

Compliance Assessment Report CAR_NRW0037361

Licence being assessed: WA/466/0001/007.

For: , held by Iorweth Jones.

At: .

Type of assessment: Site Inspection, Reason: Routine.

On 07/12/2020, between 10:00 and 12:00.

Parts of licence assessed: All permit conditions

NRW Lead Officer: Philip Barrett, accompanied by Jenny Rees-Jones.

Report sent to: Iorweth Jones, Permit holder, on 20/05/2021.

1. Summary of our findings (full details in section 4)

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-G2 - Impoundment specified by licence - Manner and extent of impoundment	C3 Minor	3.1 - alteration to existing weir and new concrete side intake constructed as per specification and drawing
WR-E1 - Fish and Eel passage - Infrastructure specified by licence	C3 Minor	4.9(i) - Further conditions construction of eel pass

Result types are explained in more detail in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
WR-G2	Carry out alterations to ensure that both weirs are constructed to the specification in the drawings. The notches on both weirs should be of the same dimensions and height to ensure the correct flow split of 50/50. The fish screen should be increased in height, as per the drawing, to prevent fish entering the pond when the river is in flood.	16/10/2021
WR-E1	Install eel brushes to allow for the movement of eels upstream - this should be agreed with the fisheries officer.	16/10/2021

Action criteria codes are listed in the 'Important Information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution or civil sanctions being imposed depending on the circumstances of the offence.

You are non-compliant with your licence.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

On the 7th December 2020, a site inspection was carried out by Phil Barrett and Jenny Rees-Jones at Plas Einion, covering permits WA/466/0001/006, WA/466/0001/007 and WA/466/0001/008. Also present during the inspection was the permit holder.

Permit WA/466/0001/007 relates to the impoundment of water on the Afon Hesbin, consisting of the main weir and a side intake weir.

The dimensions of the notches shown on 'Plan View 13060401LB' of the permit are 2,400mm wide x 150mm tall, this can be increased to 350mm tall on the main weir, with the removal of a wooden slat to help with de-silting. The reason for the notch being 150mm tall is to take into account the minimal fall of 250mm from the weir crest to the top of the pond. The reason for the notch being 2,400mm wide is to take into account the turbine design flow of 220 l/s. The notches on both weirs should be the same size and positioned at the same level to ensure a 50/50 split in the flow of the Afon Hesbin.

A measurement of the notches taken during the visit found the main weir to be 940mm wide x 450mm tall (with no wooden slats installed) from the weir crest, and the side intake weir to be 1860mm wide x 490mm tall from the weir crest. It is not known if the weir crests are level. No flow rates were calculated, but it did appear that more water was making its way through the notch in the main weir and down the Afon Hesbin than through the side intake weir and to the pond. The structure must be altered (as per condition 3.1), so that it is built to the design of the drawings in the licence.

The correct flow must not be achieved by placing a blockage in the weir, as covered in condition 4.5 'The licence holder shall operate and maintain the intake works in accordance with the specifications and drawings referred to in conditions 3.1 of this licence and keep it free from leakage and obstruction at all time.

The permit holder mentioned that work had been carried out on the main weir following damage during the storms in Feb 2020. When made aware of the size that the notches should be, the permit holder said that he would carry out work to alter the structures so that they are as the drawings of the licence. This would take place in the summer when the flow in this stretch of the Hesbin dries up. No work can take place during the closed period for in river works from the 17th October - 15th May of each year.

The drawings 'Plan View 13060401LB' and 'Fish pools - West Elevation 13060403LB' show 3 boulder bars to create a stepped pool approach for fish easement. The levels in the pools are shown in the 'west elevation' drawing to have an increase of around 300mm between each pool. The level in the top pool should be just below the weir and covering the concrete

skirt.

Currently, the level in the top pool is not sufficient to cover the concrete skirt. Further boulders should be added to increase the level in the top pool so that it covers the concrete skirt. This is covered in section 4.8 of the licence.

Drawing 'Plan View 13060401LB' also includes the easement for eels, with a brush substrate fitted to the concrete skirt on the weir to facilitate upstream migrations of eels. As covered in section. As covered in section 4.9(i)

Currently, there is no brush substrate fitted to the concrete skirt. The make and type should be agreed with the fisheries officer, before installation.

The drawings 'Plan view 13060401LB' and 'South Elevation 13060402LB' identify the fish screen as *'a sloping metal screen with 10mm perforations to prevent fish swimming to the pond. Fitted at an angle of approximately 45 degrees to increase screen area to increase period between cleaning. Top of the screen to protrude at least 400mm above the weir crest to ensure fish cannot swim to the pond even in flood conditions'*.

Currently, there is a 10mm screen in place, vertically positioned on the intake weir which covers the opening of the notch. This does not extend above the weir crest as shown in the drawings. The screen being flat against the weir, as opposed to being at a 45 degrees angle will not have an impact on the environment, as this has been included to extend the periods between when maintenance is required to clear the screen of debris. An extension to the existing fish screen should be added above the weir crest to ensure that no fish swim into the pond when the river is in flood.

Any non-compliance with licence WA/466/0001/006 and WA/466/0001/008 have been scored on this CAR form.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your licence is issued to you under the Water Resources Act 1991 as amended by the Water Act 2003. You have a responsibility to comply with the conditions of your licence and prevent pollution/harm to the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property

If your assessment result in Section 1 is suspended, what does this mean?

In line with our guidance, we may suspend non-compliance for up to six months to allow time for remedial action to be taken. These will be re-instated if the action is not completed.

Full list of Water resource action criteria (used in section 1 and 2):**WR A: Abstraction specified by Licence**

- WR-A1 Source of supply
- WR-A2 Points of abstraction
- WR-A3 Means of abstraction
- WR-A4 Purposes of abstraction
- WR-A5 Period of abstraction
- WR-A6 Quantities
- WR-A7 Land
- WR-A8 Other specified on licence

WR B: Abstraction measurement and records

- WR-B1 Means of measurement
- WR-B2 Recording
- WR-B3 Reporting

WR C: Surface / Groundwater level and protected flow

- WR-C1 Minimum hands-off flow/level requirements
- WR-C2 Flow/level measurement devices
- WR-C3 Recording
- WR-C4 Reporting

WR D: Environmental monitoring and information

- WR-D1 Recording
- WR-D2 Reporting
- WR-D3 Notifications

WR E: Fish and eel passage

- WR-E1 Infrastructure specified by licence
- WR-E2 Maintenance and records

WR F: Discharge

- WR-F1 Point of discharge
- WR-F2 Infrastructure
- WR-F3 Measurement
- WR-F4 Recording
- WR-F5 Reporting

WR G: Impoundment specified by licence

- WR-G1 Inland water to be impounded
- WR-G2 Manner and extent of impoundment
- WR-G3 Point(s) of impoundment
- WR-G4 Construction and removal requirements
- WR-G5 Other specified on licence

WR H: Borehole infrastructure

- WR-H1 Infrastructure and accessibility
- WR-H2 Maintenance and calibration

Enforcement response

Any licence condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution or civil sanctions. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. 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 our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Mon to Fri 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.