

## Compliance Assessment Report CAR\_NRW0042661

**Licence being assessed:** 24/67/7/0036.

For: Abstraction from points 'K' - Ty Mawr Res and 'L' - Cae Llwyd Res, held by Hafren Dyfrdwy Cyfyngedig.

At: Ty Mawr Reservoir, Cae Llwyd Reservoir, LL14 1UJ.

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

On 21/08/2023, between 12:00 and 13:00.

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 17/11/2023.

### 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	C3 Minor	Quantity of water authorised to be abstracted during a period or periods specified

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	Investigate the cause of the over abstraction and ensure procedures are put in place to prevent this occurring in the future.	31/01/2024

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

A visit was carried out to the abstraction that takes place from Cae Llwyd and Ty Mawr

reservoirs under licence 24/67/7/0036.

The visit found the Cae Llwyd reservoir to be empty following works that had taken place to install a new spillway. The flow into the reservoir was seen to make it's way through the draw off tower as the scour valve was open, so the reservoir was empty.

The new concrete structure of the spillway was found not to join the watercourse below the reservoir, as the concrete ends within the field. Any flows down the spillway would flow down the field before entering the watercourse. There is a risk during high flows that the area of field below the spillway could be eroded. This is likely to cause sediment to be mobilised in the watercourse, which could cause an offence under the Environmental Permitting Regulations.

The Ty Mawr reservoir was seen to have a good level of water within it.

A discussion took place surrounding the compensation flow requirements from the reservoir, but this wasn't known at the time of the visit, so wasn't assessed.

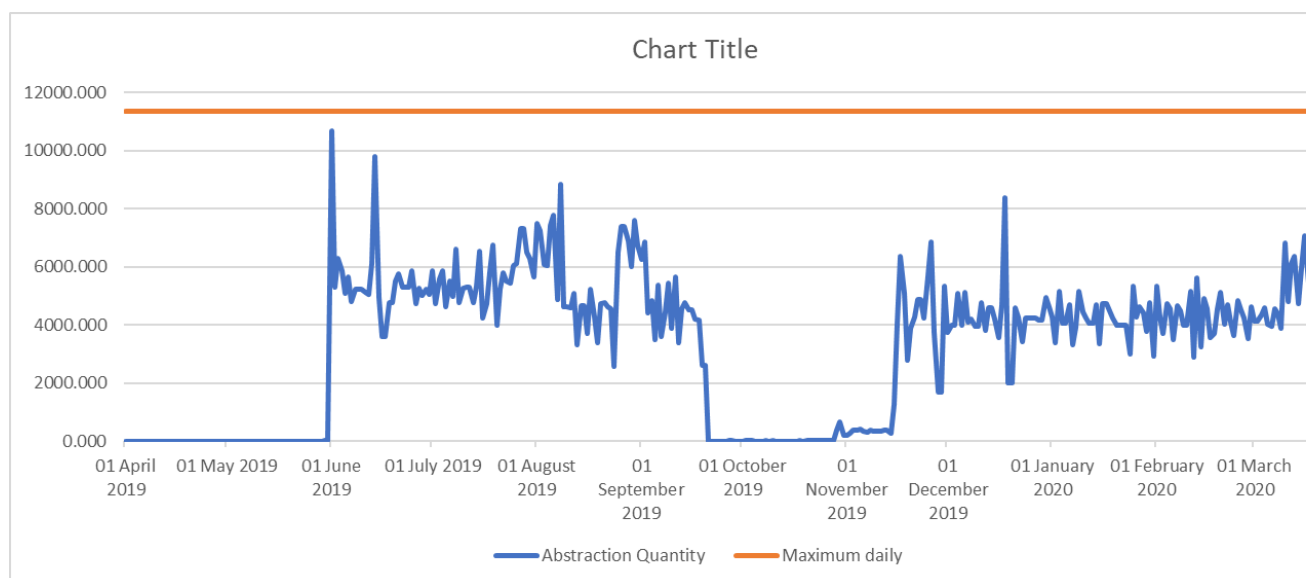
The licence refers to the Wrexham Waterworks Acts 1874 and 1902. The Acts require that 114m<sup>3</sup> (1.32 l/s) from Cae Llwyd and 182m<sup>3</sup> (2.1 l/s) per day from Ty Mawr are caused to flow freely down the Pentrebychan Brook. This will be assessed during a future inspection.

