

Compliance Assessment Report CAR_NRW0042650

Licence being assessed: 24/67/5/0003.

For: Abstraction from both Penycae Reservoirs, Penycae, Rhosllannerchrugog, held by Hafren Dyfrdwy Cyfyngedig.

At: Penycae, Rhosllannerchrugog, LL14 1UE.

Type of assessment: Site Inspection, Reason: Other.

On 21/08/2023, between 11:00 and 12:00.

Parts of licence assessed: quantities of water

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

Report sent to: Liz Franks, Environmental Policy Senior Specialist, on 20/10/2023.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-A6 - Abstraction specified by licence - Quantities	C4 No impact	quantities of water authorised to be abstracted
WR-A8 - Abstraction specified by licence - Other specified on licence	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-A6	Ensure the quantities abstracted are within the limit of the licence	Already completed
WR-A8	Provide information to show the assessment carried out on the maximum possible abstraction flow	18/12/2023

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.

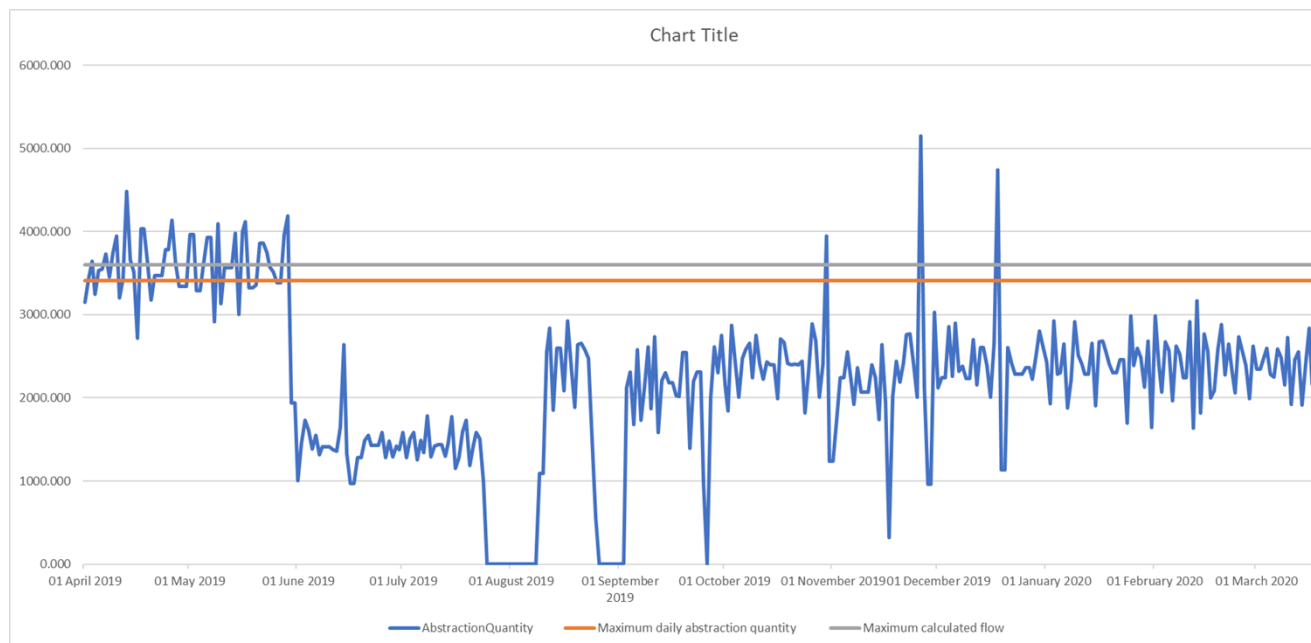
At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

