

Jennifer Pocock,
Natural Resource Wales
By email: Jennifer.pocock@cyfoethnaturiolcymru.gov.uk

25 October 2019

Dear Jennifer,

Our ref: 67034NRWL001

Re: Cornelly Quarry application (PAN-005400 transfer & PAN0005401 full): Technically Invalid response

We have received a Technically Invalid letter from Natural Resource Wales (NRW) dated 14 August 2019 requesting additional information in order to validate application references PAN-005400 and PAN-005401. A copy of the letter is provided as Annex 1 for completeness.

We have dealt with each request in turn below.

Application type

We acknowledge that NRW consider that the quarry is abstracting from a 'single source of supply' and thus a single Full licence should apply.

Tarmac wish to note that they do not agree with NRW's interpretation of the regulations and also that it is not consistent with its counterpart in England's (the Environment Agency) position on the same matter.

Notwithstanding this, we recognise that NRW wish to limit the number of individual abstraction licences issued to an individual site. We also acknowledge that NRW will be seeking to remove abstraction licence end dates as part of the abstraction licence reform, which it is due to consult on in 2020.

As such, we accept the treatment of the Transfer and Full licence application as a single Full application for Cornelly Quarry.

For processing of the application fee refund of £1,500, please contact Ms Deepa Valand on 01509 622045.

Water use

The statement that reads 'no water is used in the asphalt plant' was included in error. Very small volumes are used, which are included within the annual metered usage.

Evidence

The pumps and meters for the Site are managed by a third-party contractor (Pump Supplies Limited) and have undergone regular calibration and replacement as required. A copy of the calibration certificates for both meters are provided in Annex 2.

Rights of access

We are satisfied that the ROMP provides legal right of access to the abstraction location (Cornelly sump).

Abstraction location

The application form doesn't lend itself to inserting 4 grid reference points. Please see the void extents below for clarity which outline the four corners of the 'limit of extraction' area, per Figure 2.2 of the application report (67043TN1rev2)

- 283201 180369
- 283929 180372
- 283956 179835
- 283386 179786

Abstraction duration

Tarmac wishes to express its concern around the issuing of abstraction licences to quarries with end dates prior to the permitted development end date upon which dewatering is key to the future operation of the permitted quarry.

We note however, the legal need to include end dates on these licences per Section 46 of the Water Resources Act 1991 (as amended by Section 19 of the Water Act 2003) but that NRW has plans to phase out the inclusion of end dates from abstraction licences as part of the forthcoming changes to the abstraction licensing system.

With the above in mind, we accept the proposed end date for Swansea Bay (31st March 2029), with the view that it will be ultimately phased out in the coming years.

Aggregated abstraction quantities

It was uncertain how this option would apply. The 'yes' box was selected with the view that a single volume may be applied, which may vary between both the full and transfer licence over time. However, as the volume for the use will need to be limited to the maximum used during the qualifying period, this will likely not apply.

As such, aggregation of abstraction volumes is not required.

Planned abstractions

NRW refer to Section 12.1 of the application forms which was answered 'yes';

Do you expect to increase the current rate of abstraction for the activity you are applying to have licensed from 01 January 2018 onwards or to carry out further new abstractions (both termed 'planned' abstractions) at this site in the future?"

NRW have requested to be kept informed as this develops.

There are no plans to increase abstraction for water use (in any process). The 'no' box should have been selected here.

Plans to increase abstractions relate to water transfer only. This is provisional depending on the inflows to the quarry as the site is deepened. The quarry will be deepened as outlined on the cross-section Figure 2.3 of application report. However, it is not expected that dewatering volumes will increase significantly. Any increase over those abstracted during the qualifying period will be progressed as a standard route licence when/if the time comes.

Should you have any queries or if you require any further information, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kate Brady', with a stylized, cursive script.

