

Compliance Assessment Report

Report ID:
CAR_NRW0036040

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

Site	Glasffrwd	Permit Ref	WA/062/0001/006		
Operator/Permit holder	Hydro Schemes UK Limited				
Regime	Water Abstraction				
Date of assessment	23/10/2019	Time in	11:25	Out	12:10
Assessment type	Site Inspection				
Parts of the permit assessed	Impoundment/Abstraction Point				
Lead officer's name	Markham, Heidi				
Accompanied by	Rachel Auckland,Rhodri Thomas				
Recipient's name/position	Mr Kevin Jones/ Director of Hydro Schemes UK Limited	Date issued	11/12/2019		

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	C4	9.2
	C2	9.2 & 9.5 (ii)

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	2	Total compliance score (see section 5 for scoring scheme)	31.1
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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

A Water Resources inspection was carried out by Heidi Markham from the Ceredigion Environment Team on 25th September 2019 and 23rd October 2019. Rachel Auckland was also present on 25th September 2019 and Rhodri Thomas was the accompanying Officer on 23rd October 2019. Both are Natural Resources Wales staff.

The river flows were higher during the September inspection than during the one carried out in October. On both occasions, these levels were as expected due to recent weather conditions.

It was heavily raining for much of the day during the inspection on 25th September 2019, but was dry on the 23rd October 2019 during the inspection.

The scheme was operational during both visits.

Glasffrwd Impoundment Structure

Water is abstracted from Afon Glasffrwd near Pontrhydfendigaid, Ceredigion at National Grid Reference SN 76116 69365 as per Licence Conditions 1.1 and 2.1. Photographs 1 & 2 below show the abstraction point at the time of the visits.



Photograph 1: Point of abstraction on 25/09/2019



Photograph 2: Point of abstraction 23/10/2019

As can be seen from Photographs 1 & 2, the chamber that forms the residual flow part of the structure (seen on the right hand side of the photographs) appears to be at a different height to the coanda screen (on the left hand side of the photographs). Measurements were taken on 23rd October 2019 and the chamber height was confirmed to be 10.6cm above the height of the weir crest. The photographs also show that the cover lid has been constructed from wood.

Licence Schedule of Condition 9.2 states 'The Licence Holder shall construct, operate and maintain the hydropower scheme in accordance with the specifications and drawing numbers:

Additional Flow from Afon Crugnant: Discharge Chamber, Existing Weir Layout Cross Section dated 28 January 2016.

(Please find a copy of the Additional Flow from Afon Crugnant: Discharge Chamber, Existing Weir Layout Cross Section dated 28 January 2016, included as an attachment).

This drawing states that the *'Proposed new chamber to match existing chamber profile and size but with concrete cover lid'*.

- **Cover Lid**

As can be seen from the photographs above (Photographs 1 & 2) the cover lid appears to be constructed of wood and not of concrete as is specified in the licence condition

Action: Change the material of the cover lid to concrete as specified in the licence (Condition 9.2) or alternatively, apply for a variation to your existing licence to seek NRW approval for the change in design.

- **Residual Flow**

The increased height of the residual flow diverts a larger volume of water to the coanda screen and abstraction point, while restricting the amount of water being allowed to flow over the residual flow section of the structure.

Licence Schedule of Condition 9.5 states (i) No abstraction of water shall take place unless the rate of flow in the Glasffrwd immediately downstream of the authorised abstraction point of abstraction, marked as point 'A' as specified in condition 2.1, is equal to or greater than 20 litres per second and the abstraction shall not cause the flow immediately downstream of the said abstraction point to fall below the rate.

(ii) The quality of water abstracted shall not exceed 40% of the available flow in the Glasffrwd in excess of 20 litres per second.

Action: The dimensions of the residual flow section of the structure need to be brought into compliance with the conditions specified within the licence.

ENDS

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.

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	C4	Change the material of the cover lid to concrete as specified in the licence (Condition 9.2) or alternatively apply for a variation to your existing licence to seek NRW approval for the change in design.	15/05/2020
A1	C2	The dimensions of the residual flow section of the structure need to be brought into compliance with the conditions specified within the licence.	15/05/2020

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.