Compliance Assessment Report CAR_NRW0048109

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: Site Inspection, Reason: Other.
On 04/04/2025, between 11:00 and 12:00.
Parts of licence assessed: 9 Further Conditions - Screening

NRW Lead Officer: Philip Barrett.
Report sent to: Licence contact, Licence contact, on 15/04/2025.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-E1 - Water Abstraction - Fish and Eel passage - Infrastructure specified by licence	C2 Significant	9.5 (i) No abstraction shall take place unless six flat panel screens with 4 millimetre mesh are installed to prevent the entrapment, entrainment or impingement of lamprey at the point of abstraction in accordance with the plans and specifications to be submitted and approved in writing by NRW.

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

2. What action is required?

Criteria	Action needed	Complete by
WR-E1	Ensure the screens are seated correctly on the concrete invert.	25/04/2025

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.

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 4th April 2025, a visit was carried out to the abstraction that takes place from the River Dee under licence WA/067/0005/0030. The reason for this visit was to follow up on non-compliances from the visit carried out on the 3rd March 2025, as covered in the compliance assessment report - CAR_NRW0046606.

It was found that works had taken place to cover the gaps on either side of the structure that hold the screens in place with mesh. The mesh is within the 4mm screening requirement for this time of year.

A continuous assessment must be made of the positioning of the mesh to ensure it hasn't moved over time following differing flow patterns. Should this occur, a more permanent solution must be installed.

Mesh above the waterline



Mesh below waterline



It was found that 4 of the 6 screens were sat on the concrete, with a seal being created by a metal strip set in the concrete that runs along the back of these.

Screen sitting on concrete



The other 2 screens were sitting higher, therefore not on the concrete. It was found that these were sat on gravel, with a large amount sitting on the screen itself. This build up of gravel was creating a blockage, but there were gaps in places below the screens.

2 screens sitting higher (on the right-hand side)



Screen sat on gravel, with gravel also sitting on the screen itself



Area with gap under the screen.



An email was received from the Canal and River Trust on the 7th April 2025, with pictures showing the work that had been carried out to install the mesh.

Due to the gaps under the screens, the current screening is not compliant with the

conditions of the licence as an abstraction is taking place while the screening isn't sufficiently preventing the entrapment, entrainment or impingement of lamprey at the point of abstraction. This must be corrected by carrying out the required action by the 25th April 2025.

Please do not hesitate to contact me to discuss this further if required.

Phil Barrett
0300 065 3670

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.