

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

Site	Abstraction from the Vivod Brook near Bryn-Newydd, Llangollen	Permit Ref	24/67/5/0020		
Operator/Permit holder	R J Best				
Regime	Water Abstraction				
Date of assessment	01/05/2019	Time in	12:10	Out	13:30
Assessment type	Site Inspection				
Parts of the permit assessed	Weir intake at SJ1820441637				
Lead officer's name	Rees-Jones, Jenny				
Accompanied by	Brannan, Callum				
Recipient's name/position	Mr W Best/ Licence Holder's Son	Date issued	21/05/2019		

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	Quantities of water authorised to be abstracted

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

Visited weir intake to also inspect Abstraction Licence WA/067/0005/002 and Impoundment Licence WA/067/0005/005 for hydroelectric power..

For detailed comments on intake please see inspection form CAR_NRW0035130.

This licence 24/67/5/20 (also written as 24/67/5/0020) and 24/67/5/22 (24/67/5/0022) are both licensed to abstract below 20m3 of water per day, but aggregate to 30.9 m3 per day from the same source of supply (the River Dee), so they remained licensed rather than exempt.

This licence is for 15.23 m3 of water per day to be abstracted to supply to Vivod Hall, 15 cottages, Tyn y Celyn Farm, Penvivod and Tynewydd from Vivod Brook via a gravity feed pipeline.

Water is abstracted under this licence and the above abstraction licence for hydroelectric power. Water flows through a weir arrangement down a leat. The leat goes under ground and is transferred to supply the properties and to the hydropower turbine.

A daily quantity of 15.23m3 gives an instantaneous quantity of 0.1762 l/s. During the visit it was clear that the aggregate volume that was being abstracted was greater than this quantity plus the 50% flow split above 7 l/s allowed by the hydropower abstraction licence WA/067/0005/002.

After visiting the intake we went to Vivod Hall and spoke with Billy Best.

Mr Best explained that if only the amount licensed to be abstracted by 24/67/5/20 for water supply to the estate was released down the leat then it would soak into the ground before it arrived at the reservoir. If more water than the licensed amount is required to be abstracted in the current setup, then the licence holder either needs to apply for an upward variation to this licence or to find an alternative way of transferring the water abstracted for domestic supply without it being lost to the ground. Mr Best explained that there is no alternative water supply to the part of the estate that the abstraction feeds, but that there is an alternative supply of electricity. With this in mind, the licence holder should cease abstraction for hydroelectric power until it is possible to comply with the flow regime licensed by WA/067/0005/002 and 005. Given that there is no alternative water supply to the properties listed in 24/67/5/20, please ensure that you make arrangements to comply with this licence by no later than 31/08/19. If you think that this is not achievable please contact NRW as soon as possible. Until alternative arrangements have been made to abstract only the licensed quantity, no more water should be abstracted at the weir than is necessary to provide the licensed amount of water at the properties and for the purpose listed in the licence. Advised Mr Best on 01/05/19 that he may need to seek consultant advice.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0035142**

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Operator/Permit holder	R J Best	Date	01/05/2019

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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	Licence holder to make arrangements to comply with licence quantities	31/08/2019

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.