

Compliance Assessment Report CAR_NRW0040261

Licence being assessed: 24/67/8/0097.

For: Water from Afon Cegidog & un-named stream for Tree Tops Fly Fishery, held by Tree Tops Fly Fishery.

At: Llanfynydd, Wrexham, Flintshire, LL11 5HU.

Type of assessment: Site Inspection, Reason: Routine.

On 29/07/2022, between 10:30 and 12:00.

Parts of licence assessed: (7) quantities of water (8) means of measurement

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

Report sent to: J Price, Licence Holder, on 15/08/2022.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-A6 - Abstraction specified by licence - Quantities	Assessed (A)	
WR-B1 - Abstraction measurement and records - Means of measurement	Assessed (A)	

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

2. What action is required?

No action required.

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

A site visit was carried out to Tree Tops Fishery to ensure the abstraction was compliant with flow conditions in the licence during low flow conditions.

The licence holders husband was present during the visit and assisted with locating the abstraction points and meters. The first of these being the meter for abstraction A that sits

next to the hut at the top lake.

Calculations of the flow through this meter found that the daily quantity of water abstracted is approximately 1,008 litres an hour or 24,192 litres a day. The quantity permitted in the licence for point A is 31.17 cubic metres per hour and 819.67 cubic metres a day. The quantities were found to be within the flow conditions for point A. The abstraction point is located on a drain near the property of Rhos Uchaf. The flow in the drain was seen to be going through a screen and entering the pipework. There was no flow in the watercourse below this point. There are no flow conditions within the licence for point A.

Monthly meter readings for the point were shown. This identified that the meter had recently been replaced. It was explained that the process for submitting returns is changing to a web-based system and that these would be requested in the near future.

The second abstraction point that was observed was point C. It was explained that this abstraction point isn't used.

The abstraction point consisted of a concrete weir with 2 pipes built into it. These pipes were above the water level behind the weir. The flow in the watercourse was seen to be making its way through the weir structure at 2 points. Next to the weir, a pipe could be seen going into a small block structure that contained the pipework for the abstraction. The block structure contained water but there was no flow going through the abstraction pipe. The meter was located next to the pond that the abstraction would supply when used. This was found to be mostly dry with no flow going into it. There was no movement in the meter, with the reading of 000002 m3.

The level of pipes built into the weir appeared to be positioned higher than the pipe in the block structure. Any abstraction from this point must comply with the further provisions of the licence- *b) At abstraction point C, a second pipe of equal diameter to the abstraction pipe shall be incorporated through the weir wall in order to ensure that no more than 50% of the stream flow may be abstracted when the water level is below the weir crest level, the invert level of this second pipe shall be equal to that of the abstraction pipe.*

It was explained that the third abstraction at point B is no longer in use. A walk of the river found that there is no structure in place for an abstraction to take place from it.

Any alteration to the watercourse to reinstate an abstraction from this point, or alteration to existing weirs may require an impoundment licence. As this stretch of watercourse is classed as main river, you may also need to apply for a flood risk activity permit to work in or near water.

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.