

Compliance Assessment Report CAR_NRW0041216

Licence being assessed: WA/067/0003/0029.

For: Cynwyd Reservoir on the Afon Trystion, held by Dopower Limited.

At: Celyn Coed, Cynwyd, Corwen, Denbighshire, LL21 0LN.

Type of assessment: Check Monitoring/Sampling, Reason: Routine.

On 16/12/2022, between 09:00 and 17:00.

Parts of licence assessed: 2.1, 3.1, 4.1, 9.1 and 9.2

NRW Lead Officer: Philip Barrett.

Report sent to: Dean Needle, Company Director, on 17/02/2023.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-A1 - Abstraction specified by licence - Source of supply	Assessed (A)	
WR-A2 - Abstraction specified by licence - Points of abstraction	Assessed (A)	
WR-A4 - Abstraction specified by licence - Purposes of abstraction	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

A compliance inspection was carried out of licence WA/067/0003/0029 on the 16th of December 2022.

The reason for the inspection was to carry out monitoring of the compensation flow covered

in section 9.1 and 9.2 of the licence:

9.1 - When the Licence Holder is abstracting under the terms of this licence a continuous compensation water discharge of 33 litres per second (minimum) shall be made at all times that the reservoir water level is at or above 264.810 metres AOD.

9.2- When the reservoir water level is between, 264.810 metres AOD and 264.710m AOD then the compensation water discharge shall be equal to the natural inflow into the reservoir or 33 litres per second, whichever is the lesser, in order to maintain the reservoir water level at or above 264.710.

A planned operation of the scour valve on the same day meant the level in the reservoir was at a point that it was over topping the dam wall. This overflow joined the compensation flow within a short distance, making it difficult to monitor the compensation flow independently of this. The option of lowering the level in the reservoir to allow the monitoring to take place was considered, but due to the snow/frost conditions on the day, it was decided that this should take place at a later date.

It was explained that the compensation flow is monitored through a gauging weir and level board downstream of the dam.

Some of the level data that is collected by the control system that runs the HEP was provided before the visit. This was graphed to show a general picture of how the HEP is operated. It was explained during the visit that the abstraction will take place consistently if the flow conditions allow for this. When flows into the reservoir are reduced, the abstraction is managed to take place at different parts of the day, depending on electric production demands and tariffs related to this.

The point of abstraction has a new screen that has replaced the previously damaged old screen. It was explained that the pipework beneath this for the compensation flow and abstraction have been altered so that the compensation flow is the lowest of the pipes, with the abstraction pipe sitting above the minimum level in the licence that an abstraction can take place.

A visit to the turbine housing found that the system was abstracting at times and generating electricity. It was mentioned that the turbine had been replaced recently, which would need to be taken into account when submitting returns.

The abstraction returns system changing to a web-based programme was discussed. It was explained that you were aware of this and had signed up to the service. Once this is up and running, you will be asked to provide current and backdated returns.

Please let me know if there are any difficulties with submitting returns over the period covering the change of turbine.

I will be in touch shortly to let you know when the monitoring of the compensation flow will now take place. This is to ensure that the level in the reservoir isn't over topping the dam wall to allow for accurate flow monitoring to take place. There is no requirement for a representative of DoPower to be present for this, but please let me know if you would like to be present.

Philip Barrett
0300 065 3670

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.