

Compliance Assessment Report CAR_NRW0039237

Licence being assessed: 23/64/10/0005.

For: , held by Mills.

At: .

Type of assessment: Site Inspection, Reason: Incident Response (Incident number 2104110).

On 17/09/2021, between 13:40 and 15:55.

Parts of licence assessed: As below.

NRW Lead Officer: Leon Williams, accompanied by Simon Roberts.

Report sent to: Nicholas Mills, Permit Holder, on 31/01/2022.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-C1 - Surface/groundwater level and protected flow - Minimum hands-off flow/level requirements	C2 Significant	9.b

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

2. What action is required?

Criteria	Action needed	Complete by
WR-C1	Remove wooden board blocking hands off flow.	Already completed

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.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

In response to WIRS incident report 2104110, on the 17th of September 2021, Natural Resources Wales (NRW) Officers Leon Williams and Simon Roberts attended Pantperthog Farm, Machynlleth, Powys, SY20 9AU.

Abstraction license ref. 23/64/10/0005 permits the hydroelectric abstraction of water from a watercourse named Nant Siambar Wmffre which provides electricity for the domestic dwelling of Pantperthog Farm.

The license holder is Mr Nicholas Mills.

The initial WIR incident report was made by Amy Case, Commercial Liason Land Management Officer for Natural Resources Wales on the 4th of May 2021 where she observed a wooden board completely blocking the hand off flow of the hydropower scheme.

NRW Officers Williams and Roberts substantiated that the wooden board remained in place during the inspection on the 17th of September 2021, and the abstraction license holder Nicholas Mills was contacted to remove the board from the hands-off flow.

Mr Mills provided evidence to demonstrate that the wooden board had been removed on the 24th of September 2021 and also advised that the board had been placed across the hands off flow by his stepson "Sam" to conduct some maintenance work on the hydroelectric scheme. "Sam" subsequently forgot to remove the wooden board once the maintenance work had been completed.

Permit condition 9.b of abstraction license 23/64/10/0005 states that "The quantity of water abstracted shall not exceed 50% of the flow in the stream in order to safeguard fisheries interests".

With the wooden board in place, more than 50% of the flow has been directed towards the abstraction weir.

A CCS Category 2 score has been recorded against permit condition 9.b for this non compliance.

The placement of the wooden board resulted in the hands off flow being blocked over the summer months of 2021 (May to September) when river flows are generally at their lowest levels. The blocked hands off flow would have further depleted the water levels downstream of the hydroelectric scheme. The wooden board would also have acted as a physical barrier to any migrating fish species.

Natural Resources Wales requires that the permit holder notify NRW prior to the commencement of any maintenance work in the future by contacting the local Environment Team via email: timamgylchedddwyforacmeirionnydd@cyfoethnaturiolcymru.gov.uk or by telephone: 03000 653000.

Summary of breaches noted upon this inspection:

CAR sub criteria – WR-C1 – Permitted Activities, Permit condition 9.b, Compliance Classification Scheme Score Category 2.

Please note any reference within the CAR/ permit to the Environment Agency means Natural Resources Wales. In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) order 2012.

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.