

Compliance Assessment Report CAR_NRW0040350

Licence being assessed: 20/56/11/0025.

For: Transfer from impoundment to storage winter, held by Celtic Manor Resort Limited.

At: .

Type of assessment: Site Inspection, Reason: Routine.

On 23/08/2022, between 11:00 and 14:00.

Parts of licence assessed: Site Operations

NRW Lead Officer: Gavin Dodd, accompanied by Elis Nuttall.

Report sent to: Neil Shepherd , Head of Irrigation , on 01/11/2022.

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	C3 Minor	6. Maximum Quantity of Water to be Abstracted
WR-B1 - Abstraction measurement and records - Means of measurement	C3 Minor	7, Means of Measurement of Water Abstracted
WR-B2 - Abstraction measurement and records - Recording	C3 Minor (Suspended)	8. Records
WR-B2 - Abstraction measurement and records - Recording	C3 Minor	8. Records

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	Perform regular checks to ensure the abstraction limits specified in the licence are not exceeded	20/12/2022
WR-B1	Undertake meter calibrations as soon as possible to ensure readings are accurate. Evidence of calibration should be kept for future inspections by NRW officers.	20/12/2022
WR-B2	Send returns to NRW at the earliest opportunity. This can be done via email until the new online reporting system has been established.	Already completed
WR-B2	Assess records to determine if the discrepancies are due to a lack of calibration or other issue	20/12/2022

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

Introduction

The report details the site visit on the 23/08/2022 to Celtic Manor Resort (Coldra Woods, The Usk Valley, South Wales, NP18 1HQ) permit reference number 20/56/11/0025

EOs Elis Nuttall and Gavin Dodd attended Celtic Manor Resort at Coldra Woods, The Usk Valley, South Wales, NP18 1HQ for a Water Resources inspection at 11:00 where we met with Mr Noel O'Connell, Assistant of Irrigation. The weather was dry but overcast during the visit.

Permit History

The below extract details the permit history of licence **20/56/11/0025 (Full Licence to Abstract Water)** for Celtic Manor Resort ("the licence holder"), Coldra Woods, The Usk Valley, South Wales, NP18 1HQ

Date of Issue: 16 April 2010

Date of Original Issue: 04 July 2008

Permit Breaches

Below are permit breaches that were identified during the site inspection.

1.) Category C3 Breach- Permit Condition 6- Maximum Quantity of Water to be Abstracted

For purpose 4.2 (Direct spray irrigation, during the months April to October Inclusive: 1400 cubic metres per day

According to the returns for 2019, 2776 cubic metres were abstracted on 28/08/2019. This exceeds the daily maximum quantity to be abstracted under the licence.

Actions

Perform regular checks to ensure the abstraction limits specified in the licence are not exceeded.

Due by: 20/12/2022

Please see report content below for further justification.

2.) Category C3 Breach – Permit Condition 7- Means of Measurement of Water Abstracted

The Licence Holder shall calibrate it (the meter) regularly, in accordance with the recommendations of the manufacturer or at any time required by the Agency and shall replace it as necessary.

The operators mentioned during the visit that the meters on site had never been calibrated. There are no calibration certificates or other evidence to confirm calibration has ever taken place.

Actions:

Undertake a meter calibration as soon as possible to ensure readings are accurate. Evidence of calibration should be kept for future inspections by NRW officers.

Due by: 20/12/2022

Please see report content below for further justification.

3.) Category C3 Breach- Permit Condition 8- Records

A copy of the record or summary data from it shall be sent to the Agency within 28 days of 31 March in each year or within 28 days of being so directed in writing by the Agency

Last returns were sent to NRW on 31/10/2019, although returns records have been kept onsite.

Actions:

Send returns to NRW at the earliest opportunity. This can be done via email until the new online reporting system has been established.

Due by: 20/12/2022

Please see report content below for further justification.

4.) Category C3 Breach- Permit Condition 8- Records

A copy of the record or summary data from it shall be sent to the Agency within 28 days of 31 March in each year or within 28 days of being so directed in writing by the Agency.

While the yearly maximum abstraction quantities have not been exceeded from 2019-2022, there is a discrepancy in the records that have been submitted. When calculated monthly, the total amount abstracted does not give the same value when subtracting the final yearly values from the initial yearly values.

Actions:

Assess records to determine if the discrepancies are due to a lack of calibration or other issue

Due by: 20/12/2022

Please see report content below for further justification

Inspection Observations

During our visit the pumps for this abstraction were not active. Access to the pumphouse was unobstructed. Operators noted that the abstraction was primarily used to fill the reservoir mentioned in section 4.1 of the licence.

Meter readings have been taken regularly and kept onsite but have not been submitted to NRW since 31/10/2019.

Operators did not know if the meters had ever been calibrated and had no records or certificates of calibration as evidence.

Site Infrastructure

Pumphouse was easily accessible and meter readings could be taken clearly.

Meter calibration was discussed, and site operators stated they did not know if the meters onsite had ever been calibrated. As per condition 7 of the license it is stated that (regarding the meter) *"The Licence Holder shall calibrate it regularly, in accordance with the recommendations of the manufacturer or at any time required by the Agency and shall replace it as necessary"*. Additionally, condition 7 states *"The Licence Holder shall retain evidence of current certification for inspection by the Agency"*. Calibration should have been undertaken in the past with records of certification kept.

Site Operations

It was noted by the operators that this abstraction is used for both irrigation purposes and

to fill a storage reservoir. The limits for the former purpose were exceeded on one occasion in 2019, as mentioned above. The limits specified in the licence must not be exceeded.

Returns Submissions

As mentioned above, the last returns were submitted to NRW on 31/10/2019. The returns have been kept onsite and were not submitted due to issues with NRW's new digital submissions procedure. Officers checked the returns while on site and confirmed they were up to date and could be sent to NRW manually via email in the interim. This score has been suspended due to operational difficulties experienced by NRW's new digital submissions tool.

A letter will soon be sent to you regarding the new online returns process

The discrepancy in the records for 2019-2022 should be addressed; this may have arisen due to lack of calibration of the meters onsite

Officers Gavin Dodd and Elis Nuttall left site at 14:00.

If you have any issues with this report, please contact Gavin Dodd on gavin.dodd@cyfoethnaturiolcymru.gov.uk

Thank you,

Gavin Dodd.

In this document 'Natural Resources Wales' means the Natural Resource Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.

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.