

NATIONAL RIVERS AUTHORITY
Water Resources Act 1991
Water Resources (Licences) Regulations 1965

LICENCE TO ABSTRACT WATER

The NATIONAL RIVERS AUTHORITY (hereinafter referred to as "the Authority") hereby grant a licence to :-

Please quote the Licence No. below in any correspondence.

Mr M R Fursdon
Lowertown Farm
Poundsgate
Newton Abbot
Devon TQ13 7PQ

Licence No.	14/46/04/0685
Register of Applications No.	12019
Date of Last Revision	

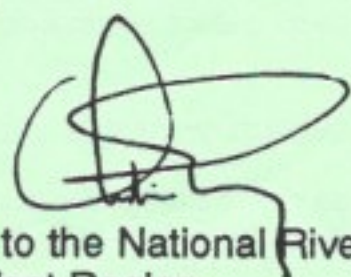
hereinafter referred to as "the licence holder") to abstract water from the source(s) of supply described in the Schedule hereto, subject to the provisions specified in such schedule.

This licence shall remain in force until revoked.

Charges may be payable pursuant to Section 123 of the Water Resources Act 1991 in respect of water authorised to be abstracted under this licence.

DATED this 21 day of July 1992

Manley House
Kestrel Way
Exeter
EX2 7LQ


Solicitor to the National Rivers Authority
South West Region

IMPORTANT NOTICE TO A SUCCESSOR TO THIS LICENCE

If you have become the holder of this licence, in accordance with Section 49 or regulations made under Section 50, of the Water Resources Act 1991, by succeeding to the previous licence holder's occupation of land specified in the licence as land on which water abstracted in pursuance of the licence is to be used, you should note that, by virtue of Section 49 (3), you will cease to be the holder of the licence at the end of a period of fifteen months from the date on which you became the occupier of the land in question unless before the end of that period you have given the Authority notice in writing of the change in the occupation of the land. Please note that where the successor becomes the occupier of only part of the relevant land, application must be sent to the Authority pursuant to the Water Resources (Succession to Licences) Regulations 1969 within one month from the date of occupation of the relevant land, otherwise the successor will cease to be the holder of the licence at the end of that period. Application forms under the latter procedure will be supplied on request.

THE LICENCE HOLDER IS REQUESTED TO READ AND OBSERVE THE NOTES PRINTED OVERLEAF

IT IS RECOMMENDED THAT THIS LICENCE BE PLACED WITH ANY RELEVANT DEEDS FOR SAFEKEEPING

NOTES

Charges

The charges which may be payable by the licence holder shall be as prescribed by the Authority's Charges Scheme, for the time being in force. Non-payment of charges can lead to the revocation of the Licence (Section 58 Water Resources Act 1991).

Reasons for Conditions

Reasons for the imposition of conditions and for any material departure from the proposals in the application are set forth in the Schedule hereto.

Right of Appeal

If the applicant is dissatisfied with the decision of the Authority on his application, he may, by notice served within one month from the date of receipt of this notice, appeal to the Secretary of State for the Department of the Environment in accordance with Section 43 of the Water Resources Act 1991 and Regulation 12 of the Water Resources (Licences) Regulations 1965 (S.I. 1965 No. 534). The Secretary of State has power to allow a longer period for the giving of a notice of appeal.

Offences

Attention is drawn to the following offences under the Act :-

- (1) failure to comply with a condition or requirement of a licence – penalty, a fine (Section 24 (4) and 24 (5)); and
- (2) to abstract water from any source of supply, or to cause or permit any other person so to abstract water, to construct or extend any well, borehole or other work whereby water may be abstracted from underground strata, or install or modify any machinery or apparatus whereby additional quantities of water may be abstracted from underground strata, unless the abstraction of the water, or additional quantities of water, is authorised by licence under the Act and the well, borehole or other work as constructed or extended, or the machinery or apparatus as installed or modified, complies with the requirements of the licence – penalty, as in (1) above (Sections 24 (1) and 24 (2)); and
- (3) In giving any information required under the Act knowingly or recklessly to make a statement which is false in a material particular or for the purpose of obtaining a licence under the Act, or wilfully to alter or interfere with a measuring device required by a licence to be used, so as to prevent it from measuring correctly – penalty, imprisonment, or a fine, or both (Section 206).

