

Application No:	NPSWR001097	Licence Serial No:	NE/027/0029/001
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Please quote the serial number in all correspondence about this licence



FULL LICENCE TO ABSTRACT WATER

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

ESK ENERGY (YORKSHIRE) LIMITED

("the licence holder")

Westminster
St Mark's Court
Teesdale
Stockton On Tees
TS17 6QP

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 became effective on the relevant date shown below and shall remain in force until revoked or the date of expiry shown below.

Signed 

Date of Issue

28 April 2010

Graham Melhuish
Permitting Team Leader

Date effective

28 April 2010

Environment Agency
Permitting Support Centre
Water Resources
PO Box 4209
Sheffield
S9 9BS

Date of expiry

31 March 2026

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 is attached to this licence.
References to "the drawing" are to the drawing, which is attached to this licence.
References to "the Agency" are to the Environment Agency or any successor body.

Environment Act 1995
Water Resources Act 1991 as amended by the Water Act 2003
Water Resources (Abstraction and Impounding) Regulations 2006

SCHEDULE OF CONDITIONS

1. SOURCE OF SUPPLY

Inland water known as the River Esk, at Ruswarp, Whitby, North Yorkshire.

2. POINT OF ABSTRACTION

At National Grid Reference NZ 88636 08931 marked "A" on the map.

3. MEANS OF ABSTRACTION

Gravity flow to an open channel controlled by an intake sluice.

4. PURPOSE OF ABSTRACTION

Hydro-electric power generation by means of an Archimedean screw.

5. PERIOD OF ABSTRACTION

All year.

6. MAXIMUM QUANTITY OF WATER TO BE ABSTRACTED DURING THE SPECIFIED PERIOD

14,400 cubic metres per hour

345,600 cubic metres per day

80,000,000 cubic metres per year

At an instantaneous flow not exceeding 4 cubic metres per second.

Note: an hour means any period of 60 consecutive minutes, 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 ASSESSMENT OF WATER ABSTRACTED

The Licence Holder shall assess the quantity of water abstracted by reference to the number of hours of operation of the Archimedean screw generator multiplied by the actual output of the said generator during those hours.

The Licence Holder shall provide to the Agency, written documentation of the control curve and calculations used to convert electricity generated to the quantities abstracted before any abstraction takes place. The formula used to convert electricity generated to flow shall be approved in writing from time to time by the Agency.

To achieve the required accuracy of abstraction measurement, the Agency may have regard to its *Abstraction Metering Good Practice Manual* (or equivalent guidance) in directing the detail and nature of such supporting documentation.

8. RECORDS

- a) Quantities of water calculated by the means specified in condition 7 above shall be recorded by the Licence Holder at the same time each day during the whole period during which abstraction is authorised or as otherwise approved in writing by the Agency.
- b) A copy of the records or summary data from them shall be sent to the Agency within 28 days after 31 March in each year or within 28 days of being so directed in writing by the Agency.
- c) Each record shall be kept and be made available during all reasonable hours for inspection by the Agency for at least 7 years.

9. POINT AT WHICH WATER MUST BE RETURNED

Water abstracted for the purpose as described in Condition 4 shall be returned to the River Esk at National Grid Reference NZ 88670 08967 at the point marked "B" on the map.

10. DISCHARGE VELOCITY

The velocity of water exiting the Archimedean screw outfall channel shall not exceed 1.0 metres per second.

11. FLOW CONDITIONS

- 11.1 No abstraction shall take place unless there is a flow of water down the Baulk fish pass of 0.5 cubic metres per second. To achieve this flow the Baulk fish pass full level is to be set at 3.492 metres above Ordnance Datum Newlyn referenced to the gaugeboard upstream of the weir on the South Bank of the River Esk.
- 11.2 No abstraction shall take place unless there is a flow of water down the kelt/smolt fish pass between 1 December and 31 May inclusive.

12. FISH PASS

- 12.1 No abstraction shall take place until the Licence Holder has installed to the satisfaction of the Agency a new Larinier fish pass.
- 12.2 The kelt/smolt and Baulk passes must be operated in accordance with condition 11 above.

