

## Compliance Assessment Report CAR\_NRW0037694

**Licence being assessed:** WA/466/0001/008.

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-B2 - Abstraction measurement and records - Recording	Assessed (A)	

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

### 2. What action is required?

No action required.

### 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.

**At this time, we do not intend to take any further action.**

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/466/0001/008 relates to the abstraction of water from the pond on the unnamed tributary of the Afon Hesbin.

The water in the pond is retained behind a concrete wall that has an overflow notch in it.

The overflow is then culverted under the track to the drain below. There was no flow seen to be going through the overflow notch, but the drain below did appear to have a steady flow in it.

The drain then joined a larger flow of water that appeared to spring out of the ground a short distance away. The licence covers the requirement that no abstraction should take place unless the flow rate in the un-named watercourse immediately downstream is equal to or greater than 2 litres per second. No flow rates were calculated during the visit, but it did appear that the flow from the spring is greater than 2 litres per second.

Also on the concrete dam is a sluice gate that was held open with a strap. The permit holder explained that the dam was built during the war to supply drinking water locally.

The flow then makes its way into a concrete box that contains a screen. The screen contained a small amount of leaves. The water level in the box appears to fluctuate from the leaves and algal growth that was above the current water level.

The flow then enters the turbine housing. The HEP was generating at the time of the inspection and water could be seen to be running through the turbine and into the channel below. Also located in the turbine housing was the electric meter and meter reading record books, covering around 10 years of records. The licence holder commented that he hasn't been asked to provide these for some time. It was explained that the system used for the abstraction returns is currently being updated, and that NRW have not formally requested records during the covid pandemic and added issue of the system upgrade.

From the turbine house, the flow then joined the watercourse that was observed springing from the ground, before joining the Afon Hesbin a short distance downstream.

Condition 9.8 covers the requirement for the alterations to be made to the existing infrastructure, covered by licences WA/466/0001/007 and WA/466/0001/006, before any abstraction takes place.

The non-compliance with this condition has been scored on

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](mailto: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](mailto: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.