

Compliance Assessment Report

Report ID:
CAR_NRW0035782

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

Site	Water from Afon Cegidog & un-named stream for Tree Tops Fly Fishery	Permit Ref	24/67/8/0097			
Operator/Permit holder	Tree Tops Fly Fishery					
Regime	Water Abstraction					
Date of assessment	10/09/2019	Time in	11:30	Out	13:30	
Assessment type	Site Inspection					
Parts of the permit assessed	Those listed					
Lead officer's name	Rees-Jones, Jenny					
Accompanied by	Harper, Philip					
Recipient's name/position	J Price/ Licence Holder	Date issued	15/10/2019			

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
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3	Requirement to measure all water abstracted.

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	1	Total compliance score (see section 5 for scoring scheme)	4
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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

Called at house and spoke to Mrs Price. She said that they were only using one abstraction point at present and that Mr Price takes meters off when they are not abstracting.

Point A

Read ARAD meter WT-11-4-09-47198. This is the meter for point A but is situated next to the pond which it fills, near to the house. There was water coming from the pipe into the pond, however the meter was not moving. The meter read 046988 m3x10. Mr Price had been into the house and returned with the following meter readings:

30 April 46589

31 May 46711

30 June 46939

31 July 46989

The meter appears to have moved backwards since it was read in July, 41 days ago.

Mr Price said that they had been struggling for water until 2 days ago, and that the meter blocks a lot.

Observed overflow pipe that joins up-pipe of the meter. In high flows some of the abstraction would bypass the meter and not be measured.

Condition 8 of the licence states that

"the licence holder shall maintain the meters in a condition so as to measure the quantities of water abstracted accurately and efficiently, shall calibrate them regularly in accordance with the recommendations of the manufacturer or at any time when required by the Agency, and shall replace them as necessary.

The licence holder shall immediately inform the Agency in the event of breakdown or inaccurate operation of the meter(s) and shall take, without delay, such steps as the Agency may reasonably require for the replacement, repair or testing of the meter(s) and assessment of the quantity of water abstracted in the period during which accurate metering is not being carried out."

During the site visit we requested that the meter was repaired or replaced. Please ensure that the meter is operational by no later than 4th November 2019. Please also arrange for the meter to be calibrated by a suitably qualified person and forward certificate of calibration by no later than 30th November 2019. If meter is to be removed during calibration, an alternative means of measurement must be put in place and this information must be included on abstraction licence returns for the period 2019-20.

The overflow pipe needs to either be removed (and the remaining hole blocked) or metered by 30th November 2019.

Unable to establish whether quantities of water abstracted are compliant as meter not functioning.

Point B

Unable to find, not operational.

Point C

Condition 10 of the licence references a weir wall and states that a second pipe of equal diameter shall be incorporated through the weir wall in order to ensure that no more than 50% of the stream flow may be abstracted when the stream flow is below weir crest level, and that the invert level of the second pipe shall be equal to that of the abstraction pipe.

It appeared that concrete had been poured over the weir since previous inspection. Mr Price said that the weir had started to collapse. It was not possible to see the upstream entrance to any of the pipes. The pipe to the abstraction measures approximately 6 inches and appears to originate from a chamber at bed level that was covered in stones. There appeared to be

little or no water movement in this area.

no smaller pipes visible on the downstream face of the dam. There was no water coming from them and they were partially obstructed with concrete. It appeared that some water was leaking through the weir. Little or no water going over weir.

Searched for discharge from this pipe into the pond. Unable to find discharge or meter. Area very overgrown. Pond partially dry and clearly not in use.

No abstraction should take place at this point until abstraction point is compliant with licence conditions. Modifications to weir must be consulted with NRW first. Any impoundment or alteration to an existing impoundment may require an impoundment licence. As this stretch of watercourse is classed as main river, you may also need to apply for a Flood Risk Activity Permit to work in or near water.

EPR Compliance Assessment Report

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CAR_NRW0035782**

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Site	Water from Afon Cegidog & unnamed stream for Tree Tops Fly Fishery	Permit Ref	24/67/8/0097
Operator/Permit holder	Tree Tops Fly Fishery	Date	10/09/2019

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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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			
G1	C3	Repair meter. Arrange for metering of overflow pipe or block overflow.	04/11/2019

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.