

Compliance Assessment Report

Report ID:
CAR_NRW0035188

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

Site	Abstraction from a spring near Bryn Melyn, Llandderfel, Bala	Permit Ref	24/67/3/0009		
Operator/Permit holder	Pale Wood Holiday Park Limited				
Regime	Water Abstraction				
Date of assessment	04/06/2019	Time in	N/A	Out	N/A
Assessment type	Site Inspection				
Parts of the permit assessed	abstraction				
Lead officer's name	Thomas, Llyr				
Accompanied by					
Recipient's name/position	Sam De Gregory/ Director of Holiday Park	Date issued	04/06/2019		

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	C4	8.1 record and submit meter readings

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)	0.1
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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 30th of May 2019, I, Llyr Thomas, emailed the licence holder of abstraction licence WA24/67/3/0009 Pale Wood Holiday Part Limited to ask them to contact me to discuss why they haven't submitted returns data on their abstraction in 2016-17 and 2017-18. According to correspondence between NRW's enquiries department and the licence holder, they were given legal advice that they would not be required to record and submit any water returns data as they weren't abstracting enough water.

On the 4th of June 2019 at 9:45, Sam de Gregory, one of the directors for Pale Wood Holiday Park Limited called Llyr Thomas (myself), Environment Officer, and discussed the case.

I read him a caution and he explained that they have had the site since 2016 and have never had a letter requesting returns data before. They were instructed by the previous owners that they do not need to record and send off the meter readings because they take less than 20m³ a day, which is below the amount of water abstracted that qualifies for a licence. i. e they are exempt. However, the exemption does not overrule the condition of the licence which states that they must submit readings as described in the licence, condition 8:1. Mr Gregory said he had emails from the previous owners to confirm that he had been misinformed.

Mr Gregory said he had readings from 2014 which confirmed they are taking less than 20m³ a day. I suggested that they can surrender the licence should they find they never exceed more than 20m³ a day. He said he will investigate the situation and take meter readings for the foreseeable future and then decide whether it's worth surrendering the licence. I asked what was the size of the caravan park and he said there are over 100 caravans, but they are only at a ~80% capacity at their busiest. I said I would email him the flows and loads guidance to help him calculate daily use and make a more informed decision.

Aggravating factors

- Non-compliance of abstraction licence, potentially over abstracting for ~3 years

Mitigating factors

- Mr Gregory was given false information on how to comply with the abstraction licence from previous owners.
- Their licence allows them to abstract 45.46 m³ of water a day. To over abstract with the licence the caravan park would need to have >400 people abstracting >100l per day. Possible, but highly unlikely.

ACTION

Please ensure that from the 30/06/2019 abstraction meter readings are recorded in accordance with the licence, so the data may be submitted when next asked to provide returns data.

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EPR Compliance Assessment Report

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Operator/Permit holder	Pale Wood Holiday Park Limited	Date	04/06/2019

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	C4	to record and submit meter readings	30/06/2019

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.