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## **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

# 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 Environment Agency office.**

Details of this licence are placed on a register, kept by the Environment Agency 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 the Environment Agency 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 the Environment Agency 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.

The Environment Agency 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 Environment Agency’s 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 The National Assembly for Wales 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 National Assembly 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 the Environment Agency. 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.



## TRANSFER LICENCE TO ABSTRACT WATER

The Environment Agency ("the Agency") grants this licence to:-

Derby City Council (the Licence Holder)  
 The Council House  
 Derby  
 Derbyshire  
 DE1 2FS

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 the date of expiry shown below.

<b>Signed</b> Peter Maksymiw	<b>Date of issue</b> ..... 20 June 2018
Permitting Team Leader	<b>Date effective</b> ..... 20 June 2018
Environment Agency Permitting and Support Centre Water Resources Team Quadrant 2 99 Parkway Avenue Parkway Business Park Sheffield S9 4WF	<b>Date of expiry</b> ..... 31 March 2030

The 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 "the Agency" are to the Environment Agency or any successor body.

## SCHEDULE OF CONDITIONS

### 1. SOURCE OF SUPPLY

- 1.1 Inland water (river) known as the River Derwent, at Longbridge weir in Derby, Derbyshire.

### 2. POINTS OF ABSTRACTION

- 2.1 Between National Grid References SK 35631 36300 and SK 35649 36304 marked "A" and "B", respectively, on the map.

### 3. MEANS OF ABSTRACTION

- 3.1 Gravity flow to an open channel.

### 4. PURPOSE OF ABSTRACTION

- 4.1 Transfer for the purpose of hydro-electric power generation.

### 5. PERIOD OF ABSTRACTION

- 5.1 All year.

### 6. FURTHER CONDITIONS

- 6.1 For the purpose of this licence the 'hydro-electric power scheme shall mean all works that include the abstraction intake channel, intake screen, turbine by-pass channel, vertical axis Kaplan propeller turbine, fish pass, powerhouse outfall channel and outfall screening.

- 6.2 The hydro-electric power scheme shall be constructed in accordance with drawing '*Longbridge Weir Hydro Scheme*' dated 14 August 2009, copies of which are appended to this licence document, or such minor amendments to the drawings that are accepted in writing by the Agency prior to the date of commencement of construction.

- 6.3 The hydro-electric power scheme shall be constructed and operated so that a maximum operational flow of 13 cubic metres per second is allowed to pass through the hydropower turbine.

- 6.4 The Licence Holder shall return all the water abstracted in pursuance of this licence to the River Derwent between National Grid References SK 35683 36320 and SK 35694 36322 marked 'P' and 'Q', respectively, on the map.

### FISH PASSAGE AND BY-PASS

- 6.5 No abstraction shall take place unless the Licence Holder has installed a Larinier fish pass which the Agency has approved in writing under the Salmon and Freshwater Fisheries Act 1975, and flow in that Larinier fish pass must allow all species of fish to move upstream past the hydropower scheme at all times.
- 6.6 No abstraction shall take place unless the Licence Holder has installed a turbine by-pass channel to allow fish within the abstraction intake channel to pass downstream at all times. The flow in the turbine by-pass channel shall be no less than 0.26 cubic metres per second.

