

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

Site		Permit Ref	WA/057/0025/005		
Operator/Permit holder	Cardiff Council				
Regime	Water Abstraction				
Date of assessment	10/04/2019	Time in	09:30	Out	11:00
Assessment type	Audit				
Parts of the permit assessed	All				
Lead officer's name	Wrangham, Natalie				
Accompanied by	Jones, Emma				
Recipient's name/position	Mathew Preece/ Energy Management Team member	Date issued	24/04/2019		

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	9.8, 9.9 (ii) (iv), 9.10 (iv) (v) (vi) (vii) referencing gauge boards

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	1	Total compliance score (see section 5 for scoring scheme)	0.1
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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

Visited the hydropower scheme on Radyr Weir on 10/04/2019 to carry out licence compliance checks. Accompanied by Emma Jones (Taff NRM Team leader) and Mike Clyde (sustainable fisheries). Met with Mathew Preece from the Energy Management team, Cardiff Council and Richard Cornock, Site Operator for Cardiff Council.

Walked over the site and talked about operations. Went through the licence conditions and attached drawings with Mathew and Richard to check the as built structure and operations were in line with licence. Found some differences, nothing which will have an adverse environmental impact but which should be updated on the licence so that the document correctly reflects the site.

1) Conditions 9.8, 9.9 (ii) (iv), 9.10 (iv) (v) (vi) (vii) referencing gauge boards should be updated or removed where necessary. Richard explained that the gauge boards had not been installed as the levels at which the HEP intake and fish pass were constructed were designed to ensure the fish pass and the canal feeder get preferential flow over the HEP abstraction. I asked Mathew and Richard whether they had these levels on a technical drawing, which could be added to the licence and referenced in the licence instead of the gauge board conditions. Also needs to be checked that these levels were assessed against a range of flow values to ensure the Hands off flow values are complied with (should be in a hydrological report). **Mathew to check.**

2) Update licence drawings with available up to date versions of as built structure.

All other aspects appeared compliant. No outstanding issues raised by Mathew or Richard, other than a query into the fish trap operation agreement. Mike said that as of yet funding had not been extended, however no definite decision has been agreed and communicated to staff. NRW will keep them updated.

Recommendations: Apply to the Water Resources Permitting Team to vary abstraction licence WA/057/0025/005. After consultation with colleagues I believe a formal variation application will need to be made. There will be a charge associated with this, dependent on the generation capacity of the scheme, see the charging scheme on NRW website.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0035029**

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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	Advise that Licence Holder submits an application to update licence conditions to reflect as built operations.	30/09/2019

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.