Cyfoeth Naturiol Cymru
Natural Resources Wales

Compliance Assessment Report CAR_NRW0042588

Licence being assessed: WA/058/0042/0003.
For: Gilfach Orfydd Farm, held by Carl Bryan Platel and Helen Louise Platel.
At: Dimbath, Dimbath, CF35 6EF.

Type of assessment: Site Inspection, Reason: Routine.
On 06/07/2023, between 09:00 and 17:00.
Parts of licence assessed: all

NRW Lead Officer: Natalie Wrangham, accompanied by Alexander Grainger.
Report sent to: Craig Reed, Operator, on 11/10/2023.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-A1 - Abstraction specified by licence - Source of supply	Assessed (A)	
WR-A2 - Abstraction specified by licence - Points of abstraction	Assessed (A)	
WR-A3 - Abstraction specified by licence - Means of abstraction	Assessed (A)	
WR-A4 - Abstraction specified by licence - Purposes of abstraction	Assessed (A)	
WR-A6 - Abstraction specified by licence - Quantities	Assessed (A)	
WR-B1 - Abstraction measurement and records - Means of measurement	Assessed (A)	
WR-B2 - Abstraction measurement and records - Recording	Assessed (A)	
WR-F1 - Discharge - Point of discharge	Assessed (A)	
WR-A8 - Abstraction specified by licence - Other specified on licence	Assessed (A)	

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

2. What action is required?

No action required.

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.

At this time, we do not intend to take any further action.

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

Environment Officers Natalie Wrangham and Alex Grainger and fisheries officer Craig Pooley attended site on 6/07/2023 to carry out a compliance inspection on Gilfach Orfydd Hydropower scheme, for compliance with abstraction licence WA/058/0042/0003 and transfer licence number WA/058/0042/0001. The weather was dry and mild.

Officers met with Craig Reed from Hydrover who operate the scheme.

Prior to meeting Craig we checked the turbine house to determine if the scheme was operational at the time of visit. The turbine was not operational and no discharge from the turbine house could be seen.

We met Craig at the top of the hill near the old quarry and proceeded to walk up to the abstraction storage pond. Craig showed us the residual flow notch and screen from the pond (set into the pond over a pipe). A small amount of water was flowing through the screen and down the residual flow outfall. The intake screen was situated at the opposite end of the pond, as designed and detailed on licence.

We then walked over to the intake for the transfer licence on the Dimbath stream. No water was flowing over the weir via either the abstraction weir or hands off / flow split flow notch as the water level behind the weir was too low, see image 1 below. No abstraction taking place.

Image 1

No alterations were seen to the weir and no blockages were observed.

Returns data for the past year's abstraction were requested on 27 July 2023. These were submitted on 29th September 2023, however the operator had submitted them to the NRW returns portal, which officers do not currently have access to.

Returns data March 2022 – March 2023

Data readings began in November 2022 when the scheme became operational. Meter reading at start of operation recorded as 43187. Meter reading on 31/03/2023 was recorded as 65168. Maximum daily abstraction on licence WA/058/0042/0003 is 1,555.2 cubic metres per day.

Month	Maximum recorded daily abstraction (cubic metres)
November 2022	842.46
December 2022	767.08
January 2023	935.57
February 2023	665.10
March 2023	474.44

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.