Kate Brady

SENIOR CONSULTANT

Enc

Annex 1 – Technically Invalid letter

Annex 2 – Calibration certificates

Cornelly Quarry application (PAN-005400 transfer & PAN0005401 full): Technically Invalid response

Annex 1

Technically Invalid letter

Tarmac Trading Limited

c/o Kate Brady
Stantec Uk Ltd

By email: kate.bradey@stantec.com

Dear Ms Brady,

Invalid transitional abstraction licence applications

Application numbers: PAN-005400 (transfer) & PAN-005401 (full)

Site name: Cornelly Quarry

We have received your applications for two new transitional water resources licences, however we are unable to accept it as valid. Please see below outlining what further information is required.

Application Type

You have applied for two licences: one **transfer licence** (PAN-005400) and one **full licence** (PAN-005401). However, having assessed your application, we believe one **full licence** will be more appropriate for reasons outlined below.

Our understanding is that water is being abstracted from a single source of supply (the sump) and a proportion of this water is being utilized for a variety of purposes including dust suppression, asphalt production, concrete production and wheel washing. We consider this an 'intervening use', despite there being a proportion of water that is discharged without being used for a specific purpose (i.e. transferred). Therefor a single **full licence** is required for your activity which we consider preferable from a technical determination, operational and compliance perspective.

The differences between **full** and **transfer** licence which you need to be aware of are as follows:

	Full Licence	Transfer Licence
Application Fee	£135	£1500
Subsistence fee	Required - 2019/20 Scheme of Abstraction Charges (Link attached)	None
Licensed abstraction quantities	Included on licence	Not routinely included on licence

Reporting and recording requirements	Included on licence	Not routinely included on licence
Protected right?	Yes	No

Please confirm you agree for us to proceed with your transitional application as **one full licence** application, as opposed to 2 separate applications for a full and transfer licence. By confirming this, you will be agreeing to withdraw application PAN-005400 (for a transfer licence) and merge the supporting information submitted for both applications under PAN-005401 (for a full licence). Once confirmation has been received we will refund your application fee for PAN-005400 (£1,500).

If you do not agree with us, or we do not hear back from you, we have the option of serving notice under section 36A of the Water Resources Act 1991. We will provide you with details of any notice and your entitlement to appeal this notice.

Water Use

You state in your supporting information that abstracted water is used:

- To supply the on-site asphalt plant;
- to supply the on-site concrete plant (17 cubic metres per day);
- for dust suppression; and
- for wheel washing.

However, you later state *“No water is used in the asphalt plant”*. Please confirm if abstracted water is used for asphalt production and if abstraction quantities for this purpose are known.

Evidence

You have provided raw metered abstraction data for the period 2004 – 2016. To help us verify this data, please provide detail regarding the installation or calibration of the meters e.g. dated calibration certificates.

Rights of access

On your application forms you have advised that you are an occupier of the land where abstraction is taking place. You have provided a copy of your Review of Mineral Production; For us to validate your application, please confirm that you are satisfied that this demonstrates a legal right of access to the abstraction location.

Abstraction Location

For dewatering operations, we require the applicant to specify the area they are dewatering as the abstraction location. However, you have only provided one NGR figure for the quarry sump.

Please could you provide the NRGs of the corners of the area you wish to dewater.

Abstraction duration

You have advised that your licence should be granted until 2056. Any licence issued is likely to be limited to the common end date for the Abstraction Licensing Strategy (ALS), which for Swansea Bay is **31st March 2029**. This time limit is linked to future

reviews of water resources within an area. At the end of the time limit, we should be able to renew the licence if:

- there is no damage to the environment;
- the need for the abstraction can still be justified;
- water is being used efficiently; and
- you still meet the usual legal requirements for getting a licence.

We do not guarantee that we will renew the licence. We will contact you before your licence ends to tell you about the renewal process.

Please confirm you wish to proceed with an application on this basis. If you require a licence for a longer duration you will be required to submit a business case. Should you require further guidance on the business case criteria please contact me.

Aggregated Abstraction Quantities

In both application forms submitted, you have selected 'Yes' to question 8.3. "Do you wish you abstracted quantities to be aggregated?". The application form asks for details of any proposed aggregation, but this has not been provided.

