

## Compliance Assessment Report

**Report ID:**  
**CAR\_NRW0034526**

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

Site		Permit Ref	WA/064/0004/027		
Operator/Permit holder	Richard Vaughan				
Regime	Water Abstraction				
Date of assessment	14/01/2019	Time in	11:30	Out	12:00
Assessment type	Site Inspection				
Parts of the permit assessed	all				
Lead officer's name	Thomas, Llyr				
Accompanied by					
Recipient's name/position	Richard Vaughan/ Licence Holder	Date issued	13/03/2019		

### 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	The scheme has not been built in accordance with the schematics

**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.

<b>Number of breaches recorded</b>	<b>1</b>	<b>Total compliance score</b> (see section 5 for scoring scheme)	<b>4</b>
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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

Summary.

On the 14th of January, Llyr Thomas, Environment Officer for Natural Resources Wales visited your Hydro Power scheme to inspect the site against the conditions on the licence. This was following an internal query to provide information on the fish pass/rocky ramp that had been constructed.

The weather was fair, but there had been mild rain events during the previous week. The flowrate was not in spate and not significantly high but was above the optimal to carry out a thorough inspection.

CONDITIONS ASSESSED.

2. Point of Abstraction: Abstraction occurs at the correct place.

Further Conditions:

9.1: The components of the scheme are present: Yes, all components are present although the sluice gate was not investigated. Screen spacing in both the abstraction and discharge point are accurate. See pictures 1 and 2.

9.2: The scheme has been built in accordance to the schematics: I was unable to measure without error due to high flows, but the scheme seemed to have been mostly built in accordance with the schematics (see pictures 3 and 4).

9.3: Ensure the turbine is functioning: I heard noise being generated from the turbine house, which normally is a good indication that power is being generated.

9.4: The water is returned to the river: The discharge point was accurately located and was flowing (see photo 5).

9.5: Ensure 20litre per second downstream flow and a 70 / 30 take split: Unable to assess.

9.6: 3mm screen spacing: Screen spacing was 3mm or less.

9.7: 10mm spacing at the discharge pipe: Spacing at the discharge was approximately 10mm.

9.8: Fish pass built: Fish passed has been built in accordance with the fish pass.

9.9 - 9.12: Not assessed.

**One non-compliance was recorded.**

In-between the rocky ramp and the screen intake, there is a compensation flow split area where the water flows onto a concrete plateau. This is in the middle of the scheme. In the schematics, the water is meant to flow onto the stream bed as existing. As it is now, there is no plunge pool, and the concrete slab could damage fish that travel downstream within this channel (see picture 6).

#### **ACTION**

**PLEASE CONTACT YOUR LOCAL ENVIRONMENT OFFICER, LLYR THOMAS, TO DISCUSS WHAT STEPS TO TAKE NEXT.**



Picture 1 – Cross section of the scheme looking upstream.



Picture 2 - Cross section of the scheme looking downstream.



Picture 3 - The compensation flow and the hand off flow notches. Measured approximately.



Picture 4 - The width of the fish pass. Measured approximately.





Picture 5 - The discharge point where the water is returned to the stream.



Picture 6 - Concrete slab which is higher than the river bed in-between the screen intake and the rocky ramp fish pass.

## EPR Compliance Assessment Report

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Operator/Permit holder	Richard Vaughan	Date	14/01/2019

### 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	To conact local officer Llyr Thomas to discuss what steps to take next.	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](mailto: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.