric Power Act, 1955. Licence number 23/64/9/003 was originally issued 20 December 1965. In error, it only authorised the abstraction of water during an average year and combined abstraction from two sub catchments. This aforementioned variation was to bring the licensed quantities into line with the North Wales Hydro Electric Power Act, 1955 and to 'split' the abstractions between this licences and 23/64/11/0008.

Water efficiency note

The Licence Holder should use water abstracted under the terms of this licence in an efficient manner. NRW may refer to its guidance on water efficiency (or equivalent guidance) in determining whether water is being used efficiently and may offer advice on any measures considered necessary to meet particular recommendations.

Metering

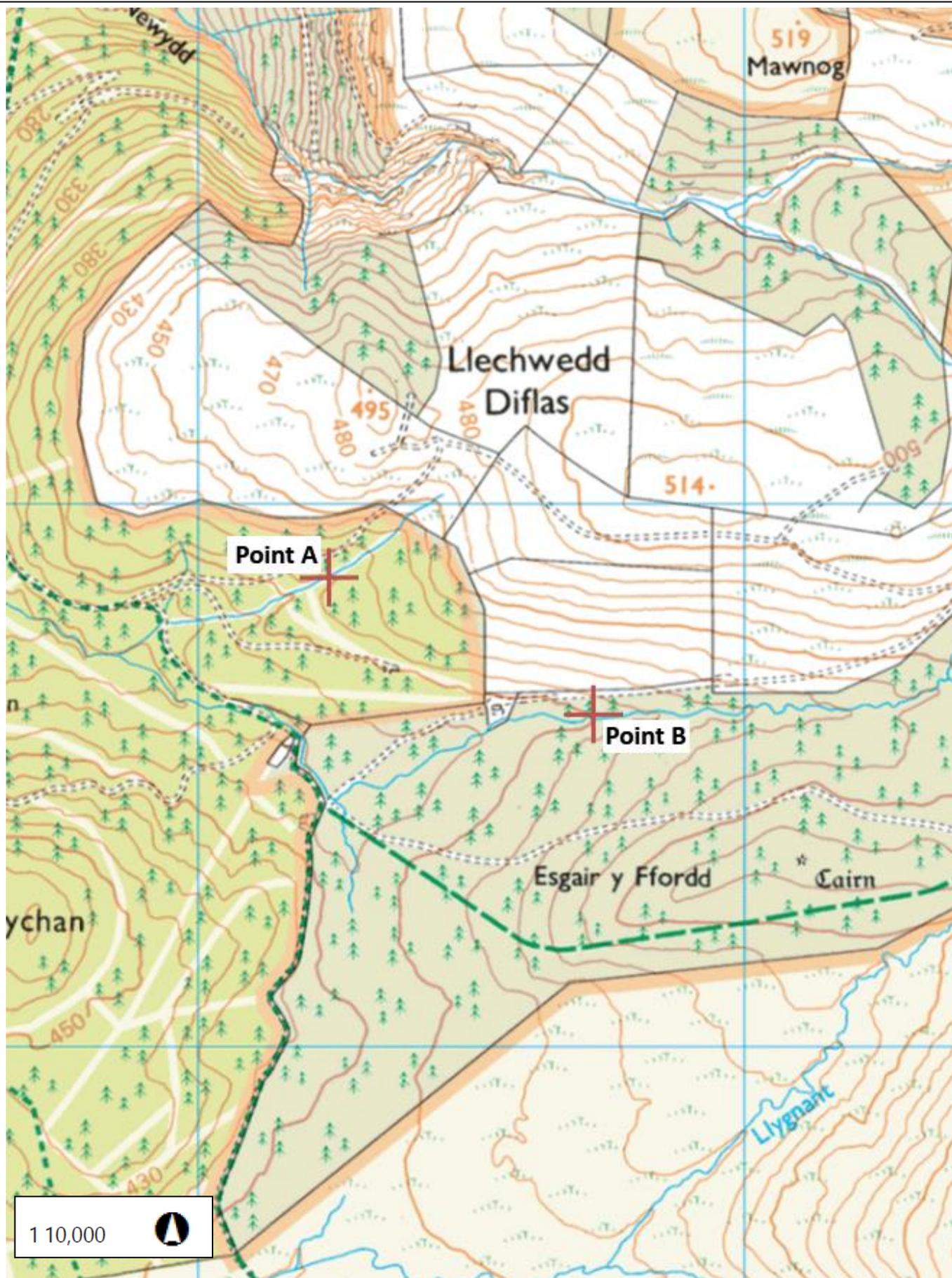
NRW will have regard to its Abstraction Metering Good Practice Manual (or equivalent guidance) in directing any of the following: where the meter should be located or how it should be installed; whether the meter measures accurately, and/or is properly maintained; whether it is necessary to require repair or replacement of the meter.

