

Compliance Assessment Report CAR_NRW0041838

Licence being assessed: WA/065/0016/011.

For: , held by Peris Hydro Ltd.

At: .

Type of assessment: Site Inspection, Reason: Routine.

On 14/06/2023, between 14:00 and 15:30.

Parts of licence assessed: 4.5

NRW Lead Officer: Swyn Spencer, accompanied by Gareth Siney.

Report sent to: Dafydd Pritchard, Licence Holder, on 12/09/2023.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-E1 - Fish and Eel passage - Infrastructure specified by licence	C3 Minor	4.5

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

2. What action is required?

Criteria	Action needed	Complete by
WR-E1	by 16th October, 2023	16/10/2023

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

This HEP scheme is licenced by Abstraction licence WA/065/0016/010 and

Impoundment licence WA/065/0016/011**This report is in reference to the Impoundment Licence WA/065/0016/011**

Peris Hydro Ltd, at Ty Isaf Farm, Nant Peris, Caernarfon was visited on 1.9.2022 by Environment Officers Swyn Spencer and Cara Huey from Natural Resources Wales. We also did a re visit on 14.6.2023 at 2.30pm with officers Swyn Spencer and Gareth Siney.

On the 14th June the scheme was not abstracting on Peris Hydro Ltd/Afon Gafr. It was sunny and dry. No water was going over the abstraction screen at Point A, and no water coming out of the outfall discharge by the Turbine house at point Q.

During the inspection the following **compliances** with the licence conditions have been noted:

Location of Point A - Point of Abstraction:

As in compliance report form; CAR_NRW0041839 relating to Abstraction Licence. Correct.

Location of Point Q – Point of Impoundment:

As in compliance report form; CAR_NRW0041839 relating to Abstraction Licence.

Point Q as on the map and in condition 9.4 in the Abstraction licence is correct.

Dimensions as per licences:

Measurements were taken of the weir structure which were found to be correct as per drawings, (abstraction screen, residual flow and the v notch dimensions).

Fish pool as per condition 4.1:

The fish pool was compliant during the visit.

Reminder note: V notch & Sediment build up (which would mean not enough flow as per licence allowed downstream). Condition 4.5

Please continue to keep the sediment directly behind the compensation flow/ V notch area clear. For correct water flows, it is important to keep it clear, and maintain it regularly.

As in the impoundment licence condition 4.5: *'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 always keep them free from leakage and obstruction at all times’.

This is to ensure compliance with the flow regime detailed in condition 9.5 of the abstraction licence. This is to ensure the rate of flow is equal or greater than 14 litres per second.

Through compliance with rates of abstraction, and maintenance of the in-river ecology is also protected. Continue to comply.

During the inspection the following **Non-compliance** with the licence conditions have been noted:

Eel Pass issue (should be as per licences on diagram)

Breached on condition 4.5 of the Impoundment Licence.

Condition 9.2 (i) of the abstraction licence (WA/065/0016/010) states that: *‘The Licence Holder shall construct, operate and maintain the hydropower scheme in accordance with the specifications and drawings’.*

Condition 4.5 of the impoundment licence (WA/065/0016/011) states that: *‘The Licence Holder shall construct, operate and maintain the intake works in accordance with the specifications and drawing referred to in condition 3.1 of this licence and keep them free from leakage and obstruction at all times’.*

The drawings require small stone work from the stream bed to v notch to allow Elver passage.

The current arrangement is not suitable as gabions catch debris, risk entrapment of fish and can degrade over time.

Therefore the licence holder should maintain and repair or replace the eel passage structure as per licence in order for it to remain effective.

Previously Identified in 2019

This issue has previously been identified and communicated to the licence holder. A routine compliance check was carried out in 2019, where the same issue was identified and highlighted to the licence holder as per **CAR form (CAR_NRW0034728)**. The CAR form requested that the eel pass was modified in order to avoid damage to fish during vulnerable life stages. The licence holder was advised to contact our Fisheries Specialist before progressing work further so that the pass is designed and constructed to the required standards.

To date this issue has not been resolved and continues to create an entrapment hazard to

fish. Please resolve this issue as quickly as possible in consultation with NRW.

Method Statement needed

Please note that any in river work will need to be carried out in line with a method statement detailing how the work will be carried out to avoid sediment and cementitious material entering the watercourse. This is especially important as NRW will not be carrying out a fish rescue prior to the work starting. No in river works should be carried out between **17th October and 15th May in any year as per local fisheries bylaws.**

Improvements

Eel improvements are needed. Improvements needed to the angled slope face of the stonework. This is to achieve a continuous stonework face submerging into the plunge pool. In order to facilitate eel passage.

As in the diagram of both licences it states: *'small stone work from stream bed to V-notch to allow Elver Passage'*

The current design is not suitable, gabions are not ideal as they catch debris, and risk entrapment of fish, plus degrade over time. You will need to find an alternative solution. First speak to NRW fisheries officer Joel Rees- Jones, then come up with a design. NRW will then need to see a copy of the method statement before work begins.

See photos attached of the current Eel pass structure on the scheme.

It is important that this work is completed in order to comply with your abstraction and impoundment licences and avoid injury to fish and eels. Failure to carry out this work could lead to further enforcement action.

Actions:

Eel pass construction and design to be discussed and agreed with NRW fisheries officer Joel-Rees Jones.

Method statement to be forwarded to NRW prior to work being carried out.

Work to be completed on the Eel passage by 16th October, 2023.

CAR sub criteria:

WR-E1 Fish and Eel passage (Infrastructure specified by licence) Permit Condition 4.5. Compliance Classification Score. C3. Remedial: Improve Infrastructure. (Eel

passage issue)

Warning Issued.

Please contact me if you require further information:

swyn.spencer@cyfoethnaturiolcymru.gov.uk

swyn.spencer@naturalresourceswales.gov.uk

07854 377 319

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.