

Compliance Assessment Report CAR_NRW0048523

Licence being assessed: WA/056/0044/0004.

For: River Usk at Brecon CRT327, held by Canal & River Trust.

At: Monmouthshire and Brecon Canal, Brecon, LD3 9BA.

Type of assessment: Check Monitoring/Sampling, Reason: Other.

On 28/04/2025.

Parts of licence assessed: Monitoring, Reporting & notification conditions

NRW Lead Officer: Robert Harding.

Report sent to: Sarah Edwards , Senior Hydrologist , on 11/06/2025.

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	C2 Significant	9.3- When the unsupported rate of flow in the River Usk at Brecon is equal to or greater than 90,000 cubic metres per day, the restrictions on abstraction as set out in Table 1 below shall apply;

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	Investigate the root cause of the over abstraction, and improve operations to prevent further noncompliance	Already completed

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

On 30th April 2025, Natural Resources were notified via email by Canal & River Trust, that of an accidental over abstraction of water from the River Usk, at the Brecon weir abstraction point.

Canal & River Trust have identified that a network error caused the intake sluice which controls the abstraction to not close as intended. This resulted in an amount of water being abstracted from the Usk, in excess of what was permitted on 28th April 2025.

Schedule 9.3 of the abstraction licence (Table 1) Sets out the limits which can be abstracted daily based on the unsupported flows within the river Usk. On 28th April 2025, the unsupported flow at Brecon was 261.33Ml, at which the permit specifies that 19.12 Ml (19120 m3) can be abstracted without supporting release flows.

Canal and Rivers Trust have confirmed that due to the error, the quantity of water abstracted for the day was 20.078 Ml (20078 m3)

This is an over abstraction of on 0.958 Ml or 958m3 for 28th April 2028 and is therefore a breach of condition 9.3 of the permit, which states the following.

*******Breach of Permit Condition*****

“9.3- When the unsupported rate of flow in the River Usk at Brecon is equal to or greater than 90,000 cubic metres per day, the restrictions on abstraction as set out in Table 1 below shall apply;”

This noncompliance has been assessed as a Category 2 breach of the permitted condition. A noncompliance with the potential to have a significant impact or effect on the environment. This scoring is given as the abstraction limits in place are set on a river needs basis, to protect the River Usk and ensure sufficient water is available to support the river. The river Usk is a designated Special Area of Conservation and over abstraction from it poses a risk of impacting its designated features, especially during times of low water availability.

Comments

Canal& River Trust have self-reported this noncompliance and have investigated the root cause, identifying a network error. The automation of the Intake sluice is being developed to allow closer control of the sluice and to allow better response to changes in the river level of the Usk. Please take appropriate steps to prevent future over abstractions at this location, and continue to notify Natural Resources Wales, should any issues become apparent.

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.