

Compliance Assessment Report CAR_NRW0040489

Licence being assessed: 19/55/20/0147.

For: Abstraction from spring at Lower Pant Farm, held by Gareth L Morgan.

At: .

Type of assessment: Site Inspection, Reason: Routine.

On 01/10/2022, between 11:15 and 11:45.

Parts of licence assessed: Site and records

NRW Lead Officer: Edward Davies, accompanied by Luke Burton.

Report sent to: Gareth Morgan, Operator, on 04/10/2022.

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	C2 Significant	e
WR-B2 - Abstraction measurement and records - Recording	C2 Significant	h

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

2. What action is required?

Criteria	Action needed	Complete by
WR-A6	Limit water usage to comply with permit abstraction limits.	08/11/2022
WR-B2	Take meter readings once a month, at the same time each month.	04/10/2022

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.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

On the 1st of October 2022, my colleague, Luke Burton and I attended Lower Pant Farm to conduct a routine inspection of the abstraction licence: 19/55/20/147 and met the operator Gareth Morgan.

The weather was dry at the time of the inspection following sustained, steady rainfall the day before. Wales has been in a prolonged period of drought status throughout the summer, and remains so.

The authorised purpose for the abstracted water is domestic and agriculture (other than spray irrigation). Water was being abstracted during the inspection, the water is being used to water stock, including a dairy cattle herd and a permitted intensive poultry unit of up to 200,000 birds, cleaning and washdown, and domestic use at 2 private properties.

Condition (e) of the licence states: *'Quantities of water authorised to be abstracted during a period or periods specified*

Not more than 4.5 cubic metres per hour.

Not more than 36.4 cubic metres per day.

Not more than 13,274 cubic metres per year.

The period of abstraction is all year'

During the inspection you stated that the meter had been changed within the last 6 months and read 0 when installed. On the day, the meter read **19,200 metres cubed** (see photo ED1). This would result in a projected abstracted volume of water of approximately 38,000 cubic metres per year, nearly 3 times the licenced volume.

Action: Take steps to reduce your water usage to comply with the licenced abstraction limit.

Licenced water abstraction limits are imposed to ensure a flow is maintained in downstream watercourses in order to safeguard the rights of riparian owners and occupiers, and to maintain the riverine habitat for the conservation of flora and fauna.



ED1: Meter reading 19,200



ED2: Meter number

Condition (h) requires: *'Provisions for determining, by measurement or assessment, the quantities of water taken to have been abstracted during the periods specified'*

Readings of the meter(s)... shall be taken and recorded by the licence holder at the same time each month.

Each record shall be kept and be made available during all reasonable hours for inspection...'

No records were available on the day of the inspection and you said that you did not routinely take readings, or maintain records. As a result you confirmed that you had no real understanding of the volumes of water that you were abstracting over any times periods (hour, day, year), and furthermore were unaware of the condition limits imposed through the abstraction licence for the site.

Action: Take water abstraction meter readings at least once a month, at the same time each month.

The actions required in this Compliance Assessment Report (CAR) are not exclusive, further actions may be required to ensure the protection of the environment and bring the site back into compliance. Enforcement action will be considered in response to the identified breaches, you will be notified of any decisions in due course.

You may wish to explore the option of varying your existing water resources licence to increase the volume of water that you are allowed to abstract. I have included details on how you can go about this in the email which accompanies this CAR. Be aware, that there is no guarantee that a request to increase the abstraction limits will be granted.

Natural Resources Wales has been reviewing the way that abstraction returns are requested. You may receive a request over the next few months requesting abstraction data going back to 2019. Details of how to do this will be included in the correspondence you receive from the central Water Abstraction Returns team.

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.