

Compliance Assessment Report CAR_NRW0045164

Licence being assessed: WA/058/0051/0002.

For: Fish Pond at Margam, held by Neath and Port Talbot County Borough Council.

At: Fish Pond, Nant Cwm Philip, Margam Park, MARGAM, Port Talbot, SA13 2TA.

Type of assessment: Site Inspection, Reason: Routine.

On 04/09/2024, between 14:00 and 15:30.

Parts of licence assessed: 8.1(i), 8.1(ii),9.2

NRW Lead Officer: Rhys Griffiths, accompanied by Chris Palmer.

Report sent to: Ed Robbs, Estate Lead, on 23/10/2024.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-F2 - Water Abstraction - Discharge - Infrastructure	C4 No impact	9.2
WR-B2 - Water Abstraction - Abstraction measurement and records - Recording	C4 No impact	8.1(i)
WR-B3 - Water Abstraction - Abstraction measurement and records - Reporting	C4 No impact	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-F2	See actions in CAR form	06/12/2024
WR-B2	See actions in CAR form	24/11/2024
WR-B3	See actions in CAR form	24/11/2024

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

On the 4th of September 2024, Rhys WJ Griffiths and Chris Palmer (NRW) were met by Ed

Robbs (NPTCC) to conduct a compliance assessment of the HEP scheme in Margam Country Park which is managed by NPT CBC.

The established maintenance regime consists of daily checks and scheduled screen clearing during Autumn and Winter months. However, during our visit 4 issues were raised which require further action. These are as follows:

Built Intake and Weir plans.

It appears that the as-built structure of the screens and flow control weir differ from that submitted at application and therefore within the licence. This would constitute a breach of licence condition **9.2.**:

The Licence Holder shall construct, operate and maintain the hydropower scheme in accordance with the specifications and plans: 'Outline Indicative drawing of proposed inlet screen chamber for Margam Park hydro scheme Revision 5' dated June 2018; and 'Margam Park Hydro Scheme Q95 Orifice' dated 03 April 2018

Action - Please confirm the as-built measurements/dimensions of all aspects of the intake structure and flow control structure as outlined in the documents described in condition **9**.

Please note, if differences are confirmed, you will need to apply to vary the permit in order to be compliant.

Discrepancy of unknown intake.

During the site visit, we discussed an unknown reference point (Point B) and we were unsure of its location/purpose. Upon review, the permitted Point B is the flow control weir (referenced above). However there remains a lack of clarity regarding the function of a second gridded structure/intake above Point B as Ed believed it to be connected to the HEP scheme. If this structure is confirmed to be a part of the HEP scheme and has not been incorporated into the planning application, this too would constitute a breach of licence condition **9.2**.

Action - Please confirm the purpose of this structure. It may be required to vary the permit in order to be compliant.

Inactive Turbine.

At the time of inspection the turbine was not in operation and had not been operating for an extended period of time. This is believed to be due to an electrical issue and will need to be resolved prior to the turbine being fully operational.

Action - Please confirm the operational status of the turbine and the conditions it currently operates.

Abstraction Volume Returns

As the permit holder, you are required to record operational output and submit annual returns relating to the operation of the system. This remains a requirement regardless of whether the turbine is inactive and abstraction has not taken place. This is highlighted in condition 8.1(i) and 8.1(ii) of the licence:

The Licence Holder shall record readings of the electrical output and the corresponding quantity of water abstracted at the same time each week, as determined using the calculation checklist attached to this licence or at such other intervals as may be approved by NRW in writing.

The Licence Holder shall send to NRW a copy of the records required by (i) above within 28 days after 31 March in each year, and also within 28 days of being so requested in writing by NRW.

If no abstraction has taken place, you will need to send a NIL return for the site. It is our understanding that Returns have not been supplied for this site.

Action - Please submit 2023 returns to waterresources.returns@cyfoethnaturiolcymru.gov.uk , or, if you require more information/guidance please see the link below:

<https://naturalresources.wales/guidance-and-advice/environmental-topics/water-management-and-quality/water-abstraction-returns/?lang=en>

Please contact me if you have any questions regarding any of the above matters.

END

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.