Based on your current operational set up in that quantities for water use have been determined by deducting quantity of water discharged from the quantity of water abstracted from the sump, and our belief you require one **full licence**, we suggest that your full licence should be for the quantity of water abstracted for the purpose of dewatering and for the aggregated quantity of water abstracted for all other purposes.

Please can you confirm if the proposed aggregation of quantities is suitable or provide more information on what abstraction quantities you wish to be aggregated?

Planned Abstractions

Question 12.1 on the application forms asks, "*Do you expect to increase the current rate of abstraction for the activity you are applying to have licensed from 01 January 2018 onwards or to carry out further new abstractions (both termed 'planned' abstractions) at this site in the future?*" You have selected 'Yes' to this question on both submitted application forms.

In your supporting information you state that water abstracted for "water use" (e.g. concrete production) is not anticipated to increase above quantities demonstrated.

Please could you provide more information on any further new abstractions you have planned at the site?

For water abstracted for the purpose of dewatering (i.e. transferred) you have stated that the "value will be greater in wetter years and less in drier ones". Please note that we are only able to licence abstraction quantities that have been abstracted during the seven-year qualifying period (2011-2014). We recognize that for quarry dewatering, abstraction quantities will be dependent on rainfall. How best to reflect this operational need on any licence issued will be a key consideration during determination of your licence application and if necessary we will discuss options with you as determination progresses.

Please provide the above information as soon as possible so that we can validate your application. Please note, we cannot guarantee to check any further supporting information received within three months of the **31 December 2019** application period deadline, therefore we recommend you submit this information as soon as possible, but no later than **September 2019**.

If we do not receive the information requested above, or we are unable to validate your application by the December 2019 deadline, and you wish to continue abstracting after January 2020, you will need to apply for a licence under our standard application process. For further information please refer to our abstraction and impoundment licensing webpages:

[Home](#) > [Permits and permissions](#) > [Water Abstraction and Impoundment Licences](#)

It is your responsibility to ensure you apply for the required licence(s). It is an offence to abstract without a licence and we may take enforcement action.

If you have any questions about your application, please contact me (see below for details).

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Yours sincerely,



Water Resources Permitting Team
Natural Resources Wales

Direct phone line: 0300 065 3707

Direct email: Jennifer.c.pocock@naturalresourceswales.gov.uk

Cornelly Quarry application (PAN-005400 transfer & PAN0005401 full): Technically Invalid response

