

Compliance Assessment Report

Report ID:
CAR_NRW0033759

This form will report compliance with your permit as determined by an NRW officer

Site			Permit Ref	MD/054/0009/029	
Operator/Permit holder	Edward Harris				
Regime	Water Abstraction				
Date of assessment	02/08/2018	Time in	10:00	Out	11:00
Assessment type	Site Inspection				
Parts of the permit assessed	9.2 Further Conditions				
Lead officer's name	Starks, Madeleine				
Accompanied by					
Recipient's name/position	Edward Harris/ Operator	Date issued	07/08/2018		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
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KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	0	Total compliance score (see section 5 for scoring scheme)	0
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

On Thursday 2nd August 2018, I, Environment Officer Madeleine Starks, conducted a site inspection of the hydropower scheme at Pantycaragle Farm as part of our developing drought inspection programme. The weather conditions were warm and humid, with light rain at times. I appreciate you have been in ill health, however as mentioned on site I have concerns about the hydropower structure you currently have in place.

From a drought perspective there are currently no immediate issues on site, with there still being a consistent flow through the Warren Brook. You reported that you have not seen the Warren Brook dry up. The hydropower scheme itself was not generating at the time of visit.

I first inspected the turbine house and discharge pipe. The screening on the discharge pipe is insufficient. As seen in the image below, the spacing on the screen far exceeds the 10mm as required by license condition 9.7(i) to prevent the entrapment of fish. Please replace this screen and ensure it is compliant with the license – it needs to have a spacing of 10mm or less.



When I arrived at the main structure (Point A), the hands-off flow (HoF) notch was blocked by a plastic bag and a build up of debris behind. I appreciate that this was quickly cleared during my visit, however you should ensure that regular maintenance and inspections are conducted in order to prevent the HoF being blocked at any time. If the HoF is blocked, it is very likely that you will be breaching license condition 9.5(ii).

Though I did not take measurements during my visit, it was visually observed that the hydropower scheme structure at Point A on your license map does not match the drawings submitted to Natural Resources Wales (NRW) on 09/07/2014. This breaches condition 9.2. of your license which states "The License Holder shall construct, operate and maintain the hydropower scheme in accordance with the

specifications and drawings: 'Intake drawing' received 09/07/2014".



Attempt had been made to install a fish easement on the HoF, however the plans for this structure have not been submitted to NRW. From a brief visual inspection, it is unlikely that this fish easement will meet our requirements. Condition 9.8(i) state that the plans and specifications must be approved in writing by NRW prior to abstraction taking place.

Furthermore, condition 9.9(i) states that, prior to abstraction taking place, a fish easement will be constructed just downstream of the culvert located at Point B of your license map. To my knowledge, this fish easement has not been built.

To address the above points, it was agreed a second visit would be conducted so that any further works needed can be discussed with our Technical Fisheries Specialist Jason Jones. From this point, we can agree an improvements plan to implement in order to bring the structure into compliance.

EPR Compliance Assessment Report

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Operator/Permit holder	Edward Harris	Date	02/08/2018

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.