

Compliance Assessment Report CAR_NRW0040321

Licence being assessed: WA/067/0003/003.

For: Nant Llyn, held by Richard Williams.

At: Tyfos, Llandrillo, Corwen, Denbighshire, LL21 0TA.

Type of assessment: Site Inspection, Reason: Routine.

On 09/08/2022, between 12:00 and 12:45.

Parts of licence assessed: Conditions 3.1 and 9.2

NRW Lead Officer: Philip Barrett, accompanied by Rebecca Redmond.

Report sent to: Richard John Williams, Licence Holder, on 25/08/2022.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-A3 - Abstraction specified by licence - Means of abstraction	C3 Minor	3.1 and 9.2
WR-A6 - Abstraction specified by licence - Quantities	C3 Minor	9.2

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

2. What action is required?

Criteria	Action needed	Complete by
WR-A3	Ensure that the correct sized hands off flow notch is sitting correctly in the structure to ensure that the correct downstream flow is achieved.	16/09/2022
WR-A6	Remove the blue pipe from the watercourse below the impoundment to ensure that the minimum downstream flow is maintained.	16/09/2022

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

A site visit was carried out to the abstraction that takes place on the Nant Llyn Mynyllod to ensure that this was compliant with flow conditions in the licence during low flow conditions.

The site visit found that there was no abstraction taking place. However, there were signs that the flow had recently been incorrectly flowing through/over the impoundment structure. This was identified by the water mark above the observed water level and the line of leaves on the coanda screen (as seen below). The impoundment must be maintained to ensure compliance with the conditions of the licence.

Condition 3.1 states:

Intake works consisting of a weir equipped with an aquasheer coanda screen, compensation notches and a gravity feed penstock pipe, as detailed on drawings "Intake - upstream", "Intake - plan" and "Intake - sections" (sheets 1 of 3) submitted to the agency on 10 June 2010, controlled by the design of the intake works (subject to condition 9.4)

Measurements of the notches cut into the metal plates were taken. This found that the hands off flow notch was the correct size but the positioning of the plate was too high in the structure. The slot that this plate sits in is not the correct size, as shown in the drawings.

Condition 9.2 states:

No abstraction shall take place when the flow in the Nant Llyn Mynyllod immediately downstream of the authorised point of abstraction (point "A" as specified in condition 2.1 above) is equal to or less than 12 litres per second and the abstraction hereby licensed shall not cause the flow immediately downstream of point "A" to fall below such a rate (subject to condition 9.3)

The incorrect sitting of the plate does not ensure compliance with the above condition.

No abstraction can take place until the structure is compliant with the above condition, as shown in the drawings "Intake - upstream", "Intake - plan" and "Intake - sections".

It was also noted that a blue pipe was being used to abstract water from below the structure. This was seen to feed an IBC container. It was mentioned that this was trialled to supply drinking water for cattle, but was stopped due to the poor water quality.

As the abstraction from the blue pipe wasn't assessed as part of this licence, no abstraction can take place between the point of abstraction from the impoundment, to the point of discharge below the HEP housing.

The blue pipe must be removed to ensure compliance with this licence.

Water mark above water level





Line of leaves from water flow



Blue pipe below impoundment



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.