Source of supply and authorised point of abstraction

Water may be abstracted from the point(s) specified in the licence and no other. Variation of the licence is necessary to add or change the authorised point of abstraction.

Land on which water is authorised to be used

Water may only be abstracted for use on the land or property specified by name or identified by Ordnance Survey details, and where a plan has been supplied, the land identified thereon. The licence holder must notify the Authority if the supply of water is extended to additional land or properties.

Purpose for which water is authorised to be used

Water may only be abstracted for the purpose(s) specified in the licence, except where the Act provides that no licence shall be required. If in doubt please contact the Authority for advice.

Quantities of water authorised to be used

Water may only be abstracted in the quantities specified. The licence must be varied to increase the authorised quantity, but can however be decreased by application in writing to the Authority.

Conversion factor 1 cubic metre = 219.97 gallons.

Exemption under Section 27 (5) of the Water Resources Act 1991

No licence is required in respect of the abstraction of water from underground sources, in so far as the water is abstracted by or on behalf of an individual as a supply of water for private domestic use in their own household, and this may be taken to include such supplies to 'tied' properties and to properties occupied by close relatives. Any change in the occupation or 'tied' status of such properties to private or holiday accommodation must be notified to the Authority. Where the source of supply and point of abstraction are located on land not occupied by the abstractor, the abstractor must be in possession of a legal right of access to enter the land comprising the source of supply at the point of abstraction, together with the right to abstract water in order to gain exemption under this Section.

The above exemption is limited only to abstractions in this category if the abstracted quantity does not exceed 20 cubic metres (approximately 4,400 gallons), in aggregate, in any period of 24 hours. Abstractions exceeding this quantity will require a valid licence.

Change of Address

The licence holder is requested to notify the Authority of a change of address as soon as possible.

Amendment, Variation or Revocation of Licence

This licence may only be amended, varied or revoked by the Authority and should be submitted by the Licence Holder with each application.

SCHEDULE

PROVISIONS OF LICENCE

SOURCE OF SUPPLY AND AUTHORISED POINT OF ABSTRACTION

West Webburn River at N.G.R. SX 700 749 (marked 'A' on the attached map)

LAND ON WHICH WATER IS AUTHORISED TO BE USED

Old Walls, Widecombe in the Moor (as shown edged red on the attached plan)

PURPOSE FOR WHICH WATER IS AUTHORISED TO BE USED

Power Generation

QUANTITIES OF WATER AUTHORISED TO BE ABSTRACTED DURING A PERIOD OR PERIODS SPECIFIED

69,120.0 cubic metres per day, with a total of 16,054,984 cubic metres per annum at a rate not exceeding 0.800 cumecs

AUTHORISED MEANS OF ABSTRACTION

Gravity to sluiced leat

MEANS TO BE USED FOR MEASURING OR ASSESSING QUANTITIES OF WATER AUTHORISED BY THIS LICENCE TO BE ABSTRACTED

Within one year of the issue of this Licence (or a longer period with the written approval of the Authority) the Licence Holder shall provide, install, maintain and if necessary renew, suitable calibrated apparatus/devices, approved by the Authority at a location approved by the Authority. The apparatus/devices must be such that the quantity of water abstracted may be measured and compared with the quantities authorised to be abstracted, and be capable of continuous measurement of the water abstracted to BS 3680 or to such other standards as are agreed in writing with the Authority.

PROVISIONS FOR DETERMINING, BY MEASUREMENT OR ASSESSMENT, THE QUANTITIES OF WATER TAKEN TO HAVE BEEN ABSTRACTED DURING THE PERIOD OR PERIODS SPECIFIED

Unless otherwise directed by the Authority:-

A daily log shall be kept by the Licence Holder showing the amount of water actually abstracted or, (subject to prior written approval from the Authority) information from which this can be calculated. This log shall be kept available for inspection by the Authority's Officers

Records of the quantities of water actually abstracted each day shall be submitted quarterly to the Authority.

