

Compliance Assessment Report CAR_NRW0042623

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 31/08/2023, between 11:00 and 15:00.

Parts of licence assessed: 9 Further Conditions

NRW Lead Officer: Philip Barrett, accompanied by Richard Smith.

Report sent to: Dean Needle, Company Director, on 19/10/2023.

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	9.1 Flow Condition

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	Ensure the correct hands off flow is achieved.	22/12/2023

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.

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

A compliance inspection was carried out on the 31st August 2023 for the abstraction that takes place under licence WA/067/0003/0029.

The inspection looked at the following flow condition:

9 - Further Conditions

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.

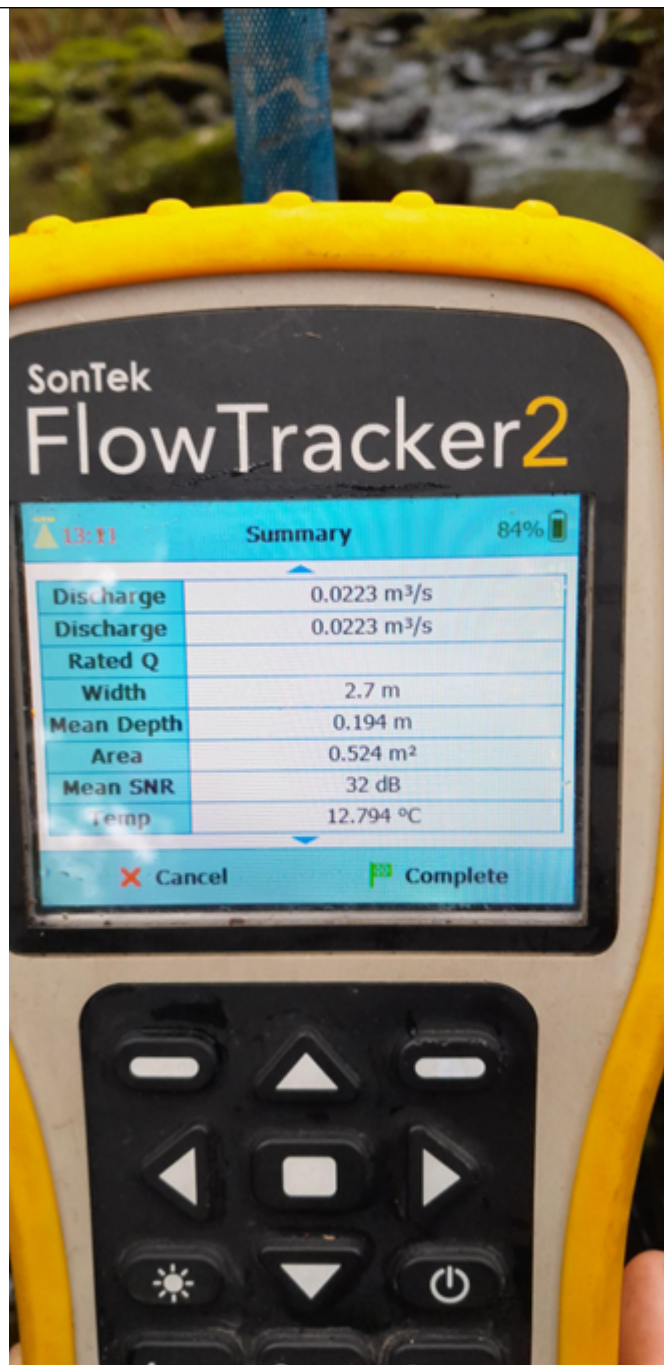
Flow gauging was carried out by a member of the hydrometry and telemetry team. Initially, this took place in the concrete flow gauge weir that contains the water level board, located just downstream of the dam wall. It was noted that the notch in the metal weir structure had a stone partially blocking it, and the level on the board appeared to drop while the monitoring was taking place. The level on the board was sitting around 1.8 while the monitoring was taking place here, but later dropped to just above 1.4, as shown in the picture below.