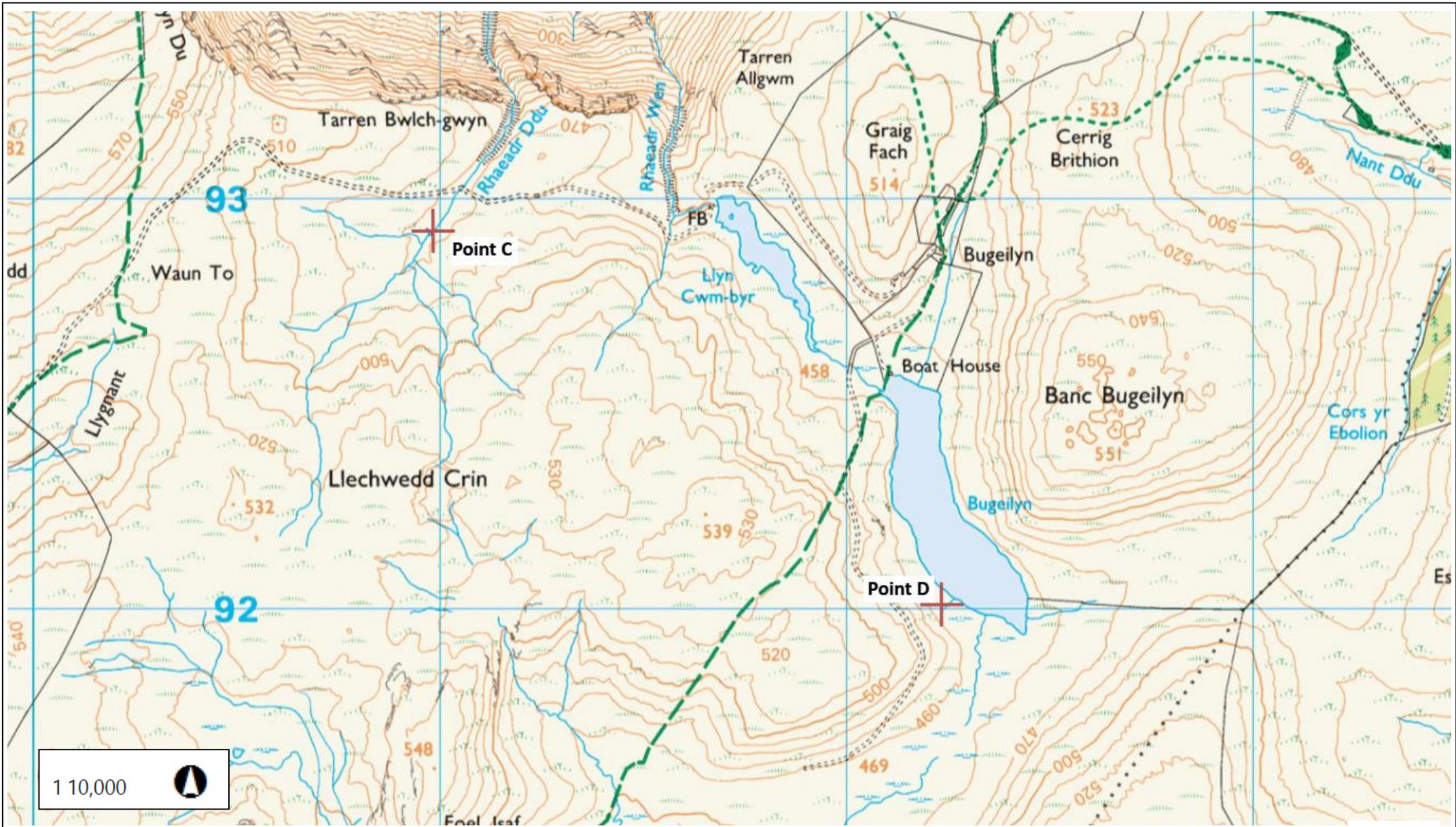
Licence history

Licence Serial Number	Issue and Effective Date	Expiry Date	Summary of Changes
23/64/9/003	20/12/1965	Not applicable	Issue of original licence authorising abstraction from two sub catchments in an average year.
23/64/9/003	05/10/2009	Not applicable	Transfer of Licence Holder
23/64/9/003 & 23/64/11/008	15/04/2010	Base Licence: Not applicable Varied quantities: 31/03/2018	Time limited upwards variation to: a) split the abstraction points with licence number 23/64/9/003 to reflect abstractions from two sub catchments, b) to authorise abstraction of 1 in 100 year flood water (in accordance with the North Wales Hydro Electric Power Act 1955); and c) to include the HoF conditions of the 1955 Act on the appropriate licences.
23/64/9/003	16/10/2012	Base Licence: Not applicable Varied quantities: 31/03/2018	Registered address changed.
23/64/9/0003	09/01/2013	Base Licence: Not applicable Varied quantities: 31/03/2018	Amendment to the HoF in Further Conditions and a National Grid Reference in Appendix 1.
23/64/9/0003	Issue: 14/03/2018 Effective: 01/04/2018	Base Licence: Not applicable Condition 6.1: 31/03/2030	Same terms renewal of time limited Condition 6.1.
23/64/9/0003/ V005	24/01/2022	Base Licence: Not applicable Condition 6.1: 31/03/2030	Variation to alter description of flow measurement device as specified in condition 7.1. Registered address updated.

APPENDIX 1

Area	Location	National Grid Reference
Afon Hengwm	Manhole intake 1	SN 78297 92745
	Manhole intake 2	SN 78455 92677
	Manhole intake 3	SN 78582 92513
	Manhole intake 4A	SN 78526 92445
	Manhole intake 4B	SN 78472 92399
	Manhole 5	SN 78378 92360
	Manhole intake 6	SN 78344 92276
	Manhole intake 7	SN 78392 92110
	Manhole 8	SN 78327 91831
Llyn Bugeilyn	Outfall into Afon Llygnant	SN 78195 91644
	Outfall into Afon Bugeilyn	SN 81703 92947
	Outfall into Afon Hengwm (South)	SN 81753 91390





**Would you like to find out more about us,
or about your environment?**

Then call us on

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email

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or visit our website

www.naturalresourceswales.gov.uk

incident hotline 0300 065 3000 (24hrs)

floodline 0345 988 1188



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