

## Compliance Assessment Report CAR\_NRW0037056

**Licence being assessed:** 24/67/7/0220.

For: Abstraction from the River Dee at Twll near Bangor-on-Dee - 'off-peak', held by Hafren Dyfrdwy Cyfyngedig.

At: Caia Park, Cross Lanes, LL13 0TN.

**Type of assessment:** Report/Data Review, Reason: Routine.

On 09/07/2020 - 16/07/2020.

Parts of licence assessed: Abstracted quantities and off-peak condition

**NRW Lead Officer:** Jenny Rees-Jones.

**Report sent to:** Elizabeth Franks, Environment & Natural Resources specialist (Wales), on 20/10/2020.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-A6 - Abstraction specified by licence - Quantities	Assessed (A)	

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

### 2. What action is required?

No action required.

### 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

During the period of dry weather in 2020, NRW did not carry out compliance inspections on this site due to Covid 19 restrictions. Alternatively, NRW contacted Hafren Dyfrdwy, requesting data to check compliance and asking specific questions at certain sites. Hafren Dyfrdwy provided a report for this abstraction by email on 06/08/2020.

Hafren Dyfrdwy are licensed to abstract water from the River Dee at Sesswick or Twll near

Bangor on Dee in accordance with this licence and licence WA/067/0007/0016.

Condition 7i of this licence (24/67/7/0220) allows a maximum quantity of 37.52 MI/d to be abstracted.

Condition 7ii allow an additional 6.819 ML/d to be abstracted, subject to condition 10c. This gives a maximum of 44.34MI/d.

Licence WA/067/0007/0016 allows a further 8 MI/d abstraction.

Hafren Dyfrdwy provided the following abstraction data for the period 9-16/07/2020:

Meter reading		Quantities (m <sup>3</sup> ) – on day of check and previous 7 days							
Totaliser	Instantaneous	0	1	2	3	4	5	6	7
9340445		30743	42442	38899	23329	36321	42916	25205	31683
3-									
2591368									

On these dates the predicted flow at Eccleston Ferry (as per condition 10c of the licence) below 13.07m<sup>3</sup>/s and the River Dee was supported. The River level was 3.48m.

Condition 10c of the licence states that no abstraction shall be made under condition 7ii of the licence when the predicted flow at Eccleston Ferry is less than 13.07 cumecs. Therefore the quantity of water licensed to be abstracted by licence 24/67/7/0220 during this period was 37.52 MI/d. In addition to this, a further 8 MI/d is licensed to be abstracted by licence WA/067/0007/0016. This gives a total licensed abstraction of 45.52 MI/d.

The data provided shows that the abstraction was compliant with the daily licensed quantities on the dates 09-16/07/2020. No instantaneous flow was provided.

Please contact me if you wish to discuss further.

**Jenny Rees-Jones, Environment Officer**

**[jenny.rees-jones@cyfoethnaturiolcymru.gov.uk](mailto:jenny.rees-jones@cyfoethnaturiolcymru.gov.uk)**

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.