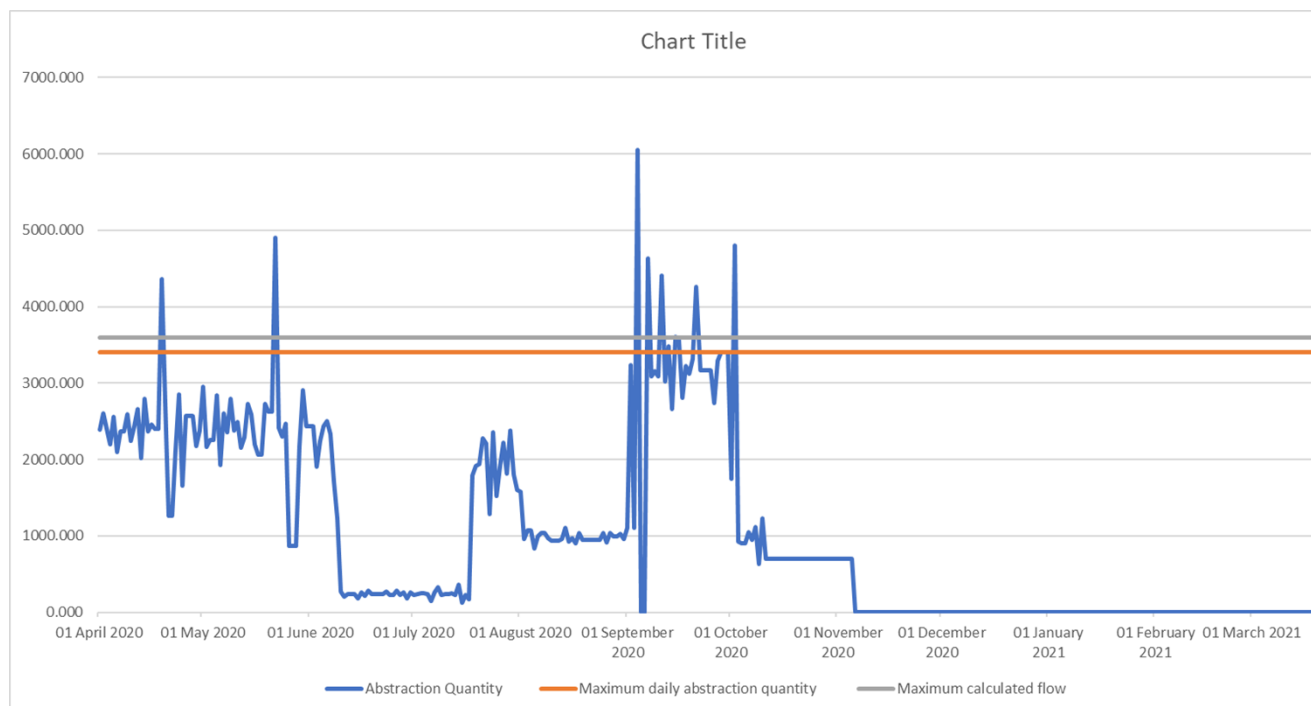
4. Details of our assessment

During the process of submitting annual returns to NRW for licence 24/67/5/0003 , HD identified that the returns data demonstrated an exceedance of the quantity of water authorised to be abstracted under the licence. The returns are graphed below:

