

Compliance Assessment Report CAR_NRW0040513

Licence being assessed: 19/55/17/0500.

For: Abstraction from Black Brook for conservation lake., held by Oliver Vaughan.

At: .

Type of assessment: Site Inspection, Reason: Routine.

On 01/10/2022, between 12:15 and 13:00.

Parts of licence assessed: Site

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

Report sent to: Oliver Vaughan, Operator, on 10/10/2022.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-A3 - Abstraction specified by licence - Means of abstraction	C2 Significant	3
WR-B1 - Abstraction measurement and records - Means of measurement	C2 Significant	8
WR-B2 - Abstraction measurement and records - Recording	C3 Minor	9
WR-C2 - Surface/groundwater level and protected flow - Flow/level measurement devices	C3 Minor	10
WR-G2 - Impoundment specified by licence - Manner and extent of impoundment	C2 Significant	3

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

2. What action is required?

Criteria	Action needed	Complete by
WR-A3	Install an orifice plate on the abstraction pipe to control the flow rate.	11/11/2022
WR-B1	Install an orifice plate to the feed pipe to calculate and record abstraction volumes weekly.	11/11/2022
WR-B2	Following installation of orifice plate, calculate abstracted water volumes weekly.	11/11/2022
WR-C2	Install a rated section and graduated gauge post to measure the rate of flow in the Black Brook downstream of the abstraction point.	11/11/2022
WR-G2	Remove the illegal impoundment immediately downstream of the abstraction point.	11/11/2022

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 Blackbrook Estate to conduct a routine inspection of the abstraction licence: 19/55/17/500. There was no one on site at the time of the inspection. Officers visited the authorised abstraction point and the conservation lake which the abstracted water fills.

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.

At the time of the inspection, there was no abstraction taking place, the gravity feed pipe which is the means of abstraction, was above the water level. There was no orifice plate fitted to the pipe which is required provide a means to restrict the flow rate - see photo ED1.

Condition 3: *'Means of abstraction: A gravity feed pipe of internal diameter not exceeding 150mm and controlled by an orifice plate to restrict the flow to the authorised rate'*

Condition 8: *'Means of measurement of water abstracted: The dimensions of the orifice plate fitted to the gravity feed pipe...'*



ED1 - intake pipe with no orifice plate

Action: install an orifice plate to restrict the flow rate and allow calculations of abstracted water volumes to be calculated and recorded.

Action: once the orifice plate is installed, take weekly water abstraction volume records. Maintain records for 7 years.

There was no means of measuring the flow of the Black Brook downstream of the authorised abstraction point - see photo ED2. This is a protective condition to prevent ecological damage downstream and prevent any impact on other water users and rights holders.

Condition 10: *'A rated section and graduated gauge post shall be used to measure the rate of flow in the Black Brook immediately downstream of the authorised point...'*



Action: Install a rated section and gauge post. No abstraction should take place until this action is completed.

An impoundment has been constructed immediately downstream of the authorised abstraction point - see photo ED3



It is an offence under The Water Resources Act 1991 s.25(1)(b) & 25(2)(a) To impound water without a licence or to cause or permit any other person to do the same.

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.

Action: Please submit evidence which shows that the required work has been completed, including photographs of the orifice plate, gauging post, and removed impoundment.

Enforcement action will be considered in response to the identified breaches, you will be notified of any decisions in due course.

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.