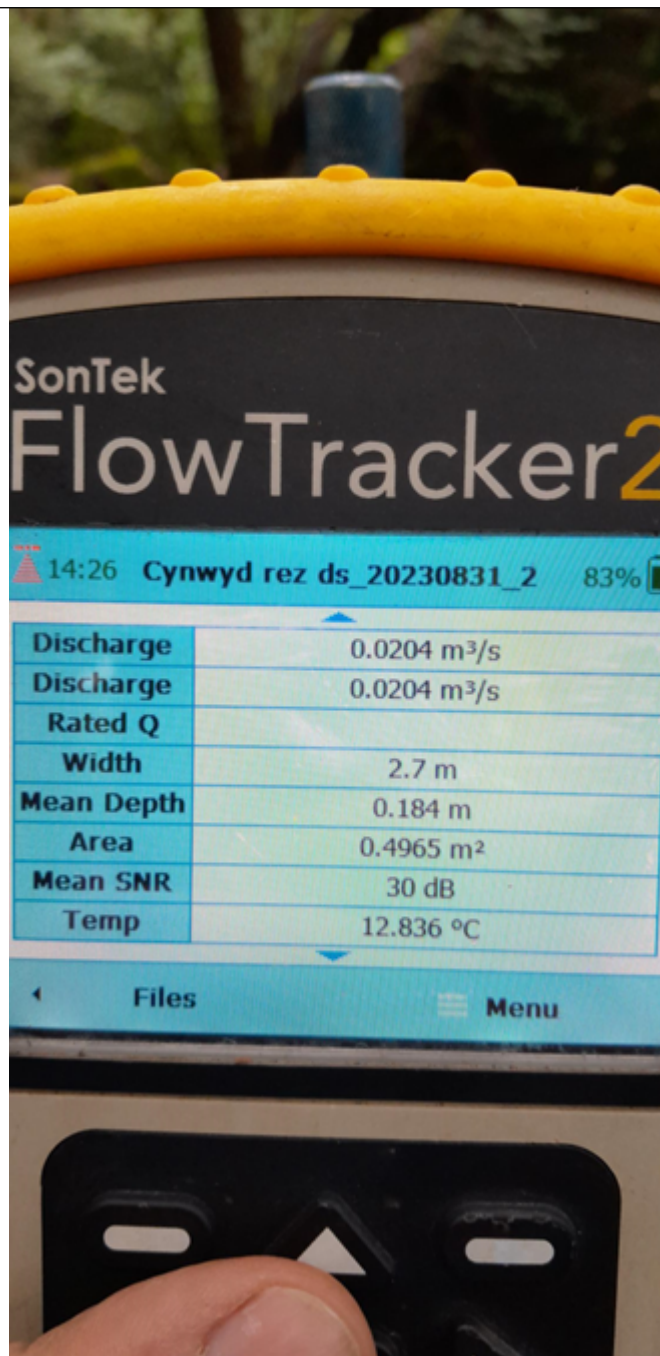
It was found that the gauging weir was not suitable for the monitoring to take place here due to flow conditions being slow through the box and the changing flow directions.

The monitoring location was moved to a point around 100 metres downstream of the dam wall. 3 individual assessments were made of the flow in this location, with the results of these being (1) 22.3 litres a second (l/s), (2) 20.4 l/s and (3) 23.6 l/s, as shown in the pictures below.

