

Compliance Assessment Report

Report ID:
CAR_NRW0034613

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

Site		Permit Ref	WA/067/0001/009		
Operator/Permit holder	Rhys Edwards				
Regime	Water Abstraction				
Date of assessment	06/02/2019	Time in	10:00	Out	11:25
Assessment type	Site Inspection				
Parts of the permit assessed	Intake				
Lead officer's name	Rees-Jones, Jenny				
Accompanied by	Henderson, Amy				
Recipient's name/position	Mr Rhys Edwards/ Licence Holder	Date issued	13/03/2019		

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
B4 - Infrastructure - Containment of stored materials	C3	9.2 - Construct, operate and maintain scheme in accordance with specifications and plans.

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

Visited site and met licence holder on way into farm. Licence holder accompanied us to intake.

Section 9.2 of licence states that licence holder shall construct, operate and maintain HEP scheme in accordance with specifications and plans appended to licence.

Plans state that hands off flow notch to deliver 4 litres per second is 75mm deep by 112 mm wide. The notch was measured on site and found to be 95mm deep by 85mm wide.

Plans state that the abstraction crest will be 1200mm wide, and the residual flow crest 420mm wide. The crests were measured as being 1270mm and 480mm wide respectively.

There was a build up of stone behind the intake so that there was little or no depth of water behind the intake. Stones were being washed over the intake whilst we were there. Stone was partially blocking the hands off flow notch, and a combination of stone, and a patch of grass from the bank meant that most of the residual flow section of the intake was dry. This has been scored on the impoundment licence CAR form. In low flows it is likely that the flow split and hands off flow requirements would not be being met.

Regular maintenance is required to keep the intake free from blockages at all times, and ensure that the licensed flow regime of 4 litres per second hands off flow and no more than 70% of the available flow in excess of 4 litres per second as per condition 9.5 of the licence. Excess stones should be regularly removed from behind the intake and placed immediately downstream of the intake and fish pool specified in the impoundment licence.

Confirmed with NRW hydrology department that the dimensions of the as built intake will deliver the licensed flow regime, but only if the hands of flow notch is kept free from blockages, and water allowed to flow freely over the residual flow section.

There was no fish pool across the width of the works immediately downstream of the intake works, as required in condition 4.8 of the impoundment licence WA0670001024, and as per drawings attached to both licences. The purpose of the fish pool is to protect any fish that may be passing downstream. Lack of a pool means that fish may become damaged or stranded. This has been scored on the impoundment licence CAR form.

There was a small pool created between the pipe leaving the intake, the intake itself and the bank, which may trap any fish passing downstream. This has been scored on the impoundment licence CAR form.

Meeting arranged with Fisheries Technical Specialist on site to discuss alterations to be made to accommodate downstream fish passage and prevent fish from becoming stranded.

A variation to the licence is required to update the drawings attached to the licence to reflect what has actually been built. This should be done once alterations have been agreed with fisheries.

10mm screen on discharge appeared slightly out of place, please secure, thanks.

EPR Compliance Assessment Report

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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			
B4	C3	The licence holder needs to apply for a variation to the licence to assess the as built plans and attach them to the licence if approved.	19/06/2019

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.