

## Compliance Assessment Report CAR\_NRW0040354

**Licence being assessed:** 20/56/72/0033.

For: Abstractions from Pond at Caerleon, held by Celtic Manor Resort.

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:** Elis Nuttall, accompanied by Gavin Dodd.

**Report sent to:** Noel O'Connell, Assistant 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-A3 - Abstraction specified by licence - Means of abstraction	C3 Minor	3. Means of abstraction
WR-A4 - Abstraction specified by licence - Purposes of abstraction	C3 Minor (Suspended)	4. Purpose of abstraction
WR-B1 - Abstraction measurement and records - Means of measurement	C3 Minor	7. Means of measurement of water abstracted
WR-A8 - Abstraction specified by licence - Other specified on licence	C3 Minor	7. Means of measurement and water abstracted
WR-B3 - Abstraction measurement and records - Reporting	C3 Minor (Suspended)	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-A3	Ensure all infrastructure associated with the license is accessible for inspection at all times.	20/12/2022
WR-A4	Ensure that the abstraction is used for spray irrigation and not fill a reservoir or water body as stated in Condition 4 of the permit.	20/12/2022
WR-B1	Take a meter reading at the earliest possible time to show use (or lack there of) of the abstraction since it's last noted use in 2007.	20/12/2022
WR-A8	Ensure a meter calibration is undertaken as soon as practicable to ensure accuracy of recording. Evidence of calibration should be kept for the benefit of inspection by NRW officers.	20/12/2022

Criteria	Action needed	Complete by
WR-B3	Send nil returns records to NRW at the earliest opportunity. This can be via email as the online reporting system is forthcoming.	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**

This report details the site visit made on the 23/08/2022 to Celtic Manor Resort (Coldra Woods, The Usk Valley, South Wales, NP18 1HQ) permit reference number 20/56/72/33.

NRW Officers 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**

See below extract regarding the permit history of license **20/56/72/33 Variation No 2 (Full Licence To Abstract Water)** for Celtic Manor Resort ("the licence holder"), Coldra Woods, The Usk Valley, South Wales, NP18 1HQ.

**Date of Issue:** 1st April 2008

**Date of original issue:** 4th August 2003

(this document is a reissue or revision of the licence originally granted for this abstraction)

#### **Inspection observations**

During our visit it was noted by operators that this abstraction has not been in use since c.2007 and that it is no longer active. As a result, the site and access route were heavily overgrown, and officers were unable to inspect the infrastructure associated with this license.

When the abstraction was active, operators noted that they used the abstraction to fill up a reservoir located adjacent to site.

It was stated that the last meter reading was taken in 2004. Additionally, from our records it appears the last abstraction (nil) returns were submitted on the 06/11/2018.

Operators weren't aware of the last time the meter was calibrated and had no records or certificates of calibration as evidence.

Officers asked the operators if the license is no longer active would they like to surrender the license. Celtic Manor Resort were provided information on the 14/02/2019 on how to surrender the license but it appears that no action was taken.

Whilst reviewing paperwork a discussion was held with site operators to explore the options around surrendering the permit. It was noted that the operators will bring the issue up with the Celtic Manor Resort management board as they do not have the authority to make the decision without consulting them first. It would be beneficial if the operators can inform Natural Resources Wales of the outcome of these discussions so appropriate advice and guidance can be submitted.

### **Site Infrastructure**

As noted above, site infrastructure was inaccessible at the time of the visit due to lack of activity/use and heavy vegetation growth. Despite this, any infrastructure associated with an active abstraction permit should be regularly checked, maintained, and assessed within the conditions of the permit due to the ability to re-commence operations if needed. Additionally, the site should always be accessible year-round and be clearly visible to assist inspection as stated in the *Abstraction Metering Good Practice Manual*.

Meter calibration was discussed briefly, and site operators admitted that they weren't aware if the meters on site had ever been calibrated. As part of 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*". This should have been undertaken in the past and records kept of certification.

### **Site Operations**

During discussions it was noted that when the abstraction is active the water was used to fill a reservoir which stored water until it was used. Whilst the end use falls in line with the stated use of spray irrigation, the impoundment is in contradiction to permit condition 4 which states the purpose of abstraction to be solely *spray irrigation*. This score has been suspended due to it not currently being active but if the abstraction is ever to re-commenced, then its sole use should be that of spray irrigation and not to fill a reservoir.