13. PROTECTION OF FISH

The leading edges of the turbine shall be fitted with compressible rubber bumpers to prevent damage to fish passing through the turbine. This shall be maintained to the satisfaction of the Agency.

14. FISH SCREENS

- 14.1 At any time prior to 31 March 2026 the Agency may by notice in writing request that the Licence Holder install to the satisfaction of the Agency a fish screen to prevent the entrapment, entrainment or impingement of fish at the point of abstraction.
- 14.2 At any time prior to 31 March 2026 the Agency may by notice in writing request that the Licence Holder install to the satisfaction of the Agency a fish screen to prevent the entrapment, entrainment or impingement of fish at the point of discharge.
- 14.3 The Licence Holder shall maintain the fish screens and records of any maintenance carried out to the satisfaction of the Agency.

Note: the Agency will have regard to its Screening for Intakes and Outfalls: a Best Practice Guide (or equivalent guidance) in agreeing where, how and what type of fish screens should be installed and together with the results of any monitoring in determining whether the fish screens are properly effective and maintained, and in judging whether it is necessary to require repair or replacement of the fish screens.

15. TIME LIMIT ON STARTING ABSTRACTION

Although the licence may otherwise remain in force until 31 March 2026 this licence shall cease to be of any effect if the abstraction it authorises has not commenced within three years of the date of issue of this licence.

16. LIMITATIONS ON STARTING ABSTRACTION

This licence shall not take effect to authorise abstraction until the licence holder has entered into a Memorandum of Understanding with the Agency under Section 39 of the Water Resources Act 1991 (As amended).

17. MINIMUM VALUE CONDITION

The minimum value, as referred to in section 46(2A) Water Resources Act 1991, is 80 million cubic metres per year and the authorised abstraction quantity in this licence can be reduced to that value.

18. CESSATION CLAUSE

If the Environment Agency determines as a result of monitoring carried out that the hydropower scheme is having a detrimental impact on fish populations at Ruswarp Weir, then abstraction shall cease immediately upon the Environment Agency issuing written notice to that effect, and the cessation shall continue until the Agency certifies in writing that acceptable remediation measures have been put in place.

REASONS FOR CONDITIONS

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

Conditions 10, 11, 12, 13 and 18 have been imposed to protect the fish population of the River Esk.

Condition 14 has been imposed to allow for increased protection of fish in the River Esk in the future if considered necessary by the Agency.

