

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

Site	Abstraction from Bargoed Taf tributary	Permit Ref	21/57/22/0032		
Operator/Permit holder	Bedlinog & District Angling Association				
Regime	Water Abstraction				
Date of assessment	25/09/2018	Time in	10:30	Out	11:15
Assessment type	Audit				
Parts of the permit assessed	All				
Lead officer's name	Wrangham, Natalie				
Accompanied by	Jones, Emma				
Recipient's name/position	Lyn Jones/ Secretary	Date issued	15/10/2018		

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	3 means of abstraction
	C4	2 Point of abstraction
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C4	8 Means of measurement
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	C4	9 Records

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	4	Total compliance score (see section 5 for scoring scheme)	0.4
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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

Site inspection carried out by myself (Natalie Wrangham) and Emma Jones to assess compliance to conditions of abstraction licence. First visited the registered address on the licence (12 Mary Street, Bedlinog, CF46 6RS), no answer at the premises.

Went down to the Angling Lake to observe the inflow into the lake and the means of abstraction. Licence states that the abstraction is from a tributary of the Bargoed Taf at National Grid Reference SO 0869 0212 via a gravity feed pipe. However, upon inspection the abstraction point appeared to be further upstream than that shown on the licence map, and the watercourse looked as though it had been diverted. The abstraction method was via an open concrete channel, not a pipe, and there was no control mechanism at the point of abstraction (licence says hand operated gate), see picture below.



The channel flows through woodland to a fenced off area where I believe the control gate is. However, this area is very overgrown and silted up, showing that it is unlikely to have been maintained recently (see picture below).



The water flows into the lake via a rocky cascade (see picture below).



The licence states that the Licence Holder should use a flow meter to measure the abstraction quantities and that the Licence Holder should record readings from this every month. I was unable to see where the meter was installed, or if there was another method of measurement, and I was unable to contact / find someone to request abstraction records (no contact details on record). Therefore, I was unable to determine whether the abstraction is within the maximum quantities stated on the licence.

Next steps

1. Attempt to establish contact with the manager of the lake / Licence Holder
2. Require them to install a measuring device to measure the abstraction quantities (if none present)
3. **Require them to appropriately control the abstraction at the point of abstraction**
4. Issue warning / advice to vary abstraction licence and operate site in accordance with abstraction licence
5. Advise that they maintain what is assumed to be a gate in the fenced area so that it is accessible for operation and maintenance.

A second visit was carried out on 11 October 2018 at 10.30am. I attended with Martyn Davies and we met with the secretary of the angling association, Lyn Jones. We walked around the lake and to the abstraction point and explained the differences between the licence and what was actually happening on site (as stated above). We explained that we have no environmental concerns as a result of the activity, but that the licence would need to be amended to reflect the set up on site. We requested that Lyn organise for measurement of the flow entering the lake be taken over the next few months to find the average and the maximum so that we can compare these with what has been licensed and apply for them to be adjusted accordingly. The means of abstraction, point of abstraction and means of measurement on the existing licence will also need to be updated. We will work with Lyn to achieve these changes and have advised we will give until March for the application to vary the licence to be submitted.

Revised steps

1. Licence Holder to measure and record flow entering the lake over the next few months taking measurements of a range of different flows (high and low) to find the average and the maximum quantity entering the lake.
2. Once amount of flow into the lake has been quantified, Licence Holder should apply for a formal licence variation to update their licence in accordance with advice.

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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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

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	submit an application for a licence variation to amend means of abstraction to gravity flow through a channel.	31/01/2019
A1	C4	Apply for a licence variation to update the point of abstraction in accordance with actual abstraction point	31/01/2019
G2	C4	Records should be made available for inspection during reasonable hours	31/10/2018
G1	C4	Licence Holder needs to install meter, or other appropriate method, to monitor abstraction quantities	31/10/2018

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.