The Licence Holder must complete such returns of water actually abstracted as required by the Authority

OTHER CONDITIONS SUBJECT TO WHICH ABSTRACTION IS AUTHORISED

1. No changes may be made to the intake arrangements and control structure, unless prior written consent has been obtained from the National Rivers Authority.

SCHEDULE

PROVISIONS OF LICENCE

2. Until such time that replacement or extension of the supply pipe, turbine and draught pipe takes place:
 - (a) the draught pipe discharge point should remain at N.G.R. SX 700 747
 - (b) Notwithstanding the quantity authorised to be abstracted, the Licence Holder shall reduce the abstraction (to nil if necessary) so as to ensure that the flow over the notch on Jordan Weir at N.G.R. SX 700 749 is not less than 0.005 cumecs
3. Prior to any works being carried out to replace or extend the supply pipe, turbine and draught pipe, written notification of commencement date for such works should be submitted to the Authority
4. When replacement or extension of supply pipe, turbine and draught pipe has been completed:
 - (a) the draught pipe discharge point shall be at N.G.R. SX 700 744
 - (b) notwithstanding the quantity authorised to be abstracted, the Licence Holder shall reduce the abstraction (to nil if necessary) so as to ensure that the flow over the notch on Jordan Weir at N.G.R. SX 700 749 is not less than 0.025 cumecs
5. Unless work for the replacement or extension of supply pipe, turbine, and draught pipe has commenced within 10 years from the date of issue of this Licence, Conditions relating to discharge point and prescribed flow shall be as in Condition 2(a) and (b) above.
6. Notwithstanding the quantity authorised to be abstracted pursuant to the prescribed flow conditions in 2(b) and 4(b), a flushing flow is authorised once every week for a period not exceeding 6 hours on each occasion, to clear river debris from control structures and filters
7. Intake must be adequately screened against the ingress of fish

REASONS FOR THE CONDITIONS OF THIS LICENCE

The conditions are to ensure that this Licence gives the applicants only the rights to which they are entitled under the Act and to enable the Authority to carry out its functions under the Act particularly with regard to the amounts of water abstracted and periods of abstraction

The Conditions relating to screening of intake and retention of flow in watercourse have been inserted with the agreement of the applicant

REASONS FOR ANY MATERIAL DEPARTURE FROM THE PROPOSALS IN THE APPLICATION

On investigation it was found that the estimated quantity of water abstracted and required as specified in the application was incorrect and the quantity has, therefore, been increased with the agreement of the applicant, as detailed on amendment dated 5 February 1992

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ADDITIONAL NOTES

This Licence is issued only for the purposes of Section 24 of the Water Resources Act 1991. The conditions of this Licence are to ensure that the licence gives the applicant only the rights to which he is entitled. Consequently, the purpose for which power is generated is limited to agricultural and domestic purposes as these are the only uses which qualify for issue of this Licence by virtue of the provisions of Paragraph 30 of Schedule 26 to the Water Act 1989 and re-enacted in Schedule 7 to the Water Resources Act 1991

The Licence Holder shall ensure that he/she obtains from the appropriate Authority all other Licences or permissions which may be required

The nature of the intake arrangements (and control structures and abstraction and discharge relationship if appropriate) in relation to this licence, shall be identified via site measurements, survey, written notes and/or photographic records held on file by the Authority

This information will act as reference to indicate site arrangements under which this licence was assessed and granted

Routine maintenance of existing apparatus structures and works is permissible, provided that no alterations are effected to the operation of the site

This Licence requires the Licence Holder to install and maintain apparatus/devices to measure quantities of water actually abstracted. Such apparatus/devices must meet relevant standards of design and accuracy, to the Authority's satisfaction

In the interests of good water resources management, the Licence Holder should take all reasonable measures to repair and maintain all leats, channels, works and apparatus etc. in order to minimise water loss.