

Compliance Assessment Report CAR_NRW0040278

Licence being assessed: WA/067/0010/011.

For: Abstraction for spray irrigation at Sealand, held by WT Banks & Co (Farming) Ltd.

At: .

Type of assessment: Site Inspection, Reason: Routine.

On 27/07/2022, between 13:00 and 13:45.

Parts of licence assessed: 6.1 - Maximum quantities of water 7.1 - Means of measurement

NRW Lead Officer: Philip Barrett, accompanied by Christina Sheehan.

Report sent to: Stuart Banks, Company Director, on 17/08/2022.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-B1 - Abstraction measurement and records - Means of measurement	C3 Minor	7.1 (iv) The licence holder shall maintain, repair or replace the meter to ensure that accurate measurements are recorded at all times.
WR-A6 - Abstraction specified by licence - Quantities	C3 Minor	6.1 Maximum quantities of water

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

2. What action is required?

Criteria	Action needed	Complete by
WR-B1	Ensure that a working meter is fitted to the pump while abstracting. In doing so, the licence holder must ensure they comply with condition 7.1 (v) by keeping records of any repairs/replacement.	26/08/2022
WR-A6	Ensure compliance with conditions 7 and 8 of the licence to ensure that the maximum quantities of water abstracted are not exceeded	26/08/2022

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.

You are non-compliant with your licence.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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 the abstraction that takes place from the Sealand main drain to ensure that this was compliant with the conditions of the licence during low flow conditions.

The visit found that 2 pumps were abstracting from the watercourse on either side of the abstraction reach A1 - A2. Both of these were being used for spray irrigation.

The pump located near A2 was seen to be metered. A flow calculation of the meter was taken and found it to be operating at 12.86 seconds per 100 litres. This equates to:

7.78 L/Sec
466.2 L/Min
27.972 Cubic Metres an hour
671.328 Cubic Metres a day

This appeared to be operating 2 spray heads. It was explained that it was only operating 1 spray head and that it also had a very small split in the pipe, which appeared to be coming out at some force due to the water pressure.

Water abstracted under the licence should be used in an efficient manner. Any leaks or split pipes should be repaired to ensure the water is used to the intended purpose.

The pump located near A1 was operating but was then seen to stop. It was explained that this occurs when there isn't enough water to supply to the pump.

No meter was observed to be in place on the pump. A conversation with the director over the phone following the visit explained that this isn't the case.

A further visit was carried out on the 10th August 2022 and found that a meter was connected to a pipe leading from the pump. This was checked at 10:32am and had a meter reading of 9223 m³. A further check was carried out at 10:56am and found that the meter reading was again at 9223 m³. The spray irrigation was observed to be continuously taking place during this time, indicating that the meter was not working.

Water abstraction should only take place when a working meter is fitted to the pump. Without a working meter in place, it is not possible to ensure compliance with the maximum quantities of water that can be abstracted under the licence.

Other observations for information

Due to the low flow conditions. The flow in the watercourse was not sufficient to sustain the pumping operation. To increase the quantity of water available, a bund had been placed in

the watercourse downstream of both pumps. This breach of legislation will be dealt with separately from this Compliance Assessment Report.

Meter reading at 10:32am



Meter reading at 10:56am



Spray irrigation taking place between 10:32am and 10:56am



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.