The meter for the abstraction is housed in the Legacy site, which was previously used as the treatment works. The abstracted water is now piped to the Llwyn Onn WTW.

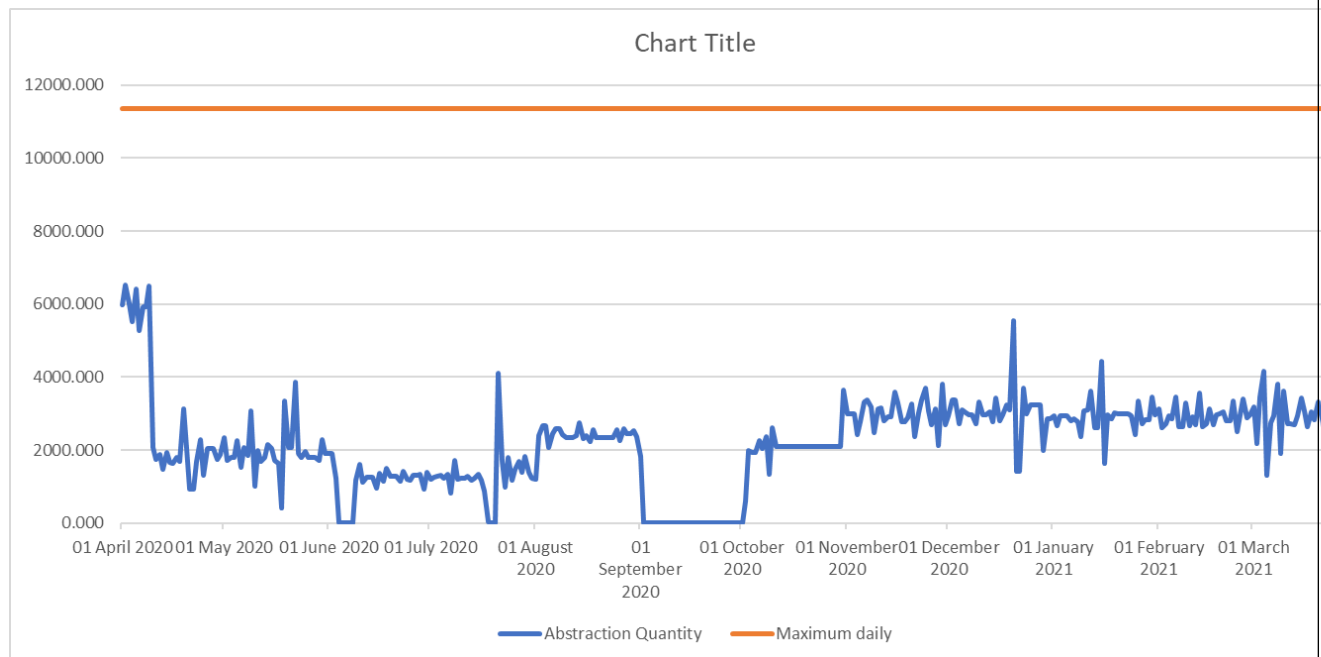
The daily authorised quantity of abstraction is 11365.225 cubic metres a day. A flow rate of 473.551 would be required each hour to achieve this. The meter was seen to be reading 152 cubic metres an hour, which is within the authorised quantity.

An audit of the abstraction returns from 1st April 2019 - 31st March 2023 was carried out. These can be found graphed below.

