

## Compliance Assessment Report CAR\_NRW0046174

**Permit being assessed:** CB3997ZY

For: King Henry VIII, held by Morgan Sindall Construction Ltd

At: King Henry VIII School, Old Hereford Road, Abergavenny, Sir Fynwy, NP7 6EP.

**Type of assessment carried out:** Site Inspection, Reason: Incident Response (Incident number: 2501406).

On 05/02/2025, between 10:30 and 12:30.

Parts of permit assessed: Discharge point

**NRW Lead Officer:** Susan Lenthall.

**Report sent to:** Dafydd Morris, Project Manager, on 06/02/2025.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-A1 - Water Quality - Management - General management	C2 Significant	1.1 General management 1.1.1

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

### 2. What action is required?

Criteria	Action needed	Complete by
WQ-A1	Take measures to prevent a recurrence	Already completed

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 and/or suspension or revocation of your permit.

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

**We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.**

### 4. Details of our assessment

FAO: Dafydd Morris, Project Manager

#### **WARNING**

On 5th February 2025 NRW officers attended the King Henry school development site following a report of discolouration of the watercourse (WIRS number 2501406).



The discolouration was traced to your discharge point. This is a breach of permit conditions:

## 1.1 General management

1.1.1 The operator shall manage and operate the activities:

in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances and those drawn to the attention of the operator as a result of complaints;

### **This Compliance Assessment Report contains a WARNING.**

As discussed on site, settled water from the swales is pumped via a treatment system to the watercourse. Once the pump was switched off (11:50am) the discoloured discharge ceased. Whilst in our presence, engineers were contacted and a next-day appointment made to ascertain the cause and remedy the situation.

No discharge will be made until actions have been taken and permit conditions can be complied with.

**Please ensure that the discharge point at the watercourse and at the sump is regularly inspected.**

Any debris/litter must be removed. At the time of our visit, litter could be seen within the sump.



As the site is regularly subjected to vandalism, further measures should be taken to prevent access.

The law allows us to recover the cost of investigating and dealing with these incidents from the person(s) responsible. This is known as the 'Polluter Pays' principle. Natural Resources Wales can still recover costs when an incident does not result in pollution of water and when an offence has not been committed. More information on pollution incident cost recovery can be found on the Environment Agency's website by searching under "Pollution Incident Cost Recovery". It is our intention at a future date to have this information available from Natural Resources Wales website.

Our officers are able to offer free pollution prevention advice and assistance but we must also consider recovery of our costs when responding to incidents. I can confirm we will be sending you an invoice.

**Please keep me updated regarding the actions taken.**

If you have any queries, please do not hesitate to contact me via the **email address** below:  
Regards,

Susan Lenthall

[Swyddog Amgylchedd](#)/Environment Officer

[Cyfoeth Naturiol Cymru](#) / Natural Resources Wales

- E-bost / Email: [Susan.Lenthall@cyfoethnaturiolcymru.gov.uk](mailto:Susan.Lenthall@cyfoethnaturiolcymru.gov.uk) / [Susan.Lenthall@naturalresourceswales.gov.uk](mailto:Susan.Lenthall@naturalresourceswales.gov.uk)

Ein diben yw sicrhau bod adnoddau naturiol Cymru yn cael eu cynnal, eu gwella a'u defnyddio yn gynaliadwy, yn awr ac yn y dyfodol.

Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

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 permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit 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
- review the conditions of your permit.

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 quality action criteria (used in section 1 and 2):****WQ A: Management**

- WQ-A1 General management

**WQ B: Operations**

- WQ-B1 Permitted activities
- WQ-B2 The site
- WQ-B3 Operating techniques
- WQ-B4 Improvement programme
- WQ-B5 Pre-operational conditions

**WQ C: Emissions and monitoring**

- WQ-C1 Emissions to water
- WQ-C2 Emissions to land
- WQ-C3 Emissions of substances not controlled by emission limits
- WQ-C4 Installation of monitoring boreholes

**WQ D: Information**

- WQ-D1 Records
- WQ-D2 Reporting
- WQ-D3 Notifications

**Enforcement response**

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. 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 (Monday to Friday 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.