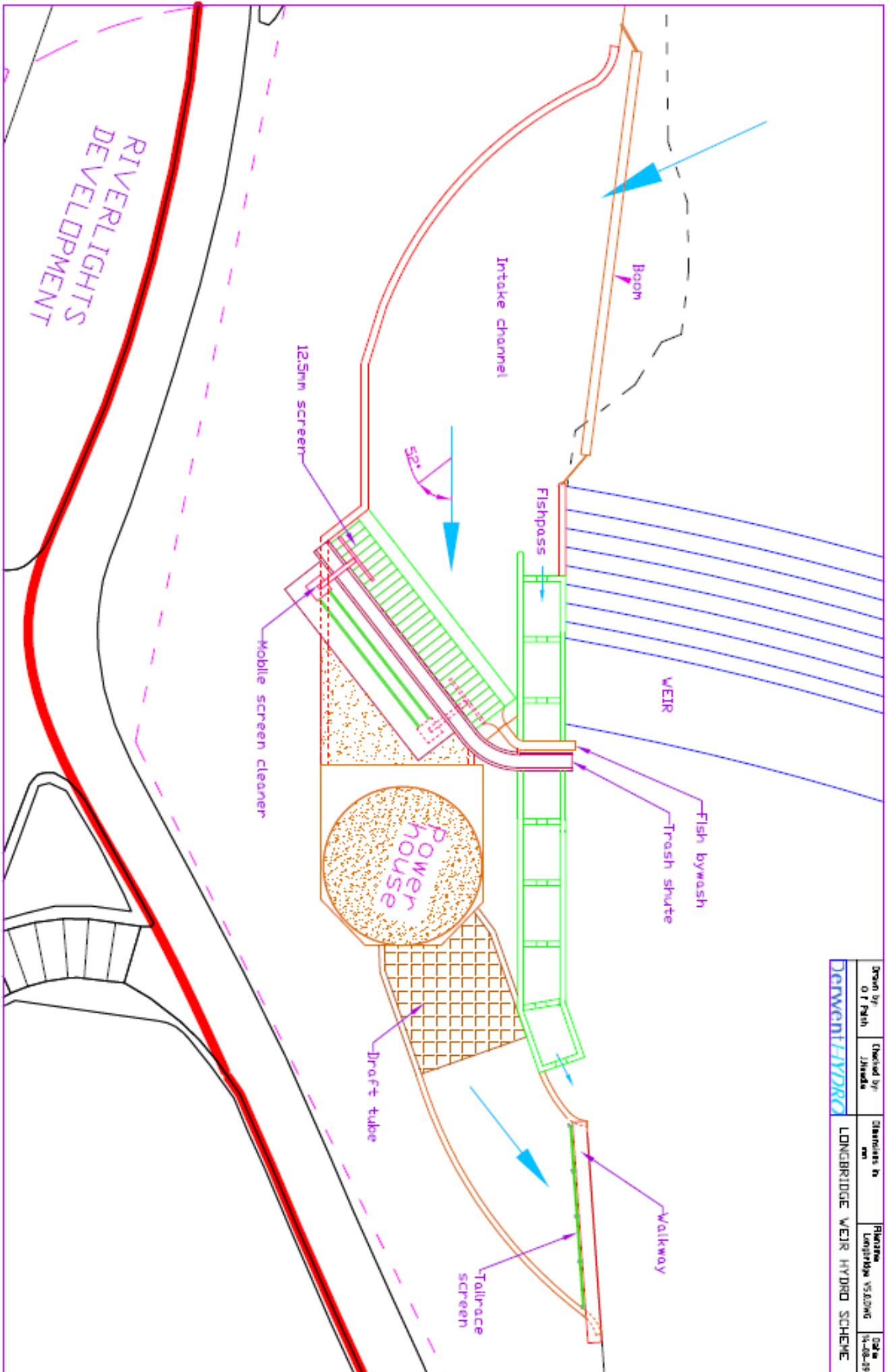
- 6.7 The Licence Holder shall maintain, repair or replace the Larinier fish pass and turbine by-pass channel to ensure they remain effective at all times.
- 6.8 The Licence Holder shall keep records of maintenance, repair or replacement of the Larinier fish pass and turbine by-pass channel for 6 years and shall make them available during all reasonable hours for inspection by the Agency.

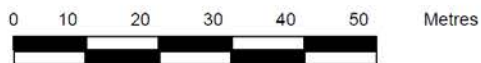
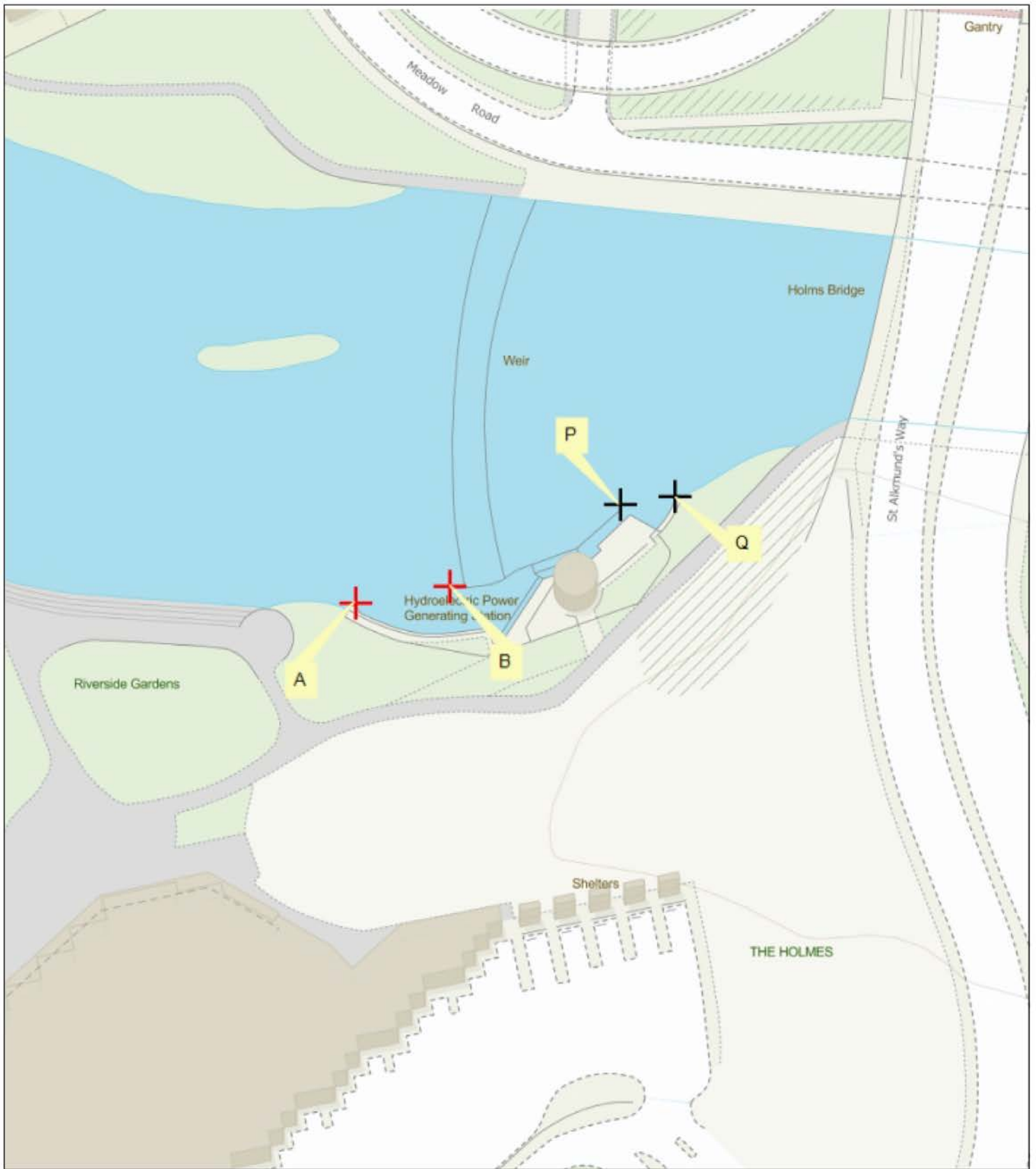
### **SCREENING**