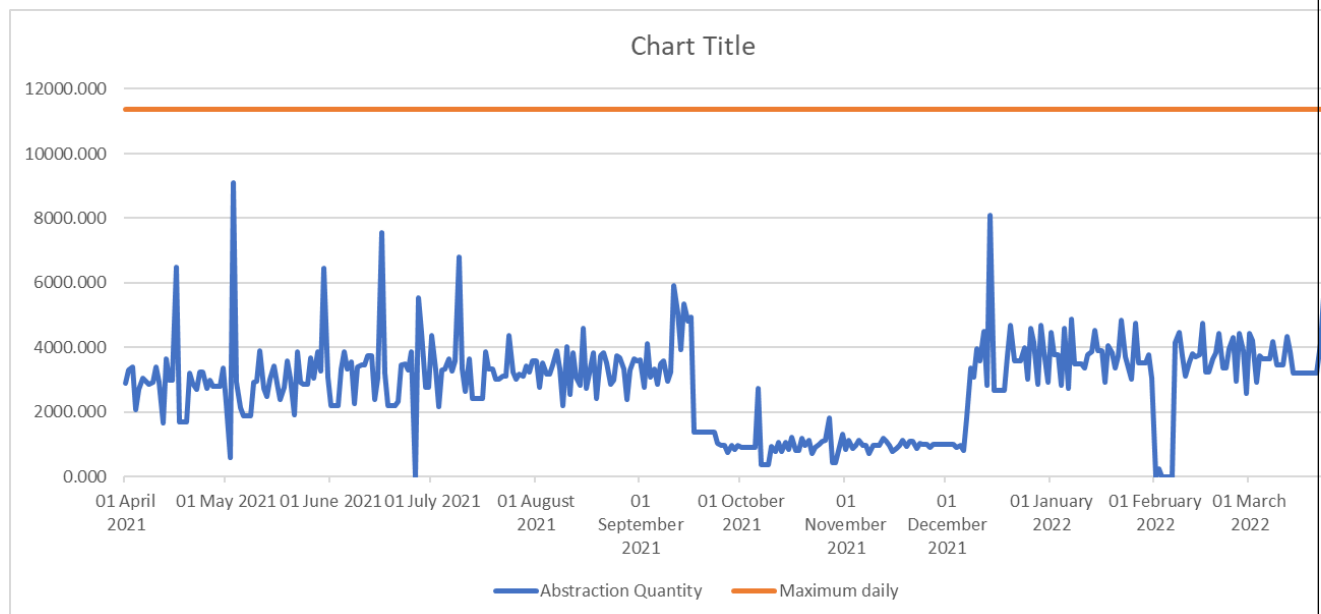
Daily abstraction quantities 1st April 2019 - 31st March 2020



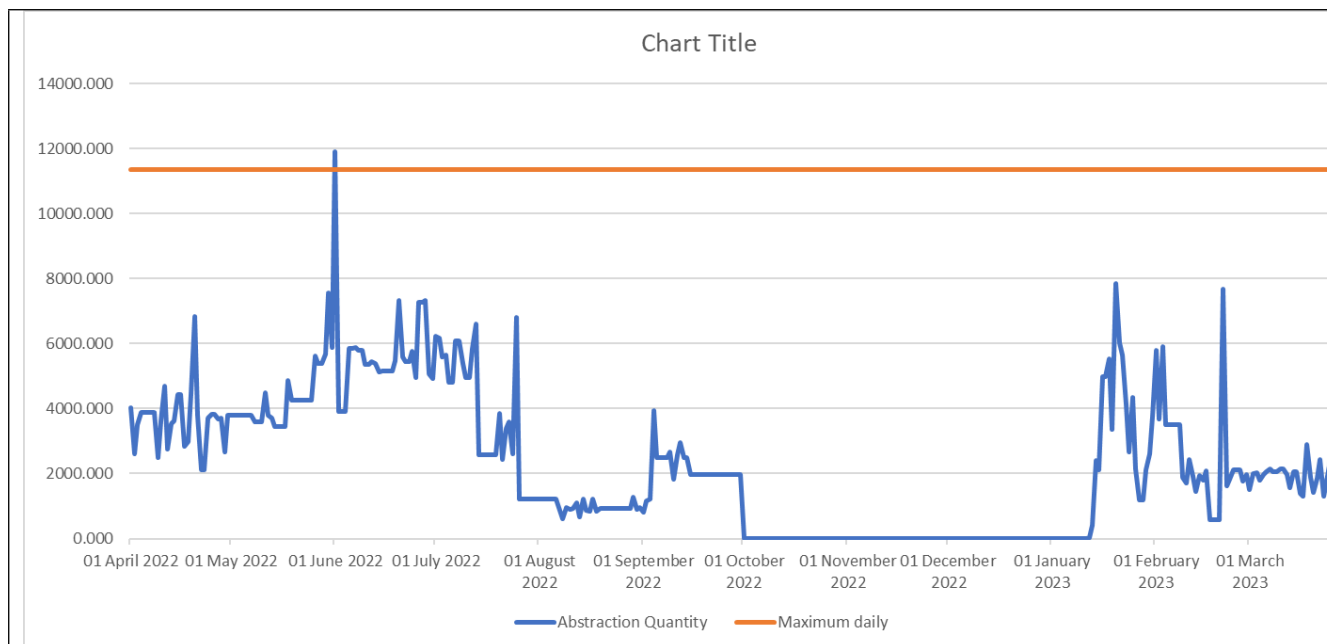
### Daily abstraction quantities 1st April 2020 - 31st March 2021



