

Compliance Assessment Report CAR_NRW0039871

Licence being assessed: 24/67/8/0047.

For: Water from Dolfechlas Brook - Mineral Washing - Hendre Quarry, held by Tarmac Trading Limited.

At: .

Type of assessment: Site Inspection, Reason: Incident Response (Incident number 2200988).

On 18/03/2022, between 10:30 and 11:30.

Parts of licence assessed: Source of supply (1.1) Point of Abstraction (2.1) Quantities (6.1) Measurement (7.1) Records (8.1)

NRW Lead Officer: Rebecca Redmond, accompanied by Philip Barrett.

Report sent to: Lisa Sumner, Permitting and Compliance Manager, on 04/05/2022.

1. Summary of our findings (full details in section 4)

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-A1 - Abstraction specified by licence - Source of supply	C4 No impact	1.1 Inland water (stream) known as Dolfechlas Brook, Gwaelod - Y - Garth, Cardiff.
WR-A2 - Abstraction specified by licence - Points of abstraction	C4 No impact	2.1 At National Grid Reference SJ 209 667 marked 'Point A' on the map.
WR-A4 - Abstraction specified by licence - Purposes of abstraction	C4 No impact	4.1 Sand and gravel washing
WR-A6 - Abstraction specified by licence - Quantities	C4 No impact	8.1 The license holder shall take and record daily readings of the meter specified in condition 7.

Result types are explained in more detail in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
WR-A1	Correct the source of supply with a license variation.	06/06/2022
WR-A2	Correct the point of abstraction with a license variation.	06/06/2022
WR-A4	Correct the purpose of abstraction with a license variation.	06/06/2022
WR-A6	Ensure daily readings of the meter are recorded.	06/06/2022

Action criteria codes are listed in the 'Important Information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution or civil sanctions being imposed depending on the circumstances of the offence.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

Following a report regarding the abstraction taking place at Hendre Quarry from the Dolfechlas Brook, a visit was carried out on Friday 18th March 2022 to assess compliance with the permit.

The site manager was not present but we were shown to the abstraction point by the supervisor. The electric pump was seen to be abstracting from the Dolfechlas Brook. The source of supply in the license states that the Dolfechlas Brook is in Gwaelod - Y - Garth, Cardiff. However, this address is incorrect as it is located in Hendre, Mold.

The point of abstraction in the license is SJ 209 667 and marked Point A on the attached map. This was found to be incorrect as it is below the footbridge at SJ 19838 67663.

The purpose of abstraction in the license states it is for sand and gravel washing, however the purpose is for dust suppression. The quarry produces limestone so does not wash sand and gravel.

The site supervisor was unsure of quantities and flow rates and provided contact details for the site manager. The discussion with the site manager on Monday 21st March 2022 found that he believes the site to be operating under an exemption as they are abstracting less than 20m³.

It was explained that the records of quantities abstracted are taken weekly. The exemption would allow for the abstraction of 20m³ a day. As this is not a cumulative quantity for the week, records should be taken daily to ensure this limit is not exceeded.

Details for the Permitting and Compliance Manager were provided to raise the above concerns. It was concluded that the companies abstraction needs would be assessed to see whether the license needed to be varied to cover the process that is taking place as this is not in line with the license conditions.

Can you please confirm the companies intentions with the license by Monday 6th June 2022.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your licence is issued to you under the Water Resources Act 1991 as amended by the Water Act 2003. You have a responsibility to comply with the conditions of your licence and prevent pollution/harm to the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property

If your assessment result in Section 1 is suspended, what does this mean?

In line with our guidance, we may suspend non-compliance for up to six months to allow time for remedial action to be taken. These will be re-instated if the action is not completed.

Full list of Water resource action criteria (used in section 1 and 2):**WR A: Abstraction specified by Licence**

- WR-A1 Source of supply
- WR-A2 Points of abstraction
- WR-A3 Means of abstraction
- WR-A4 Purposes of abstraction
- WR-A5 Period of abstraction
- WR-A6 Quantities
- WR-A7 Land
- WR-A8 Other specified on licence

WR B: Abstraction measurement and records

- WR-B1 Means of measurement
- WR-B2 Recording
- WR-B3 Reporting

WR C: Surface / Groundwater level and protected flow

- WR-C1 Minimum hands-off flow/level requirements
- WR-C2 Flow/level measurement devices
- WR-C3 Recording
- WR-C4 Reporting

WR D: Environmental monitoring and information

- WR-D1 Recording
- WR-D2 Reporting
- WR-D3 Notifications

WR E: Fish and eel passage

- WR-E1 Infrastructure specified by licence
- WR-E2 Maintenance and records

WR F: Discharge

- WR-F1 Point of discharge
- WR-F2 Infrastructure
- WR-F3 Measurement
- WR-F4 Recording
- WR-F5 Reporting

WR G: Impoundment specified by licence

- WR-G1 Inland water to be impounded
- WR-G2 Manner and extent of impoundment
- WR-G3 Point(s) of impoundment
- WR-G4 Construction and removal requirements
- WR-G5 Other specified on licence

WR H: Borehole infrastructure

- WR-H1 Infrastructure and accessibility
- WR-H2 Maintenance and calibration

Enforcement response

Any licence condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution or civil sanctions. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. Health and Safety Executive, local authorities) on environmental issues
- carrying out statistical analysis, research and development on environmental issues
- providing public register information to enquirers
- investigating possible breaches of environmental law
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Mon to Fri 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.