- 6.9 No abstraction shall take place unless the Licence Holder has installed a screen with 12.5 millimetre bar spacings to prevent the entrapment, entrainment or impingement of fish at the intake to the hydropower turbine.
- 6.10 The intake screen shall be sized so that the average approach velocity of the water passing through it does not exceed 0.25 metres per second to prevent the entrapment, entrainment or impingement of fish at the intake to the hydropower turbine.
- 6.11 (i) No abstraction shall take place unless the Licence Holder has installed a bar screen with 60 millimetre bar spacings to prevent the entrapment, entrainment or impingement of fish at the powerhouse outfall channel.
- (ii) The Agency reserves the right to reduce the bar spacing width to 30 millimetres if sea trout are found to be present in the River Derwent at a future point in time.
- 6.12 The Licence Holder shall maintain, repair or replace the screens to ensure that they remain effective at all times.
- 6.13 The Licence Holder shall keep records of maintenance, repair or replacement of the screens for 6 years and shall make them available during all reasonable hours for inspection by the Agency.

### **PRESCRIBED FLOW**

- 6.14 No abstraction shall take place unless the level of water in the River Derwent above the crest of Longbridge weir at National Grid Reference SK 35650 36311 is equal to or greater than 50 millimetres and the abstraction shall not cause the level at the said reference point to fall below that level. This level shall be known as the 'Longbridge weir prescribed level'.
- 6.15 No abstraction shall take place unless the Licence Holder has installed level monitoring devices capable of demonstrating compliance with the Longbridge weir prescribed level referred to in condition 6.14, at locations and to a design agreed in writing with the Agency.
- 6.16 (i) The Licence Holder shall ensure that the level monitoring devices referred to in condition 6.15 are set up and working at all times when abstraction is taking place.
- (ii) The Licence Holder shall maintain the level monitoring devices in such a condition, and if necessary replace them, so as to ensure that accurate measurements of levels are recorded at all times.





**MAP ACCOMPANYING LICENCE NUMBER**

**03/28/48/0042/R01**

Scale 1:1,000



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## ADDITIONAL INFORMATION

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

### REASONS FOR CONDITIONS

The licence is time-limited to a date to reflect the timing of a future review of the catchment resources availability.

The fish pass and by-pass conditions in the licence have been included in order to mitigate the impact of reduced flow over Longbridge weir on fish movement and the ecology of the River Derwent.

The licence includes a prescribed level condition to protect the environment and the interests of existing downstream lawful users of water.

### IMPORTANT NOTES

#### Abstraction Reform

We have granted this licence in line with current legal requirements and policies on managing water resources. However, Government have consulted on reforms which may affect the duration, quantities and management of licences before your current licence expires (ends). You should take account of this when making business decisions. If you would like to find out more, please search for 'abstraction reform' on [gov.uk](http://gov.uk).

#### Water efficiency note

The Licence Holder should use water abstracted under the terms of this licence in an efficient manner. The Agency 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.

#### Licence History

Licence serial number	Issue date	Expiry date	Summary of changes
3/28/48/42/S	28 October 2009	31 March 2018	Original licence issued. Application number A/3/28/48/17
03/28/48/0042/R01	20 June 2018	31 March 2030	Renewal of original licence on materially the same terms. Application number NPS/WR/023918



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