

Compliance Assessment Report

Report ID:
CAR_NRW0035109

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

Site		Permit Ref	WA/067/0005/004		
Operator/Permit holder	R J Best				
Regime	Water Abstraction				
Date of assessment	30/04/2019	Time in	14:00	Out	14:40
Assessment type	Site Inspection				
Parts of the permit assessed	Intake				
Lead officer's name	Rees-Jones, Jenny				
Accompanied by	Brannan, Callum				
Recipient's name/position	Mr W Best/ Licence Holder (1 of 3)	Date issued	17/05/2019		

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
A1 - Specified by permit	C3	4.1ii - Further conditions, hands off flow and flow split
	C3	3.1 and 3.2 - manner and extend of impoundment, refer to licence drawings.
	C3	4.2 - Further conditions, maintain impoundment so as to maintain flow as per condition 4.1

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	3	Total compliance score (see section 5 for scoring scheme)	12
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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

Passed discharge point on way to intake. Discharging at time of visit.

Arrived at intake. Measured intake and took photos.

Abstraction crest measured 1000mm wide, as per licence drawings.

Hands off flow notch measured 150mm wide x 90mm deep. Licence drawings require this notch to be 300mm wide x 89mm deep all year round.

The depth of water flowing over the abstraction crest was approximately 40mm, whilst the depth of water through the hands off flow notch was approximately 60mm, meaning that the hands off flow notch was approximately 20mm lower than the abstraction crest, rather than 89mm.

The residual flow notch measured 425mm wide and 95mm high. The residual flow crest should measure 1000mm wide during the months of April to December, so that it is equal to the abstraction crest, to allow a 50% flow split above the hands off flow. During the months of January to March, only 30% of the flow above the hands off flow is licensed to be abstracted. The licence drawings show a residual flow crest width of 604mm for this period. Condition 3 refers to the licence drawings.

The flow from the hands off flow notch was gauged five times using a bucket and a stopwatch. The results are below:

Quantity of water (l)	Time (s)	Flow (l/s)	
	10	3.06	3.27
	5	1.3	3.85
	8	2.62	3.05
	10	2.87	3.48
	7.5	2.47	3.04
Average Flow			3.34

The scheme was abstracting at the time of the visit because water was flowing into the abstraction screen rather than pouring over it. This is therefore a breach of condition 4.1 of the abstraction licence, which requires that no abstraction shall take place when the flow in the Cyflymen immediately downstream of the intake is 8 litres per second or less. Condition 4.1ii also states that from April to December each year +50% of the flow above 8 l/s must be allowed to continue to flow downstream. As abstraction was taking place and the flow was approximately 3-4 litres per second, neither the hands off flow or flow split were being fulfilled.

Condition 4.2 requires that the licence holder shall maintain the impoundment structure in such a condition so as to maintain the quantities of the flow conditions above.

Enforcement action is now being considered for the above offences.

EPR Compliance Assessment Report

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Operator/Permit holder	R J Best	Date	30/04/2019

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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			
A1	C3	Ensure flow regime as per licence condition 4	13/05/2019
A1	C3	Mr Best confirmed on 09/05 that the correct weir plates had been put in place earlier that week.	13/05/2019
A1	C3	Ensure structure is able to deliver licensed flow regime at all times.	13/05/2019

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.