

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

Site		Permit Ref	23/66/8/0014		
Operator/Permit holder	Dwr Cymru Cyfyngedig				
Regime	Water Abstraction				
Date of assessment	27/07/2018 - 28/07/2018	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	See below				
Lead officer's name	Briscoe, Victoria				
Accompanied by					
Recipient's name/position	Joanne Cullen/ North Area Water Resources Manager	Date issued	17/12/2018		

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	Condition 4. Not less than 1 Mega Gallons per day to be discharged into the Afon Llugwy or a tributary thereof

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

This non-compliance was self-reported by yourselves on 19th October 2018 and is in relation to impoundment licence number 23/66/8/0014 for Ffynnon Llugwy impounding reservoir.

The licence specifies that a compensation flow of no less than 4.5 Megalitre per day should be discharged to the Afon Llugwy or tributary thereof.

Historically there has been no mobile signal at Ffynnon Llugwy so you have been unable to install a telemetered system that can be monitored away from site. As a result you inform us that manual downloads are normally carried out on a monthly basis by a DCWW employee. During the period of the non-compliances the area was in 'Developing Drought Status' and the manual downloads had been increased to every fortnight.

On the 27th and 28th July the compensation releases fell below the licensed quantity as the reservoir level dropped. The compensation releases for these dates are shown in the table below:

Date	Flow Recorded (MI/d)	Licensed Requirement (MI/d)	Under Release (MI/d)	Total Quantity Released (%)
27-Jul	4.204	4.50	-0.30	93
28-Jul	4.271	4.50	-0.23	95

In your self-report you informed us that Ffynnon Llugwy reached its lowest ever levels this year.

At the time of the non-compliance the reservoir wasn't spilling and was approx. 56% full.

No known environmental impact is known to have happened from the under release. However, NRW were informed after the event so were unable to make an assessment at the time.

You also informed us that you are now investigating to see if there is any technology available that will enable you to receive the data remotely.

NRW have decided on this occasion to issue **Advice and Guidance** in relation to the above non-compliances.

Recommendation and Actions:

Increase visit frequency to the site during times of low flows and look into alternative technology that may be available to interrogate flow data remotely as suggested in your e-mail dated 19th

October 2018.

Action: Please update NRW by 1st March 2019 with the findings of the investigation into available technology and whether any improvements are planned for the site in the near future.

If you have any queries about this report form then please do not hesitate to contact me

Regards

Victoria Briscoe (Environment Officer)

E-mail: victoria.briscoe@cyfoethnaturiolcymru.gov.uk

Telephone: 03000 65 3676

Incident Hotline (24 hour) & Customer Contact Centre: 0300 065 3000

Natural Resources Wales, Penrhosgarnedd, Bangor, Gwynedd LL57 2DW

www.naturalresourceswales.gov.uk

N.B. Please ignore any reference to Operational Risk Appraisal (OPRA) and Environmental Permitting Regulations (EPR) mentioned on the back of this form as this is not applicable to abstraction licensing.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0034278**

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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.

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	Update NRW with the findings of the investigation into available technology for remote sites without signal	01/03/2019

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.