Annex 2

Calibration certificates



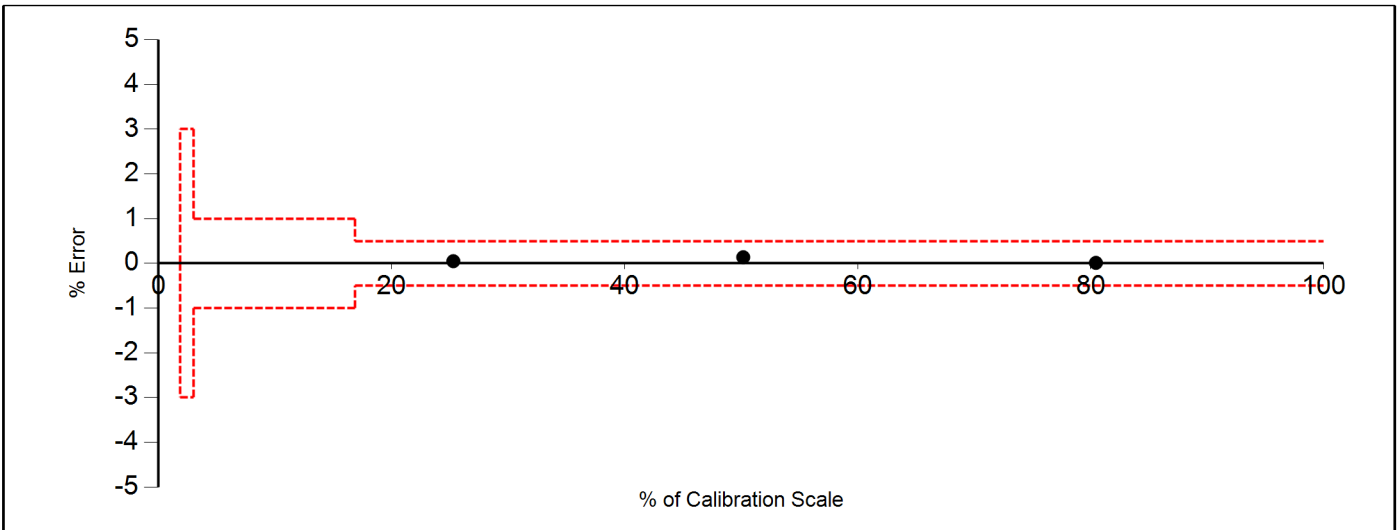
CERTIFICATE OF CALIBRATION

Customer Name:	ABB Measurement Products	Certificate Number:	17/1/1/003885
Customer PO No:	4500788847	Accreditation Number:	
Tag Number:	-	Calibration Date:	01 Mar 2017
Serial No:	3K220000389324	Calibration Location:	ABB Stonehouse UK
ABB Sales Order No:	0000906206	Test Rig:	Rig 1
Meter Type:	AquaMaster	Fluid:	Water
Meter Code:	FER221300K1S4S2B1B1A3A6G5Y1 .AD.M5.V0.CWA	Calibration Scale:	533.00 m3/hr
Meter Bore:	300 mm	Calibration Type:	Comparison
		Sensor Factor Ss:	0.7510
		Sensor Factor Ss(t):	0.00
		Sensor Factor Sz:	0.00
		Sensor Factor Sz(b):	43.00
		Accuracy Specification:	Class 1

Reference

Meter Under Test

Test Run number	Run Time sec	Water Temp °C	Stream 1 m3/hr	Stream 2 m3/hr	Stream 3 m3/hr	Stream 4 m3/hr	Ref-Lab Flow m3/hr	Test Meter Flowrate m3/hr	% Cal. Range	% Error
1	450.000	21.0	0.000	134.790	0.000	0.000	134.790	134.856	25.301	0.05
2	300.000	21.0	0.000	267.085	0.000	0.000	267.085	267.453	50.179	0.14
3	300.000	21.0	0.000	428.723	0.000	0.000	428.723	428.774	80.445	0.01



This flowmeter has been wet calibrated at the ABB Calibration Facility and is traceable to some/all of the International Standards detailed below
ISO 4185, ISO 7278 Part 2, ISO 8316 and ISO 17025

Note, these are the main calibration standards, but due to the complex nature of fluid flow calibration, other standards will apply to parts of the system

ABB Limited Oldends Lane, Stonehouse Gloucestershire, GL10 3TA, ENGLAND Tel: +44 (0) 1453 826661 Fax: +44 (0) 1453 829671 e-mail: flow@gb.abb.com	ABB Engineering Shanghai Limited No.5, Lane 369, Chuangye Road, Kangquiao Town Pudong District, Shanghai, 201319, PRC Tel: +86 (0) 21 61056666 Fax: +86 (0) 21 61056992 e-mail: china.instrumentation@cn.abb.com	ABB India Limited PA Division, INOPC Building 2nd Floor, Plot No 5&6, 2nd Phase, Peenya Industrial Area, Bangalore - 560058, INDIA Tel: +91 80 2294 8295 e-mail: abb.instrumentation@in.abb.com
ABB Limited Salterbeck Trading Estate, Workington, Cumbria, CA14 5DS, ENGLAND Tel: +44 (0) 1946 830611 Fax: +44 (0) 1946 832661 e-mail: workington.sales@gb.abb.com	ABB Automation GmbH Dransfelder Str. 2 D-37079 Göttingen GERMANY Tel: +49 (0) 551 9050 Fax: +49 (0) 551 905711	ABB Automation Inc. 125 East County Line Road Warminster, PA 18974 U.S.A Tel: +1 215 674 6000 Fax: +1 215 674 6394



