

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

Site		Permit Ref	MD/054/0001/049		
Operator/Permit holder	Felindre Hydro Limited				
Regime	Water Abstraction				
Date of assessment	07/08/2018	Time in	18:00	Out	18:40
Assessment type	Site Inspection				
Parts of the permit assessed	9. Further Conditions				
Lead officer's name	Rees, Aled E.				
Accompanied by					
Recipient's name/position	Graham Jones/ Operator	Date issued	28/08/2018		

### 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 Category	Condition(s) breached
<p><b>KEY:</b> See Section 5 for breach categories, suspended scores will be indicated as such.  <b>A</b> = Assessed or assessed in part (no evidence of non-compliance), <b>X</b> = Action only,  <b>O</b> = Ongoing non-compliance, not scored.</p>		

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

As a part of a local focus on water abstraction licenses during the developing drought conditions, an Environment Officer conducted several site visits to the HEP Scheme at Felindre Mill, Felindre.

The first visit was done on the 26/07/2018. An Environment Officer visited the northern side of the River Severn. At the time of the visit hands-off flow was being delivered by the means of the fish pass. No water was flowing over the weir and it appeared the leat gate was closed. No issues identified on site.

A second visit was done on 02/08/2018. An Environment Officer met Mr Graham Jones, Felindre Mill on site and walked to the leat gate. Again, no abstraction was taking place and it was confirmed that no abstraction of water had taken place for several months. This is correct as condition 9.5(ii) in the license states "*No abstraction of water shall take place unless the rate of flow in the fish pass, at National Grid Reference SN 94235 83980, is equal to or greater than 30 litres per second;*" and condition 9.5 (iii) states "*No abstraction shall take place unless the rate of flow over the weir, at National Grid Reference SN94234 83980, is equal to or greater than 30 litres per second.*" It did however come to our attention during this visit that the flow arrangement had changed and that the old existing sluice gate was open, and flow was directed through this opening to Pool 4 downstream of the weir.

In support of photographs taken, a colleague visited the northern side of the weir and fish pass on 03/08/2018 and was concerned that no hands-off flow was being delivered through the fish pass and river levels appeared extremely low as the weir was ineffective in the build-up of flow.

A third visit was carried out on 07/08/2018. An Environment Officer again met Mr Jones on site. Mr Jones fully explained that as maintenance works were being completed within the abstraction channel, the presence of the weir was resulting in water reaching the channel through the seals around the leat gate and hampering the maintenance works. To release this pressure and ensure a dry working area in the leat channel, the old sluice gate was opened therefore all river flow was being allowed to flow through this gate and into pool 4 and therefore by passing the fish pass and pools 1-3. Pools 1-3 were at full water capacity however there was no discharge further than these points due to no input via the fish pass. As communicated on site, please be aware this method of altering the flow is not permitted, and Natural Resources Wales must be consulted, and consent issued before this takes place.

I then had a telephone conversation with Mr Jones. It was reiterated to Mr Jones that the alteration of flow conditions must not be a constant means and must only be carried out with prior consent from Natural Resources Wales. Mr Jones did however confirm that the old sluice gate had then been closed and the

system was back to normal whereby hands-off flow was being delivered down the fish pass. Mr Jones also confirmed that any water entering the leat channel was being over pumped back into the River Severn. The Environment Officer explained that we are fully supportive of the maintenance work carried out and understand that this was an appropriate time for this to take place, however NRW must be consulted before this is carried out again as this not permitted under the abstraction license.

If you do wish to change the system through opening the existing sluice gate in the future, please call the Natural Resources Wales Incident hotline on 0300 065 3000 and provide as much information as possible. It may be useful to quote your abstraction license number (MD/054/0001/049) and quote 'Felindre Mill, Llanidloes'. Please request the information to be directed to Aled Rees or Tim Arlett for attention.

Natural Resources Wales intend to carry out a thorough full inspection of the HEP scheme later in 2018.

## EPR Compliance Assessment Report

**Report ID:  
CAR\_NRW0033865**

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Operator/Permit holder	Felindre Hydro Limited	Date	07/08/2018

### 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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

### 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](mailto: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.