

## Compliance Assessment Report CAR\_NRW0039349

**Licence being assessed:** WA/065/0019/017.

For: , held by Ynni Anafon Energy Cyf.

At: .

**Type of assessment:** Site Inspection, Reason: Routine.

On 07/09/2021, between 13:00 and 15:00.

Parts of licence assessed: see below

**NRW Lead Officer:** Swyn Spencer, accompanied by Ifan Hywel.

**Report sent to:** Mr Gavin Gatehouse, Managing Director, on 11/10/2022.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-E2 - Fish and Eel passage - Maintenance and records	Action only (X)	

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

### 2. What action is required?

Criteria	Action needed	Complete by
WR-E2	Please ensure the fish pass is clear, by moving stone (see full details in CAR form)	30/11/2022

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.

**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

Ynni Anafon Energy Cyf.

**This report is in reference to the Impoundment Licence WA/065/0019/017**

The Ynni Anafon Energy Cyf Hydropower site was visited on the 7/9/2021 by Environment Officers Swyn Spencer and Ifan Hywel from Natural Resources Wales. The weather was

sunny and dry. The scheme was not Abstracting water on the day of the visit.

**The following compliances were noted:**

Condition 2.1; point of impoundment as per licence. Correct Grid Reference.

Condition 4.5; This notch was clear during the visit. Therefore complying with the condition as in the impoundment licence: Please ensure that the HOF (Hands off flow) channel is kept clear. As in the impoundment licence: *'The licence holder shall construct, operate and maintain the intake works in accordance with the specification and drawings referred to in Condition 3.1 of the licence and keep them free from leakage and obstruction at all times'*.

To ensure compliance with the licence and protect the environment, you need to make sure that you maintain the intake works in accordance with the specifications and drawings referred to in 'Manner and Extent of Impoundment'; in condition 3.1 of the licence. This is: 'Intake works consisting of a new concrete weir with a coanda intake screen with 2 millimetre spacing, sump chamber and a gravity feed pipe of an external diameter not exceeding 450 millimetres, Q95 residual flow notch and a plunge pool of minimum depth 300 millimetres in accordance with the specifications and drawings. (See also CAR form for Abstraction Licence; CAR\_NRW0039348). This is in order to protect the ecology in the downstream watercourse, and to ensure continuation of compliance. Thank you for ensuring the HOF notch is clear.

Measurements were made to the abstraction screen, residual flow area of the intake, and they were correct as per licence.

As per condition 3.1 (as above) a plunge pool with a minimum depth of 300 millimeters is present.

The fish passage from the plunge pool is adequate as per local fisheries officer as on the time of the inspection. However it is not built as designed. The exit from the fish plunge pool is not at the location shown on the impoundment/abstraction licences. Photo from the visit attached (photo 0195). The exit for fish easement could do with some adjustment. As mentioned in the action point below.

**Action:**

As per advice from local team fisheries officer; Please ensure the fish pass is clear, by moving stone as in photo 0210 slightly to a suitable area to the left, so that it does not interfere with the fish pass. Do not move the stone downstream to ensure that it does not cause further blockage in the river system.

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*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](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.