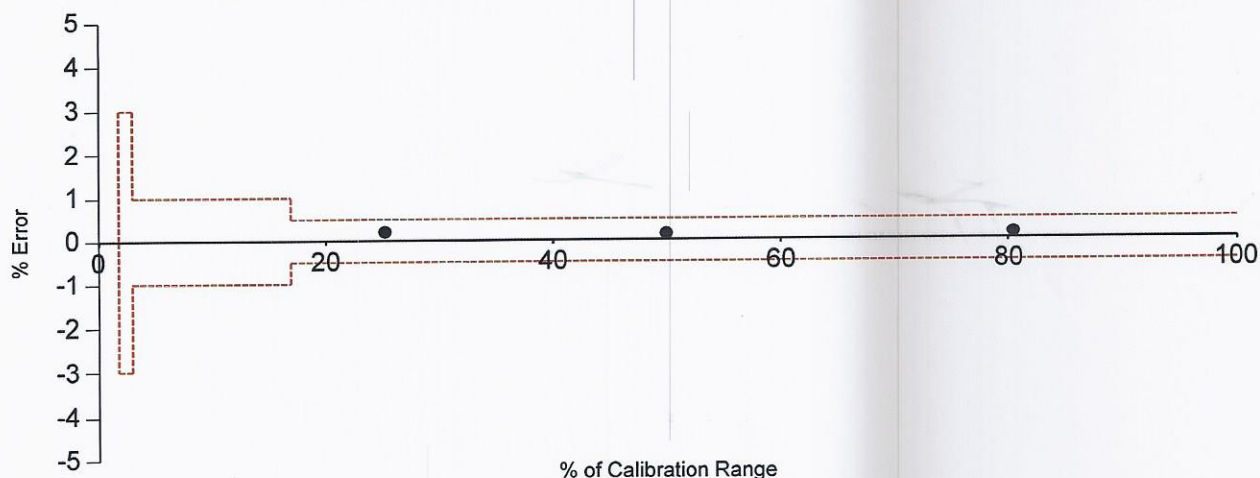
CERTIFICATE OF CALIBRATION

Customer Name:	ABB Measurement Products	Certificate Number:	17/1/004202
Customer PO No:	4500857087	Accreditation Number:	
Tag Number:	-	Calibration Date:	21 Jul 2017
Serial No:	3K220000423936	Calibration Location:	ABB Stonehouse UK
ABB Sales Order No:	0000980445	Test Rig:	Rig 1
Meter Type:	AquaMaster	Fluid:	Water
Meter Code:	FER221300K1S4S2B1B1A3A6G5Y1 .AD.M5.V0.CWA	Calibration Range:	533.00 m3/hr
Meter Bore:	300 mm	Calibration Type:	Comparison
		Sensor Factor Ss:	0.7794
		Sensor Factor Ss(t):	0.00
		Sensor Factor Sz:	0.00
		Sensor Factor Sz(b):	23.00
		Accuracy Specification:	Class 1

Reference

Meter Under Test

Test Run number	Run Time sec	Water Temp °C	Stream 1 m3/hr	Stream 2 m3/hr	Stream 3 m3/hr	Stream 4 m3/hr	Ref-Lab Flow m3/hr	Test Meter Flowrate m3/hr	% Cal. Range	% Error
1	450.000	23.0	0.000	134.183	0.000	0.000	134.183	134.439	25.223	0.19
2	300.000	23.0	0.000	265.771	0.000	0.000	265.771	266.112	49.927	0.13
3	300.000	23.0	0.000	428.006	0.000	0.000	428.006	428.563	80.406	0.13



This flowmeter has been wet calibrated at the ABB Calibration Facility and is traceable to some/all of the International Standards detailed below
ISO 4185, ISO 7278 Part 2, ISO 8316 and ISO 17025

Note, these are the main calibration standards, but due to the complex nature of fluid flow calibration, other standards will apply to parts of the system

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