

Compliance Assessment Report CAR_NRW0048122

Licence being assessed: WA/054/0009/0003.

For: Warren Brook, held by Edward John Harris.

At: Pantycaragle Farm, Beguildy, Knighton, LD7 1YD.

Type of assessment: Site Inspection, Reason: Routine.

On 10/04/2025, between 11:45 and 12:25.

Parts of licence assessed: Sections listed below

NRW Lead Officer: Alastair Wilson.

Report sent to: Edward Harris, Licence holder, on 22/04/2025.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-A1 - Water Abstraction - Abstraction specified by licence - Source of supply	Assessed (A)	
WR-A2 - Water Abstraction - Abstraction specified by licence - Points of abstraction	Assessed (A)	
WR-A4 - Water Abstraction - Abstraction specified by licence - Purposes of abstraction	Assessed (A)	
WR-A5 - Water Abstraction - Abstraction specified by licence - Period of abstraction	Assessed (A)	
WR-C1 - Water Abstraction - Surface/groundwater level and protected flow - Minimum hands-off flow/level requirements	C3 Minor	9.2 The Licence Holder shall construct, operate and maintain the hydropower scheme in accordance with the specifications and drawings
WR-E1 - Water Abstraction - Fish and Eel passage - Infrastructure specified by licence	Assessed (A)	
WR-E2 - Water Abstraction - Fish and Eel passage - Maintenance and records	Action only (X)	
WR-F1 - Water Abstraction - Discharge - Point of discharge	Assessed (A)	
WR-F2 - Water Abstraction - Discharge - Infrastructure	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-C1	You are required to clear the compensatory flow notch by 06/05/2025, any removed material must be placed in the watercourse below the impoundment. You must maintain the hydropower scheme in accordance with the specifications and drawings.	06/05/2025
WR-E2	Check that the tree which has fallen into the stream below the impoundment is not impeding fish passage through the easement.	06/05/2025

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

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) order 2012.

On the 10/04/2025 a Natural Resources Wales (NRW) officer carried out a routine unannounced inspection of the hydroelectric power (HEP) scheme on the Warren Brook at SO 18628 78803, Beguildy, Powys.

The licence holder was not present during the inspection. The visit was undertaken to assess compliance of the HEP scheme in relation the abstraction licence WA/054/0009/0003 and impoundment licence MD/054/0009/036.

The weather was dry, and there had been very little rain in the month preceding the inspection.

There was low flow in the watercourse, and there was a rock lodged in the compensatory flow notch/hands off flow notch (Image 2). This was reducing the flow in watercourse as some of the flow was passing over the screen and was being abstracted. It was not possible to measure the flow rate of the watercourse below the abstraction, however owing to the blockage in the compensatory flow notch it is likely that the flow rate was below that at which the facility should be abstracting water. The screen appeared to be covered in

moss and debris suggesting that there has been a lack of regular maintenance, the perforations were measured at 3mm, compliant with the licence.

There is a fallen tree just below the impoundment (Image 1), and this makes it difficult to inspect the fish easement. Please inspect the fallen tree, make sure that it is not impeding fish passage, and if it is, or is difficult to see, please remove the branches causing a problem.

The discharge point appeared to be compliant, and had mesh of 10mm. Thin wire mesh can degrade relatively quickly, so ensure it is checked regularly.

The generator building was locked, and the licence holder was not present, so it was not possible to check metering and generation equipment.

Action 1: You are required to clear the compensatory flow notch by 06/05/2025, any removed material must be placed in the watercourse below the impoundment.

Action 2: Please inspect the fallen tree, make sure that it is not impeding fish passage, and if it is, or if you are unable to see, please remove the branches so that the fish easement is clear.

Once you have carried out the above required actions, please send a photograph of the completed work to Alastair.Wilson@cyfoethnaturiolcymru.gov.uk



Image 1: Impoundment and abstraction point



Image 2: Compensatory flow notch and fish easement.



Image 3: Discharge point

ENDS.

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.