Operators noted that the last official meter reading was taken in 2004 and since that time, due to the lack of abstraction activity, it has been assumed that no abstractions have taken place and nil return records were assumed. Whilst understandable due to lack of use, as

an active license the operators should comply with condition 7 of the permit which states *“The Licence Holder shall use a meter to measure quantities of water abstracted”*. Additionally, condition 8 of the licence (Records) states *“The Licence Holder shall take and record readings of the meter specified in condition 7 above at the same time each month during the whole of the period during which abstraction is authorised or as otherwise approved in writing by the Agency”*.

### **Returns Submissions**

As above, the last abstraction (nil) returns were submitted on the 06/11/2018. It was explained that due to lack of use the nil returns were not submitted but records were kept due to issues regarding NRW’s new online reporting system. Officers checked these returns whilst on site and agree that records were up to date (nil returns). As a result, 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.

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

### **Permit Breaches**

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

#### **1. Category C3 Breach – Permit Condition 3 – Means of abstraction**

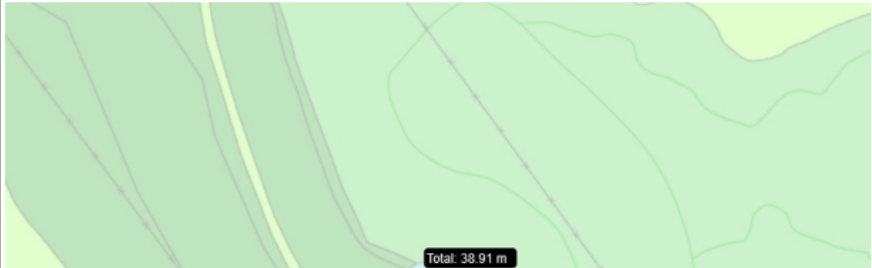

*A mobile surface mounted pump with a maximum output not exceeding 14 litres per second.*

A lack of access to pump house meant the appropriate inspection could not be carried out during the visit. The photos and map show the lack of access experienced by officers during the visit.



Cyfoeth Naturiol Cymru  
Natural Resources Wales

Water Resources Visit: Celtic Manor Resort - 23/08/2022



Legend

Total: 38.91 m

Actions:

Ensure all infrastructure associated with the license is accessible for inspection at all times. This includes maintaining access routes and site infrastructure housing in a condition allowing appropriate assessments to be made.

**Due by:** 20/12/2022

Please see report content above for further justification.

**2. Category C3 Breach – Permit Condition 4 – Purpose of abstraction \*SUSPENDED SCORE\***

*Spray irrigation*

Operators noted that they used the abstraction to fill up a reservoir whereas the permit states it is to be used for spray irrigation.

Actions:

Ensure that the abstraction is used for spray irrigation and not fill a reservoir or water body as stated in Condition 4 of the permit.

**Due by:** 20/12/2022

Please see report content above for further justification.

**3. Category C3 Breach** – Permit Condition 7 – Means of measurement of water abstracted.

*The Licence Holder shall use a meter to measure quantities of water abstracted.*

Operators noted that the last meter reading on record is from 2004. Meter readings have not been recorded since this time, just an assumption of a nil abstraction.

Actions:

Take a meter reading at the earliest possible time to show use (or lack thereof) of the abstraction since it's last noted use in 2007.

**Due by:** 20/12/2022

Please see report content above for further justification.

**4. Category C3 Breach** – Permit Condition 7 – Means of measurement and water abstracted

*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 and The Licence Holder shall retain evidence of current certification for inspection by the Agency.*

No meter calibration has ever taken place as far as the operators are aware. There is no certificate of calibration on record to evidence it has ever taken place.

Actions:

Ensure a meter calibration is undertaken as soon as practicable to ensure accuracy of recording. Evidence of calibration should be kept for the benefit of inspection by NRW officers

**Due by:** 20/12/2022

Please see report content above for further justification.

**5. Category C3 Breach** – Permit Condition 8 – Records **\*SUSPENDED SCORE\***

*A copy of the record or summary data from it shall be sent to the Agency if so directed in writing by the Agency.*

Last nil returns were sent to NRW on 6/11/2018 although records of nil returns have been kept onsite.

Actions:

Send nil returns records to NRW at the earliest opportunity. This can be via email as the online reporting system is forthcoming.

**Due by:** 20/12/2022

Please see report content above for further justification.

If you have any issues with this report, please contact Gavin Dodd on [gavin.dodd@cyfoethnaturiolcymru.gov.uk](mailto:gavin.dodd@cyfoethnaturiolcymru.gov.uk)

Thank you,

Elis Nuttall.

***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](mailto: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](mailto: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.