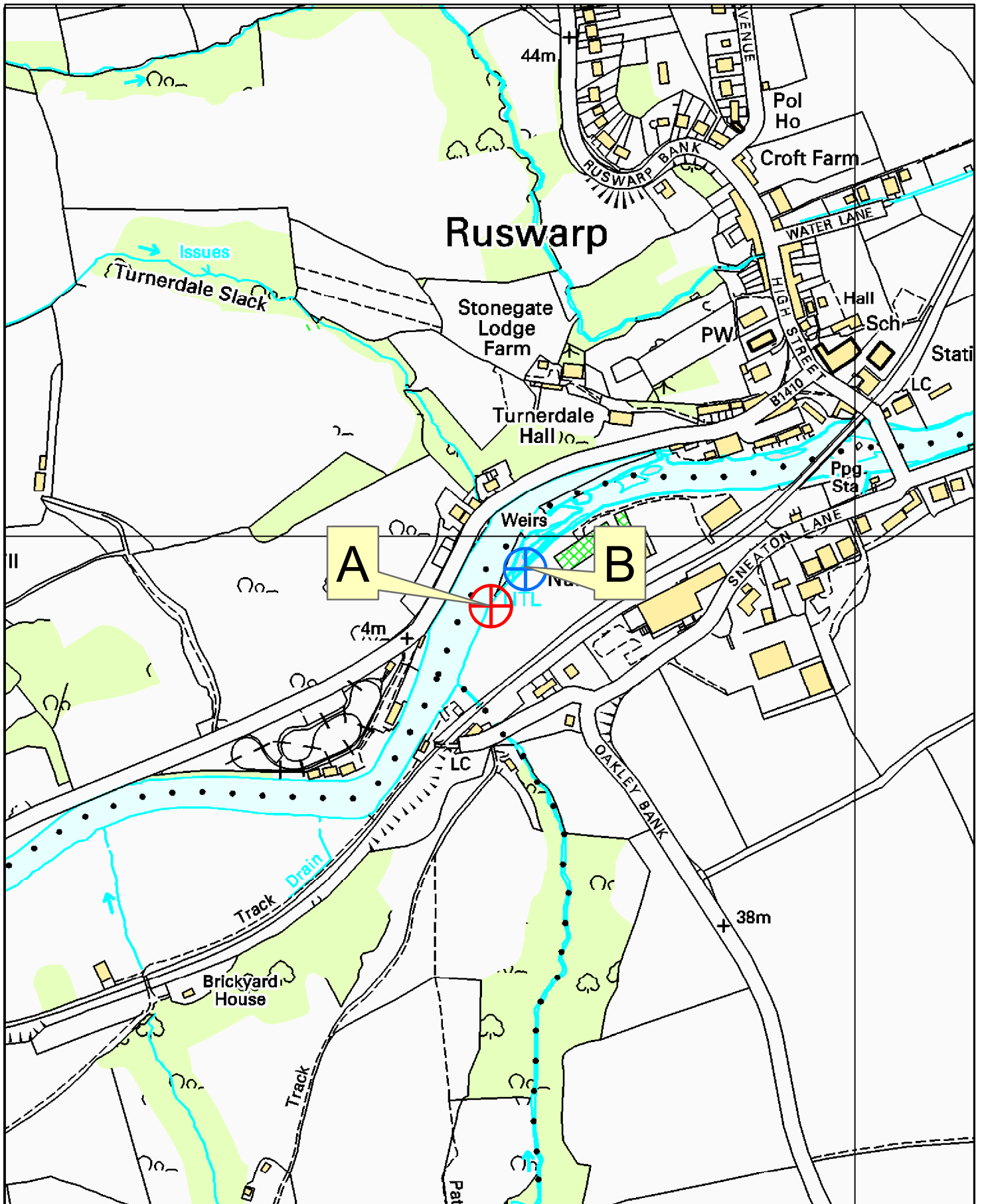
The time limit on starting abstraction specified in condition 15 is to permit the Agency to undertake it's statutory duty to manage water resource in England and Wales.

The limit on starting abstraction specified in condition 16 is to permit the Agency to undertake it's statutory duty not to derogate protected abstraction rights (section 39 of the Water Resources Act 1991 (As amended)) and it's duty to secure the proper use of water resources (section 19(1) of the Water Resources Act (As amended)). This is achieved by means of a derogation agreement between the Agency and the Licence Holder. This agreement has been sought with the applicant to allow the Agency to continue granting water abstraction licences upstream of the point of abstraction mentioned in Condition 2 as Section 19(1) of the Water Resources Act 1991 (As amended) places a duty on the Agency to take all such action as it may from time to time consider necessary or expedient for the purpose of conserving, redistributing or otherwise augmenting and securing proper use of water resources in England and Wales, and shall take into account the possible future requirements for new or varied licences pursuant to the 1991 Act (As amended).

Condition 17 is intended for use on abstraction licences granted on or after 1 April 2006, with a time limit exceeding 12 years duration. The quantity on this licence can be reduced to this quantity after a 12 year period has elapsed.

IMPORTANT INFORMATION

The licence holder shall use water abstracted under the terms of this licence in an efficient manner. The Agency will have regard to its Guidance on Water Efficiency (or equivalent guidance) in determining whether water is being used efficiently and any measures required to meet this condition. This is in accordance with the Agency's responsibilities under the Water Resources Act 1991 to secure the proper use of water (Section 19(1)(b)).



MAP ACCOMPANYING LICENCE NUMBER NE/027/0029/001

Scale: 1:5,000

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