

## Compliance Assessment Report CAR\_NRW0042367

**Licence being assessed:** WA/057/0021/009.  
For: Garwnant Fawr, held by Forest Holidays Ltd.  
At: Garwnant Forest Centre, Near Llwyn-on, Merthyr Tydfil, Merthyr Tydfil, CF48 2HU.

**Type of assessment:** Site Inspection, Reason: Routine.  
On 24/08/2023, between 12:10 and 13:10.  
Parts of licence assessed: Relevant conditions

**NRW Lead Officer:** Ceri Malone, accompanied by Natalie Wrangham, Callum Murray.  
**Report sent to:** Ryan Birchnall, Forest Holidays Ltd Contact, on 25/10/2023.

### 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-A5 - Abstraction specified by licence - Period of abstraction	Assessed (A)	
WR-F1 - Discharge - Point of discharge	Assessed (A)	
WR-B2 - Abstraction measurement and records - Recording	C3 Minor	8.1 (i)
WR-B3 - Abstraction measurement and records - Reporting	C3 Minor	8.1 (ii)

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

### 2. What action is required?

Criteria	Action needed	Complete by
WR-B2	Setup recording procedure as per licence and notify NRW when abstractions restart.	01/01/2024
WR-B3	Submit records to NRW prior to restarting abstraction.	01/01/2024

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 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**

WA/057/0021/009  
Forest Holidays

I attended the site alongside Senior Environment Officer Natalie Wrangham and Environment Officer Callum Murray. The weather was clear and dry, approximately 18°C.

12:20 I visited the turbine house and discharge area. There was no sign that the turbine was operational as no noise could be heard from inside the turbine house. There didn't appear to be any discharge from the outfall however visibility was limited due to overgrowth.

12:40 I checked the weir. Water could be seen flowing through the notch unimpeded. Flow was seen going over the abstraction intake screen but not through it. Flows in the stream were moderate.

On 25/08/2023 @ 09:34 Forest Holidays were contacted to send kilowatt-hour generation data along with calculations and methodology as specified in the Schedule of Conditions of the permit, points 7.1 (i), (ii) and 8.1 (i), (ii), (iii). Any comment relating to the lack of discharge/abstraction at the time of the visit was also queried.

**Breaches of permit condition**

8.1 (i) Records of electrical output and the corresponding quantity of water abstracted have not been kept.

8.1 (ii) Records were not submitted to NRW within 28 days of being requested.

**Action required by dates specified**

1) Setup recording procedure as per the licence and notify NRW when abstractions restart **by 01/01/2024**

2) Submit records of starting data to NRW prior to restarting abstraction **by 01/01/2024**

**Other advisory comments**

In general, the site appeared well managed however we would advise removal of foliage around the discharge point to improve visibility.

**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: Ceri Malone, Environment Officer, Ceri.Malone@naturalresourceswales.gov.uk

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 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](mailto: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](mailto: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.