

## Compliance Assessment Report CAR\_NRW0041023

**Licence being assessed:** WA/056/0054/001.

For: , held by Geraint Davies.

At: .

**Type of assessment:** Site Inspection, Reason: Routine.

On 02/12/2022, between 10:25 and 11:00.

Parts of licence assessed: See Criteria Below

**NRW Lead Officer:** Robert Harding.

**Report sent to:** Geraint Davies , Permit Holder , on 31/01/2023.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-A2 - Abstraction specified by licence - Points of abstraction	Assessed (A)	
WR-E1 - Fish and Eel passage - Infrastructure specified by licence	C3 Minor	(ii) The Licence Holder shall maintain, repair or replace the fish easement to ensure that it remains effective at all times.
WR-G2 - Impoundment specified by licence - Manner and extent of impoundment	Assessed (A)	

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

### 2. What action is required?

Criteria	Action needed	Complete by
WR-E1	Improve fish/eel passage infrastructure.	30/07/2023

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.

**You are non-compliant with your licence.**

**At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.**

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 report also applies to Impoundment WA/056/0054/002

This was an unannounced site inspection carried out by Natural Resources Wales Officers, Robert Harding, and Chloe Hatton.

The site was attended on 02<sup>nd</sup> December 2022. On locating the hydropower scheme, upstream and downstream elements were inspected.

### Hand off Flow and Intake

At the time of attendance, the approach and hands off flow notch appeared to be flowing freely. There was some vegetation growth just above and within the hands-off flow, however at the time of inspection it did not appear to be holding back flow through the notch. At the time of inspection, the watercourse was running swiftly following recent rainfall. The vegetation should ideally be removed before any issues develop; at this point this is for guidance only, as the hand off flow was compliant.

The intake screen appeared clear of any major debris or vegetation build up, it was allowing water to pass through as designed. The screen appeared compliant at the time of inspection.

### Fish Passage/ Easement

On inspection of the fish easement/passage on the scheme, it does not appear appropriate for allowing fish to pass upstream of the scheme. The current fish passage contains very short and shallow pools, which appear to have filled up with sediment. This makes it harder for fish to travel upstream, especially as the scheme was seen to experience high velocity flows. The pools appear both too short and too shallow for fish to be able to use them to travel upstream. Additionally, the drop from the bottom of the intake screen is directly on to rock, which does not allow safe and adequate downstream fish passage.

**As such the scheme was assessed to be Category 3 noncompliance of the following permitted conditions.**

***(ii) The Licence Holder shall maintain, repair or replace the fish easement to ensure that it remains effective at all times.***

In this instance it has been classified as a non-compliance which could have a minor environmental effect.

NRW Fisheries officer Chloe Hatton, has been in contact via email, to advise on improvements which should be made, to bring the scheme back into compliance with permitted conditions. The fish passage requires improvements to make the pools longer and deeper, to allow fish to safely pass upstream of the hydropower scheme

**These improvements are to be implemented by 30<sup>th</sup> July 2023, with any in river works taking place between 16<sup>th</sup> May 2023 and 30<sup>th</sup> July 2023.**



A follow up inspection will be undertaken after this date to ensure improvements have been completed as required.

We have issued this CAR form with a Warning as a response to the above offence on this occasion, however, our decision could change if any further relevant information comes to light, including, but not restricted to, information that:

- you have committed earlier offences
- the environmental impacts of this offence are greater than we presently understand them
- the offences are continuing or have been repeated
- you have committed other offences of which we are presently unaware.

We will take this offence into account if we consider that you are involved in any future offending.

This warning does not:

- prevent any other prosecuting authority taking action against you/the Company or
- affect our right to issue enforcement, clear-up or remediation notices; or seek recovery of costs or damages according to law.

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.