

Compliance Assessment Report

Report ID:
CAR_NRW0034219

This form will report compliance with your permit as determined by an NRW officer

Site		Permit Ref	WA/067/0001/016		
Operator/Permit holder	Gwyn Roberts				
Regime	Water Abstraction				
Date of assessment	13/11/2018	Time in	15:40	Out	16:00
Assessment type	Site Inspection				
Parts of the permit assessed	Impoundment Structure				
Lead officer's name	Thomas, Llyr				
Accompanied by	Williams, Carys, Officer Test				
Recipient's name/position	Gwyn Roberts/ Owner of licence	Date issued	26/11/2018		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
A1 - Specified by permit	C3	4.5 - Construct, operate and maintain in accordance with licence drawings

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	1	Total compliance score (see section 5 for scoring scheme)	4
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

On the 13th of November at 16:45, Llyr Thomas and Carys Williams went to the site abstraction and impoundment licence no: WA0670001005 & WA0670001016 respectively on Nant Eglwysarn. This was following an incident report of a blocked compensation flow notch. Upon inspection, there was no obstruction to the flow.

However, NRW witnessed a possible impoundment works non-compliance as there was an additional frame like structure at the bottom of the intake screen. It looks like the frame had been designed to accommodate a blocking board which could be slotted into the frame. If the frame is designed to hold a board, the board would stop the flow in the abstraction channel of the structure, generating a secondary impoundment structure to force more water down into the screen intake. The frame itself is a breach (See Picture 1).

CONDITION BREACHED

4.5: The licence holder shall construct, operate and maintain the intake works in accordance with the specifications and drawing referred to in condition 3.1 of this licence and keep them free from leakage and obstruction at all times.

ACTION REQUIRED BY THE LICENCE HOLDER:

- Remove the frame structure below the intake screen or incorporate it into a new licence variation application. There are no guarantees that permitting will accept the variation.

Please do this between the 15th of May 2019 and the 1st of August 2019. NOT before the 15th of May 2019.

We are giving the licence holder this time due to condition 4.7 which states: *Construction of the intake works authorised by this licence shall not be carried out in the watercourse between 17th of October and 15th of May.*

There had been reported in previous inspections that the damn had been built too wide and they had been advised to seek an alteration to their abstraction licence. NRW has corresponded with Lowri Roberts to confirm that this action is underway. The noncompliance has been noted but as action is already being undertaken for this noncompliance, this report makes no score reference to it.

NRW noticed a bridge that had been built immediately downstream of the impoundment. Information concerning this bridge will be passed on to Snowdonia National Park's planning permission division.

Picture 1



EPR Compliance Assessment Report

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Operator/Permit holder	Gwyn Roberts	Date	13/11/2018

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
A1	C3	Removal of illegal structure	14/05/2019

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.