

Compliance Assessment Report CAR_NRW0042430

Permit being assessed: CB3093FQ

For: Caerphilly Castle, held by Cadw (Welsh Government)

At: Castle Street, Caerphilly, CF83 1JD.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 30/08/2023, between 09:10 and 10:13.

Parts of permit assessed: All parts

NRW Lead Officer: Megan Jones.

Report sent to: Nathan Willcox, Facilities Manager South Wales, Cadw, on 08/09/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-D1 - Information - Records	C3 Minor	4.1.2 The operator shall keep on site all records, plans and the management system required to be maintained by this permit, unless otherwise agreed in writing by Natural Resources Wales.

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

2. What action is required?

Criteria	Action needed	Complete by
WQ-D1	Maintenance logs and details regarding the tests of the sluice gates need to be provided for the last two years.	11/10/2023

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 and/or suspension or revocation of your permit.

You are non-compliant with your permit.

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

Site Report

I (Megan Jones; Environment Officer) arrived at Caerphilly Castle site on Wednesday 30th August 2023 at 09.05 to conduct an inspection regarding a discharge of raw water *via* outlet regarding permit number CB3093FQ. The weather at the time of the inspection was cloudy, dry and warm. The site inspection commenced at 09.10. The sluice gates are routinely opened twice annually to ensure the mechanisms do not seize. During this inspection, the sluice gates were closed but I have been invited to attend during their next opening in October 2023.

I identified the location of the sluice gates (Fig. 1).



Figure 1. Location of sluice gates.

Once the location of the discharge outlet was identified, the NGR of the outlet was confirmed to be accurate as *per* the permit (ST 15682 87046). Access to inspect the sluice gates was free of debris.

The outlet was checked to ensure there was no detritus surrounding the area that could impact the receiving brook when sluice gates are opened (Fig. 2 and 3). No evidence of debris that could impact the receiving brook was observed. Due to health and safety the closest I could get to the sluice gates was approximately 3m away.



Figure 2 and 3. Surrounding area of water outlet.

Upon inspection of the surrounding water, it was noted that there was high levels of silt in the moat as well as high amounts of algae and presence of an invasive non-native species (INNS), Canadian Hornwort (*Elodea* spp.) (Fig. 4). This could be of concern when opening the sluice gates due to the risk of spreading an invasive species as the moat is an online feature that feeds into other waterbodies. Measures need to be put in place to reduce the likelihood of INNS and silt entering the Porset Brook. For the INNS, a treatment regime is recommended.



*Figure 4. Large amounts of INNS *Elodea* spp. and algae present in close proximity to the outlet.*

After the outlet was inspected, I then went to inspect the area where the discharge enters Porset Brook (Fig. 5) and confirmed that the NGR for this point was correct (ST 16068 87359).



Figure 5. The culvert where the outlet discharges into Porset Brook.

There was no obvious evidence of scouring of the brook (undercutting of bank, sediment erosion, etc.). However, the slower moving water present exiting the culvert was grey, whereas the faster flowing water was not (Fig. 6). As this inspection was conducted when the sluice gates were closed, this is unlikely to be linked to Caerphilly Castle.



Figure 6. Grey, cloudy water exiting the culvert into Porset Brook.

Having discussed the discharge process with Nathan Willcox (Facilities Manager South Wales, Cadw) on Tuesday 29th August 2023, I was informed that there are details of recent tests of both the sluice gates. I requested a copy of these test results on Tuesday 29th August 2023 and left a voicemail message requesting them on Friday 8th September 2023 but have not yet received these details.

I left site at 10.13.

Breaches of permit

4.1.2 The operator shall keep on site all records, plans and the management system required to be maintained by this permit, unless otherwise agreed in writing by Natural Resources Wales.

Justification: As of yet I have not received the details pertaining to the test of the sluice gates and the maintenance records. As a part of the permit, these records need to be on site and accessible at all times.

Action required by specified date

- Maintenance logs and details regarding the tests of the sluice gates need to be provided for the past 2 years.

This action is required by **Wednesday 11th October 2023**.

Other advisory comments

Incidents have been reported via members of the public to Natural Resources Wales that there are concerns regarding the high levels of siltation throughout the site. Therefore, we suggest that maintenance of the lakes should be considered to reduce the potential for entering the receiving brook (Porset Brook).

It was noted that there were high levels of an invasive non-native species, Canadian Hornwort (*Elodea* spp.), Natural Resources Wales would like further information on how this is going to be safeguarded to reduce the potential for this entering the receiving brook (Porset Brook) during sluice gate operations.

Contact details

If you have any queries regarding this CAR form or to provide an update on any actions above, please contact me using the following details: Megan Jones, Environment Officer, megan.jones@cyfoethnaturiolcymru.gov.uk, 03000 65 4542.

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If we do not receive the information requested within specified deadline and have not been informed as to why there is a delay then we may serve a Regulation 60 Notice requiring the information under Environmental Permitting (England and Wales) Regulations 2016.

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 permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit 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
- review the conditions of your permit.

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 quality action criteria (used in section 1 and 2):**WQ A: Management**

- WQ-A1 General management

WQ B: Operations

- WQ-B1 Permitted activities
- WQ-B2 The site
- WQ-B3 Operating techniques
- WQ-B4 Improvement programme
- WQ-B5 Pre-operational conditions

WQ C: Emissions and monitoring

- WQ-C1 Emissions to water
- WQ-C2 Emissions to land
- WQ-C3 Emissions of substances not controlled by emission limits
- WQ-C4 Installation of monitoring boreholes

WQ D: Information

- WQ-D1 Records
- WQ-D2 Reporting
- WQ-D3 Notifications

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. 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 (Monday to Friday 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.