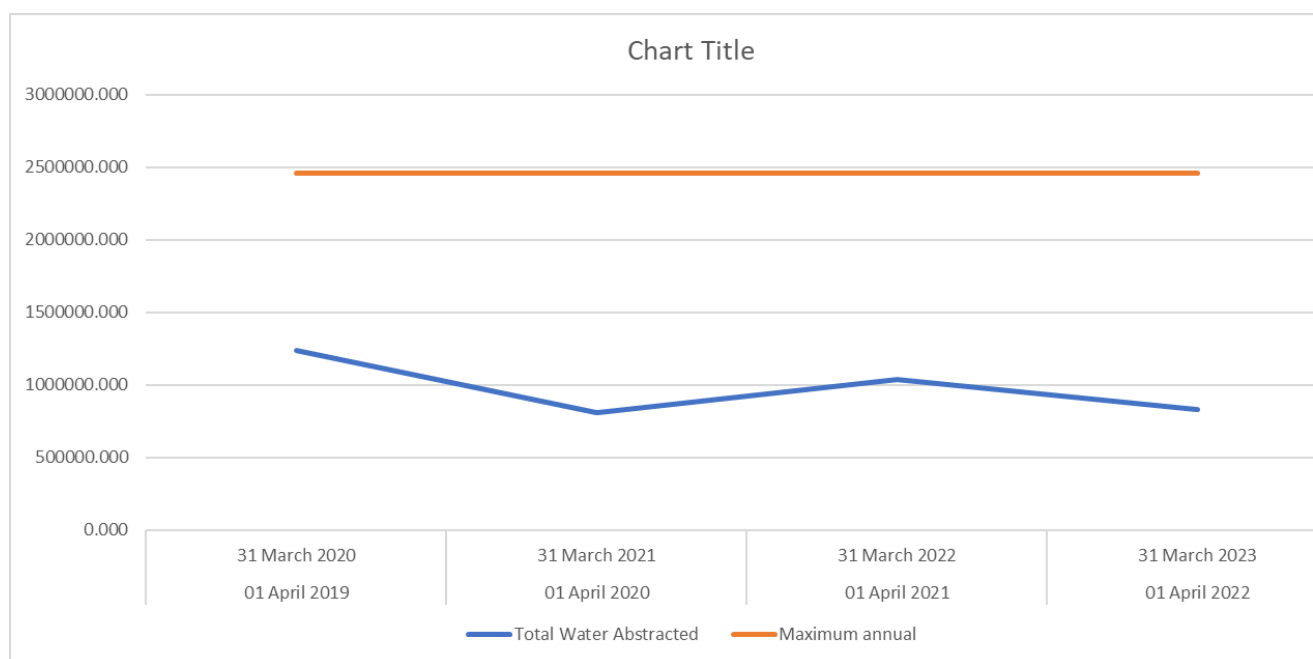
### Daily abstraction quantities 1st March 2021 - 31st March 2022



### Daily abstraction quantities 1st April 2022 - 31st March 2023



Annual abstraction from 1st April 2019 - 31st March 2023



The data shows that the abstraction was compliant for the annual limit. The daily abstraction quantities were exceeded and non-compliant on the 1st June 2022 by 532.775 cubic meters. The cause of this should be investigated to ensure a process is put in place to prevent any exceedances in the future. Please provide an update to the cause and any processes that are implemented by 31st January 2024.

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](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.