

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

|                              |                                |             |                 |     |       |
|------------------------------|--------------------------------|-------------|-----------------|-----|-------|
| Site                         | Pan y Factory                  | Permit Ref  | MD/054/0001/005 |     |       |
| Operator/Permit holder       | Marc Proudlove and Beryl Jones |             |                 |     |       |
| Regime                       | Water Abstraction              |             |                 |     |       |
| Date of assessment           | 16/07/2018                     | Time in     | 13:20           | Out | 14:00 |
| Assessment type              | Site Inspection                |             |                 |     |       |
| Parts of the permit assessed | 9.1 Further Conditions         |             |                 |     |       |
| Lead officer's name          | Starks, Madeleine              |             |                 |     |       |
| Accompanied by               |                                |             |                 |     |       |
| Recipient's name/position    | Marc Jones/ 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<br>Category | Condition(s)<br>breached |
|--|-----------------|--------------------------|
| <b>KEY:</b> See Section 5 for breach categories, suspended scores will be indicated as such.<br><b>A</b> = Assessed or assessed in part (no evidence of non-compliance), <b>X</b> = Action only,<br><b>O</b> = Ongoing non-compliance, not scored. |                 |                          |

|                                    |          |   |          |
|------------------------------------|----------|---|----------|
| <b>Number of breaches recorded</b> | <b>0</b> | <b>Total compliance score</b><br>(see section 5 for scoring scheme) | <b>0</b> |
|------------------------------------|----------|---|----------|

**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 the 16th July, as part of a local focus on water abstraction licenses during the developing drought conditions, Environment Officers conducted a site inspection of your HEP Scheme at Mathrafal.

Following our visit I discussed with you the following issues we found on site via email:

There are currently no measures in place to allow officers to check compliance with the flow restriction condition 9.1. This is required under Condition 9.2 which states "Before any abstraction takes place under this license, the license holder shall provide and install to British Standard ISO748 or an equivalent standard suitably calibrated apparatus or devices to measure the flow in the River Vyrnwy such that compliance with the flow restrictions in conditions 9.1 (i), (ii), (iii), (iv) and (v) above may be monitored." At the time of our visit we could not see any such apparatus in place. Apparatus must be easily accessible to officers to check during routine inspections. If these measures are not already in place, the easiest way to achieve this may be to install a gauge board which clearly indicates the river level at which 600 litres per second is exceeded.

The tail race screen (marked at Point Q on the licence map) must be upgraded. Condition 9.5(i) states that protection shall be equivalent to that achieved by a 30mm aperture screen. Condition 9.5(ii) requires the licence holder to maintain and repair or replace the screen in such a manner to provide the necessary standard of protection. During our inspection the net installed had become folded over on itself and was not adequate to protect against the ingress of fish. Since discussing with our Fisheries Technical Specialist, Jason, I have been advised that this net should be replaced. If you wish to have further advice on a suitable measure, Jason is happy to provide this.

Within email correspondence it was agreed that these measures will be put in place by the end of August. Please confirm these measures have been completed by no later than Monday 10<sup>th</sup> September 2018.

## EPR Compliance Assessment Report

**Report ID:  
CAR\_NRW0033762**

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|                        |                                |            |                 |
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| Operator/Permit holder | Marc Proudlove and Beryl Jones | Date       | 16/07/2018      |

### 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.