

Compliance Assessment Report CAR_NRW0043899

Licence being assessed: 19/55/8/0132/1.

For: Inland water known as the Gilwern Brook, held by Breedon Trading Limited.

At: Dolyhir Strinds, Old Radnor, Presteigne, Powys, LD8 2RW.

Type of assessment: Site Inspection, Reason: Routine.

On 19/03/2024, between 09:30 and 10:45.

Parts of licence assessed: Whole permit

NRW Lead Officer: Chris Gurney, accompanied by Robert Harding.

Report sent to: Simon Malki, Head of Ops, on 17/04/2024.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-A2 - Water Abstraction - Abstraction specified by licence - Points of abstraction	Assessed (A)	
WR-A3 - Water Abstraction - Abstraction specified by licence - Means of abstraction	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

This CAR form relates to multiple permits: AN023461, AW4001301, AN0301701, HB3690HC, AN0367801, AN0311801 and 19/55/8/0132

I attended site on the 19th March 2024 with my colleague Rob Harding, the day was sunny and mild. On site we met with Simon Malki, Ops Manager for Dolyhir and Strinds who gave us a brief overview of the site and permits.

We then headed onto the site to inspect the various locations, starting with the discharge from the offices into the Package Treatment Plant (PTP) then into the Cynon Brook (**AN0367801**). There was no sign of pollution at the outfall, no visible oil/grease and no sewage fungus.

As we crossed over to the Strinds depot area, we identified the former discharge point from **AN0311801**, which has been concreted over and is no longer functional. This was previously a discharge from the Strinds lagoon area, however changes to the site operations means this is no longer needed as a discharge point. I advise this permit is one that is considered for revocation.

We then followed the path up to the abstraction point (**19/55/8/0132**) for the concrete production site adjacent to Strinds (Note: this permit is held by Tarmac but is operated by another company). The setup appeared to be practical for the operation and unlikely to cause any harm. As discussed on site, I am not proposing to investigate the abstraction boreholes as the annual returns are due – there is no need to duplicate effort. If there are any issues with these returns I will contact you directly to discuss accordingly.

We then returned to the office and made our way up towards the Asphalt plant, identifying the probable area for the discharge from **HB3690HC**. It is believed this permit is no longer operational, as the setup for the drainage now is pumped back to the top lagoons in Dolyhir, before additional filtration and final discharge through the single discharge point. There was no clear discharge point for this permit, nor was there any indications of pollution or problems in the watercourse.

Along the same route we discussed **AN0301701**, which was identified as discharging near to the buildings. There was no sign of any discharge, however further investigations after the inspection suggest this permit would now be an exemption – there is another exemption registered nearby (**EPR/YE5599BQ/A001**) which could be for the same activity – although this exemption is registered as discharge to ground which seems possibly incorrect given the large area of hard standing, and proximity to the watercourse. If possible, a site drainage plan may help confirm the setup for all foul drainage from any/all office facilities.

At the end of the walkway, near to the Asphalt Plant, we discussed the unknown discharge from **AW4001301**. It has been raised in previous correspondence that neither NRW nor Tarmac have previous/historic copies of this permit with relevant schedules, nor is it clear where the latest permit limits have come from. There was no obvious point of discharge for this permit, given it's historic nature it's entirely possible that the old discharge point has become blocked/collapsed and is no longer in use. It is suggested that Tarmac complete a review of this permit – if it is still required then it will need a variation to bring to modern standards and check on the proposed/current limits. If it is no longer required, then surrendering would be most suitable.

We then walked around to what was visible for the main discharge from the site; **AN0234601** (majority of this is culverted). At the time of inspection, the discharge was running clear with no signs of pollution. The majority of site drainage all flows to the central settlement lagoons, which is then pumped back to the top of Dolyhir so this one discharge has become the main discharge for the entire site. The permit stipulates a bi-annual reporting of both Turbidity and Volume, however I cannot find any on our system. Please send across the last 6 months of data within the next four weeks, as required by the permit (condition 4.2.2).

Summary of actions:

- Conduct a permit/exemption review for Dolyhir/Strinds to confirm which permits are still in use/required and those which are not – following which surrender any unrequired permits.
- Share any existing foul drainage plans for the office facilities across both sites.
- Send across the last 6 months of Turbidity and Volume data

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.