

Compliance Assessment Report CAR_NRW0044098

Licence being assessed: 24/67/5/0057.

For: Horseshoe Falls & River Dee (near Pont Cysyllte), held by United Utilities Water Limited.

At: Berwyn Cottage, Berwyn, Llangollen, Denbighshire, LL20 8BN.

Type of assessment: Report/Data Review, Reason: Other.

On 23/04/2024.

Parts of licence assessed: 6 Maximum quantities of water to be abstracted

NRW Lead Officer: Philip Barrett.

Report sent to: Licence contact, Licence contact, on 19/02/2025.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-A6 - Water Abstraction - Abstraction specified by licence - Quantities	Action only (X)	

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	United Utilities should investigate with The Canal and Rivers Trust to identify the cause of the over abstraction to ensure control measures are put in place to prevent this occurring in the future.	30/05/2025

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

A data audit of the abstraction returns for 23-24 has been conducted for licence 24/67/5/0057, which is held by United Utilities (UU).

The abstraction locations in the licence are:

Point A - Horseshoe falls at Llangollen

Point B - Froncysyllte pump station

Between point C and D - Froncysyllte pump station

The majority of the abstraction takes place from point A, unless maintenance is being carried out on the aqueduct, as this prevents the flows continuing downstream of this location. During periods of maintenance on the aqueduct, either point B and between C and D are used to provide the flow downstream of the works area.

Point A is a shared abstraction point that is owned and operated by the Canal and Rivers Trust (CRT). The pump house at abstraction point B and between C and D is owned and operated by UU. The abstraction returns for point A are provided by CRT, and the returns for point B and between point C and D are provided by UU.

The returns provided by UU show that the pumping station was operated between 15th February - 11th April 24.

The daily quantities (rounded up to the nearest 10 cubic metres) between these dates are:

15/2/24 - 230 m³

16/2/24 - 3,300 m³

17/2/24 - 0 m³

18/2/24 - 0 m³

19/2/24 - 30 m³

20/2/24 - 9,650 m³

21/2/24 - 31,380 m³

22/2/24 - 43,070 m³

23/2/24 - 43,060 m³

24/2/24 - 43,040 m³

25/2/24 - 43,030 m³

26/2/24 - 43,040 m³

27/2/24 - 43,040 m³

28/2/24 - 43,060 m³

29/2/24 - 43,100 m³

01/3/24 - 43,040 m³

02/3/24 - 43,030 m³

03/3/24 - 43,030 m³

04/3/24 - 43,020 m³

05/3/24 - 43,040 m³

06/3/24 - 43,020 m³

07/3/24 - 43,010 m³

08/3/24 - 43,040 m³

09/3/24 - 43,060 m³

10/3/24 - 43,080 m³

11/3/24 - 21,160 m³

The daily maximum quantity of water that can be abstracted under the licence is 50,006 cubic metres, which hasn't been exceeded during this period.

The returns provided by CRT show that an abstraction was also taking place from point A for the above period.

The combined abstraction total between CRT (32,959 cubic metres) and UU (50,006 cubic metres) is 82,965 cubic metres.

The combined CRT and UU quantities from both returns show that the daily combined limit was exceeded on the following dates:

26/02/24 - 83,410 m³

27/02/24 - 83,250 m³

29/02/24 - 82,990 m³

02/03/24 - 83,400 m³

03/03/24 - 85,340 m³

04/03/24 - 85,530 m³

05/03/24 - 84,780 m³

06/03/24 - 83,590 m³

07/03/24 - 83,170 m³

The important notes in the licence state:

There is only one measurement device located at Point A which measures the water abstracted under this licence and also the water abstracted by the Canal and River Trust under licence WA/067/0005/0030. Therefore it is not possible to solely measure the volume of water abstracted at Point A under this licence. For the purpose of monitoring compliance the assumption will be that the Licence Holder is abstracting on a continuous basis at the maximum daily rate of 50.006 megalitres per day, less any volume abstracted at point B and between point C and point D. The balance will be attributed to the abstraction by Canal and River Trust to maintain flows in the canal.

The accuracy of the meters must be within +/-5%. The over abstractions shown above are within 5% of the combined maximum daily total. The weather at the time was wet, with the river levels reacting to this with increased flows.

While the over abstraction is attributed to CRT in the licence, UU must ensure that they work with CRT to investigate the cause of the over abstraction and ensure methods are put in place to prevent this occurring in the future.

Maximum abstraction rates exist to protect the environment, including the features and species of the River Dee and Llyn Tegid Special Area of Conservation. Maximum

abstraction rates also exist to protect the rights of other lawful abstractors further downstream, some of whom may have hands-off flow conditions included in their licences. This includes the designated abstractors who benefit from augmentation of low flows in the River Dee via NRW's operation of the River Dee Regulation Scheme.

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.