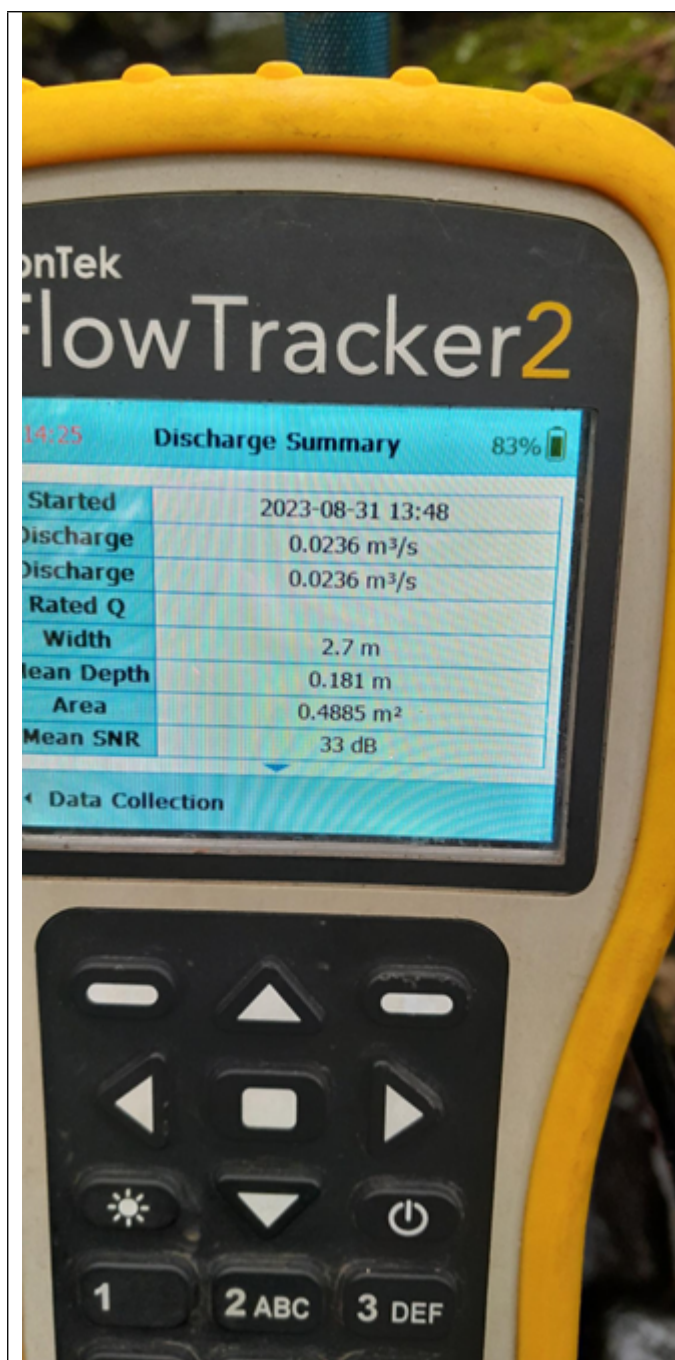
1



2



3



The average of these results is 22.1 l/s, which is below the 33 l/s required by condition 9.1 . An email was sent to the abstraction operator to highlight the issue, asking them to look into this issue as a matter of urgency.

The following reply was received:

Thanks for your e-mail below. We observe the gauging weir downstream of the dam regularly to ensure that the prescribed flow is passed at all times. Therefore, I am concerned and surprised by the results that you report and suggest that more detail needs to be shared by NRW before any significant changes are made to the site infrastructure.

Nonetheless, we will adjust the turbine control today to allow the reservoir to spill as a

temporary measure to avoid any potential breach of license.

I am on leave from the end of today until Wednesday 13th September. (redacted) and (redacted) (in copy) will be able to assist with anything urgent during that time. Please provide your full report, including gauge board readings, method statements and validated flow measurements for discussion on my return to work.

Prompt action has been carried out by the operator to increase the flows in the watercourse downstream by allowing water to overtop the dam wall. The decision to supplement the flow in this way was made by the operator following the email notification of NRW's gauging results. The operator must ensure the required flow is released to comply with condition 9.1

Please provide the following information:

-What method is used to calculate the flow through the gauging weir? Please provide any measurements and calculations for this.

-What is the minimum level of water shown on the gauging board when the required 33 l/s downstream flow is achieved?

Please do not hesitate to contact me if you wish to discuss this further.

Phil 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.