

Compliance Assessment Report CAR_NRW0044437

Licence being assessed: WA/065/0019/0018.

For: Cwm Graiglwyd, held by Huw Jones.

At: Graiglwyd Fly Fishing & Fisheries, Graiglwyd Road, Penmaenmawr, Conwy, LL34 6ER.

Type of assessment: Site Inspection, Reason: Routine.

On 07/05/2024, between 10:00 and 12:00.

Parts of licence assessed: ALL

NRW Lead Officer: Laura Jones, accompanied by Sioned Jones.

Report sent to: Mr James McAllister, Owner, on 28/05/2024.

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

| Part of licenced activity assessed (criteria) | Assessment result | Licence condition |
|---|-------------------|---|
| WR-A1 - Water Abstraction - Abstraction specified by licence - Source of supply | Assessed (A) | |
| WR-A2 - Water Abstraction - Abstraction specified by licence - Points of abstraction | Assessed (A) | |
| WR-A3 - Water Abstraction - Abstraction specified by licence - Means of abstraction | Assessed (A) | |
| WR-A4 - Water Abstraction - Abstraction specified by licence - Purposes of abstraction | C4 No impact | Purpose is only specified as maintaining angling lakes the new inflatable splash park needs to be added |
| WR-A5 - Water Abstraction - Abstraction specified by licence - Period of abstraction | Assessed (A) | |
| WR-A8 - Water Abstraction - Abstraction specified by licence - Other specified on licence | C3 Minor | At Point B as specified in condition 2.2, the quantity of water abstracted shall not exceed 50% of the available flow |

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

2. What action is required?

| Criteria | Action needed | Complete by |
|----------|--|-------------|
| WR-A4 | New activity need to be added to the purpose of abstraction on the licence | 01/10/2024 |
| WR-A8 | Abstraction pipe needs to be raised or overflow pipe needs to be lowered to allow for a 50:50 flow split | 31/07/2024 |

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

The transfer licence to abstract water for Graiglwyd Springs Fly Fishing is due for renewal on the 31st March 2025. Laura Jones from the Conwy Environment Management team visited the site on the 7th May 2024 and met with the current owner Mr James McAllister.

The current licence is still in the name of the previous owner Mr Huw Roland Jones, I have emailed Mr McAlister with the details of how to rectify this and have requested him to do so as soon as possible.

Source of Supply

Inland water (stream) known as unnamed stream at Cwm Graiglwyd and unnamed stream near Plas Uchaf Farm, near Graiglwyd Fly Fishing.

No issues were identified

Points of Abstraction

Point A at National Grid Reference SH 72180 75330. No issues were identified however Mr McAllister no longer uses this abstraction point and is happy for it to be removed from the licence

Point B at National Grid Reference SH 72250 75500. Issues identified with the location of the abstraction pipe in the watercourse compared to the overflow pipes. The abstraction pipe was at the river bed where as the overflow pipes were much higher up not securing the required 50:50 split. Works need to be carried out to ensure both pipes are at the same level in the watercourse similar to point C.

Point C at National Grid Reference SH 726920 75720. No issues were identified.

Means of Abstraction

An intake structure and gravity feed pipe at each point of abstraction.

No issues with Points A & C however please see previous comments about Point B

Purpose of Abstraction

Transfer for the purpose of filling and maintaining angling lakes.

Whilst the lake is going to remain an angling lake the business is also diversifying by introducing an inflatable water park, as part of the renewals the purpose of abstraction needs to include the water park.

Period of Abstraction

All year.

No issues were identified

Further Conditions

At Point A as specified in condition 2.1, the quantity of water abstracted shall not exceed 50% of the available flow in the unnamed stream. No issues were identified pipe is always banded and no longer used I am happy for this to be removed from the licence

At Point B As specified in condition 2.2 the quantity of water abstracted shall not exceed 50% of the available flow in the unnamed stream. As previously stated due to the location of the abstraction pipe it is currently securing more than the 50%. I have set a date of 31st July for this to be rectified.

At point C as specified in the condition 2.3, the quantity of water abstracted shall not exceed 50% of the available flow in the unnamed stream. No issues identified.

I would like to thank Mr McAlister for his time during the visit

Laura Jones

Swyddog Amgylchedd/ Environment Officer

Tim Amgylchedd Conwy/ Conwy Environment Team
Cyfoeth Naturiol Cymru / Natural Resources Wales
Ffon Symudol/Mobile Phone 07766248453

Siaradwr Cymraeg
Maes y Ffynnon, Penrhosgarnedd, Bangor, Gwynedd, LL57 2DW.

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.