2019-2020

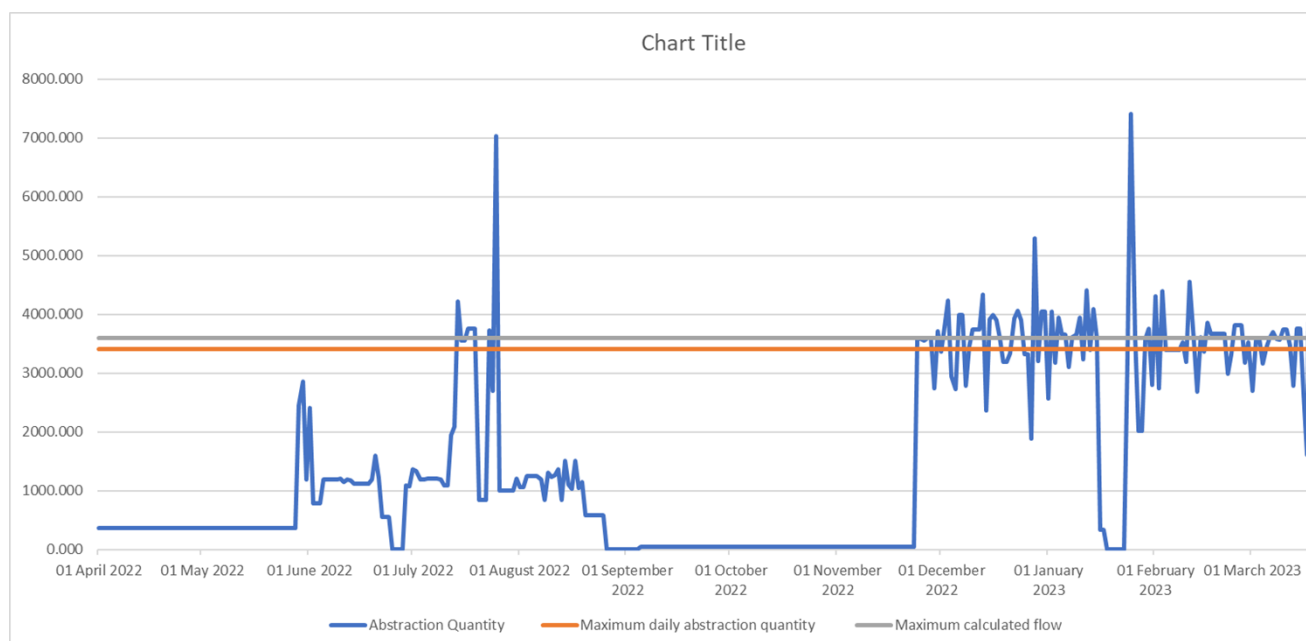


2020-2021



A nil return was submitted for 2021-2022.

2022-2023



A meeting was arranged with NRW to explain the investigation and work that HD had carried out following identifying the exceedance.

The investigation found that the meter was inaccurate when flows were increased. This was identified as the maximum possible flow that could be achieved from the reservoir was found to be 150 cubic metres an hour, which equates to 3600 cubic metres a day, as shown with the grey line in the graphs above. The daily abstracted quantities are shown to be near double this volume on occasions, which is said to be impossible to achieve. The reason for the inaccurate meter readings was found to be it's location being near a valve and a bend in the pipework. A consultant carrying out work for HD has advised that the meter should be relocated to a suitable area next to the point of abstraction. This will ensure an accurate reading is provided and prevent any leakage in the pipework between the reservoir and the meter not being included in the abstraction quantities.

HD's intentions are to relocate the meter in the near future. To ensure the abstraction quantity limits are not exceeded before the work takes place, HD have restricted the valve that sits above the meter, so that the maximum possible flow that passes through it is below the daily authorised abstraction quantity of 3409.56 cubic metres, which equates to 142 cubic metres per hour.

The way in which the abstraction from the reservoir is managed has changed in recent years due to the closing of the Legacy WTW, with the flows now piped to Llwyn Onn WTW.

Following the meeting, a site visit was carried out on the 21st of August 2023 to the Penycae reservoir and the Legacy disused WTW.

The visit to the reservoir found that the flow of water to it from the Trefechan Brook is controlled by a sluice gate. The sluice is set to a position that limits the flow from the Brook.

This setting isn't controlled or altered unless the flow to the reservoir is being stopped by closing the gate. The remaining flow of the Trefechan was seen to continue down the watercourse, which dropped into the concrete spillway. The overflow from the reservoir also drains into this spillway, but the level in the reservoir was below weir spill level during the visit. The setup of the flow into the reservoir limits the impact of exceeding the authorised abstraction quantities.

The visit to the Legacy site found the flow at the time to be 49.1 cubic metres an hour. The meter was observed to be next to the valve, as was explained during the initial meeting arranged by HD.

The licence requires that the meter is accurate to + or - 5% throughout its operational range. +5% of the submitted returns is 3580.038, which is below the maximum possible flows per day by 19.962 cubic metres.

As the data shows an exceedance of the maximum possible flow at times. Please provide the information to show the assessment of this flow carried out during the investigation by the 18th December 2023.

Please give me a call if you would like 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.