

Compliance Assessment Report CAR_NRW0040266

Licence being assessed: WA/067/0005/001.

For: Vivod Estate, held by William Best, Robert John Best, Juliet Best.

At: River Cyflymen, LL20 7LS.

Type of assessment: Site Inspection, Reason: Routine.

On 09/08/2022, between 11:00 and 11:30.

Parts of licence assessed: 9 Further conditions

NRW Lead Officer: Philip Barrett, accompanied by Rebecca Redmond.

Report sent to: William Best, Robert John Best and Juliet Best, Licence Holders, on 16/08/2022.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-C1 - Surface/groundwater level and protected flow - Minimum hands-off flow/level requirements	C3 Minor	9.2 operate and maintain the hydropower scheme
WR-C2 - Surface/groundwater level and protected flow - Flow/level measurement devices	C3 Minor	9.7 (iii) Compensation flow split
WR-F1 - Discharge - Point of discharge	C3 Minor	9.1 - bars on outfall

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

2. What action is required?

Criteria	Action needed	Complete by
WR-C1	Remove gravel to ensure correct flow through the structure	26/08/2022
WR-C2	Ensure the correct weir plate is installed	26/08/2022
WR-F1	fit bars with correct spacing	26/08/2022

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

A site visit was carried out to the abstraction that takes place on the Afon Cyflymen to ensure that this was compliant with flow conditions in the licence during low flow conditions.

The visit found that gravel had accumulated behind the impoundment associated to this licence. The level of the gravel was seen to be altering the flow of water over the structure, causing the flow to split incorrectly between the screen box and the weir plate. As the level of the water is below the hands-off flow notch, this water should not be passing through the screen box. The flow through the screen box was seen to continue below this point, indicating that no abstraction was taking place.

Please ensure that the accumulated gravel is moved from behind the structure so that the correct flow is maintained at all times. This must be carried out before any further abstraction takes place, within the conditions of the licence. When moving gravel, care must be taken to ensure there is no deterioration in the water quality downstream. The removed gravel should be returned to the watercourse downstream. The preferred method for this is to place the gravel along the bank to ensure a gradual reintroduction during future high flow conditions.

The measurement across the top of the compensation flow notch was taken at 426mm. The drawing on the licence show this to be the dimensions of the weir plate that provides the 70/30% compensation flow split. *Section 9.7 (iii) of the licence states - From 1 April to 31 December each year, the quantity of water abstracted shall not exceed 50% of the available flow in the River Cyflymen in excess of 8 litres per second.* The weir plate installed is incorrect for this time of year. This must be replaced with the correct weir plate before any abstraction takes place during this period.

An inspection of the outlet pipe found that no bars are fitted at the point of discharge.

Condition 9.1 of the licence states - For the purpose of this licence, references to 'hydropower scheme' shall mean all works consisting of an intake screen with spacing no greater than 10 millimetres, and 250-millimetre internal diameter gravity feed penstock pipe controlled by a spear valve, a turbine and associated ancillary civil works and discharge outlet pipe with bar spacing no greater than 50 millimetres.

Please ensure correctly spaced bars are fitted to the discharge point before the scheme is next operating.

Gravel accumulation - altering flows



Water flow through screen box - incorrect flow due to gravel



70/30% weir plate - incorrect flow split for this time of year



Outfall pipe - no bars fitted



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.