

Compliance Assessment Report CAR_NRW0045296

Licence being assessed: WA/055/0002/007.

For: , held by David Roberts.

At: .

Type of assessment: Site Inspection, Reason: Routine.

On 10/09/2024, between 10:00 and 11:00.

Parts of licence assessed: All

NRW Lead Officer: Ffion Jones, accompanied by Chris Gurney.

Report sent to: David Roberts, owner/permit holder, on 26/09/2024.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-C1 - Water Abstraction - Surface/groundwater level and protected flow - Minimum hands-off flow/level requirements	C3 Minor	9.5 (i) (ii) & 9.8
WR-E1 - Water Abstraction - Fish and Eel passage - Infrastructure specified by licence	C3 Minor	9.12

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

2. What action is required?

Criteria	Action needed	Complete by
WR-C1	Please remove blockage from Hands off flow to ensure that flow requirements are met.	08/11/2024
WR-E1	Please undertake maintenance work on the rock ramps to ensure effective fish passage.	08/11/2024

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

Natural Resources Wales officer Ffion Jones attended the hydropower scheme at Gilfach Farm for inspection on the 28th June 2023. Officers Ffion Jones and Chris Gurney re-attended on the 10th September 2024 to follow-up on previous actions. Please note, none of the previous actions were completed. Here is a CAR form for the visit on the 10th September 2024.

1) Please ensure the Hands off Flow is cleared of any blockages and complies with the permit conditions by the 8th November 2024. Once the blockage has been removed, please ensure that this is maintained, particularly until the river bed has re-stabilised. Materials upstream of the HoF notch loosened and removed for up to a metre so that there is space upstream to encourage flow.

9.5 (i) No abstraction of water shall take place unless the rate of flow in the Nant Cerdin immediately downstream of the authorised point of abstraction, marked as 'Point A' as specified in condition 2.1, is equal to or greater than 46 litres per second and the abstraction shall not cause the flow immediately downstream of the said abstraction point to fall below that rate

(ii) The quantity of water abstracted shall not exceed 90% of the available flow in the Nant Cerdin in excess of 46 litres per second.

9.8 The Licence Holder shall ensure that during construction works and any subsequent maintenance work to the hydropower scheme, that the flow in Nant Cerdin is allowed to pass downstream unchanged in quantity and quality at all times.

The photograph below demonstrates that the Hands off Flow is blocked which results in the flow requirements/limitations of the permit not being met.



2) Please undertake work on the rock ramps to ensure that their effectiveness in providing fish passage is returned by the 8th November 2024. The rock ramps need to be re-placed so that they provide pools for fish passage and that gaps within the rock ramps are removed and not leaking water.

9.12 (i) The licence shall only take effect so as to authorise the abstraction of water provided that the Licence Holder has been granted approval under the Salmon and freshwater Fisheries Act 1975 for installation, at the weir, of a fish pass structure and approval for installation of an eel pass structure by the Agency under Eel Regulations 2009.

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

The photograph below demonstrates gaps within the rock ramps that are leaking water and therefore, not effectively providing pools for fish to pass.



3) Please send contact email address for future correspondence.

Please send evidence of completed actions to environmentteam.southpowys@cyfoethnaturiolcymru.gov.uk by the required dates.

Please note, this CAR form is in accordance with WA0550002004.

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.