

Compliance Assessment Report CAR_NRW0043248

Licence being assessed: WA/067/0003/003.

For: Nant Llyn, held by Richard Williams.

At: Tyfos, Llandrillo, Corwen, Denbighshire, LL21 0TA.

Type of assessment: Site Inspection, Reason: Routine.

On 31/08/2023, between 15:00 and 16:00.

Parts of licence assessed: 7.1 flow measurement

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

Report sent to: Richard John Williams, Licence Holder, on 30/01/2024.

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	Assessed (A)	
WR-B3 - Abstraction measurement and records - Reporting	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 visit was carried out on the 21st August 2023 to the abstraction that takes place from the Nant Llyn Mynychnod under licence WA/067/0003/003.

A check of the turbine house found that the system was generating electricity at the time. There are 2 meters in the housing. The EDM1 meter was showing a reading of 286230 and the Polyphase Energy meter was showing (01) 541388

Condition 9.2 stipulates - *No abstraction shall take place when the flow in the Nant Llyn Mynychod immediately downstream of the authorised point of abstraction (point "A" as specified in condition 2.1 above) is equal to or less than 12 litres per second and the abstraction hereby licensed shall not cause the flow immediately downstream of point "A" to fall below such rate (subject to condition 9.3).*

The concern with the flow rate that is being provided by the 'hands off flow notch' has been raised in compliance assessment report form CAR_NRW0043139, which lists the action required and timescale when this MUST be carried out.

A requirement of the licence is to take and record meter readings each week. The meter readings are required to be submitted to NRW within 28 days of the 31st March or when requested. The system to submit the returns has recently moved to a web based portal, which you have an account for and have submitted returns up to 31st March 2023.

The quantity limits in the licence are:

180 cubic metres per hour

4,320 cubic metres per day

950,000 cubic metres per year

At an instantaneous rate not exceeding 50 litres per second

The annual return quantities on the web portal show:

1st April 2019 to 31st March 2020 - 846299.958 cubic metres

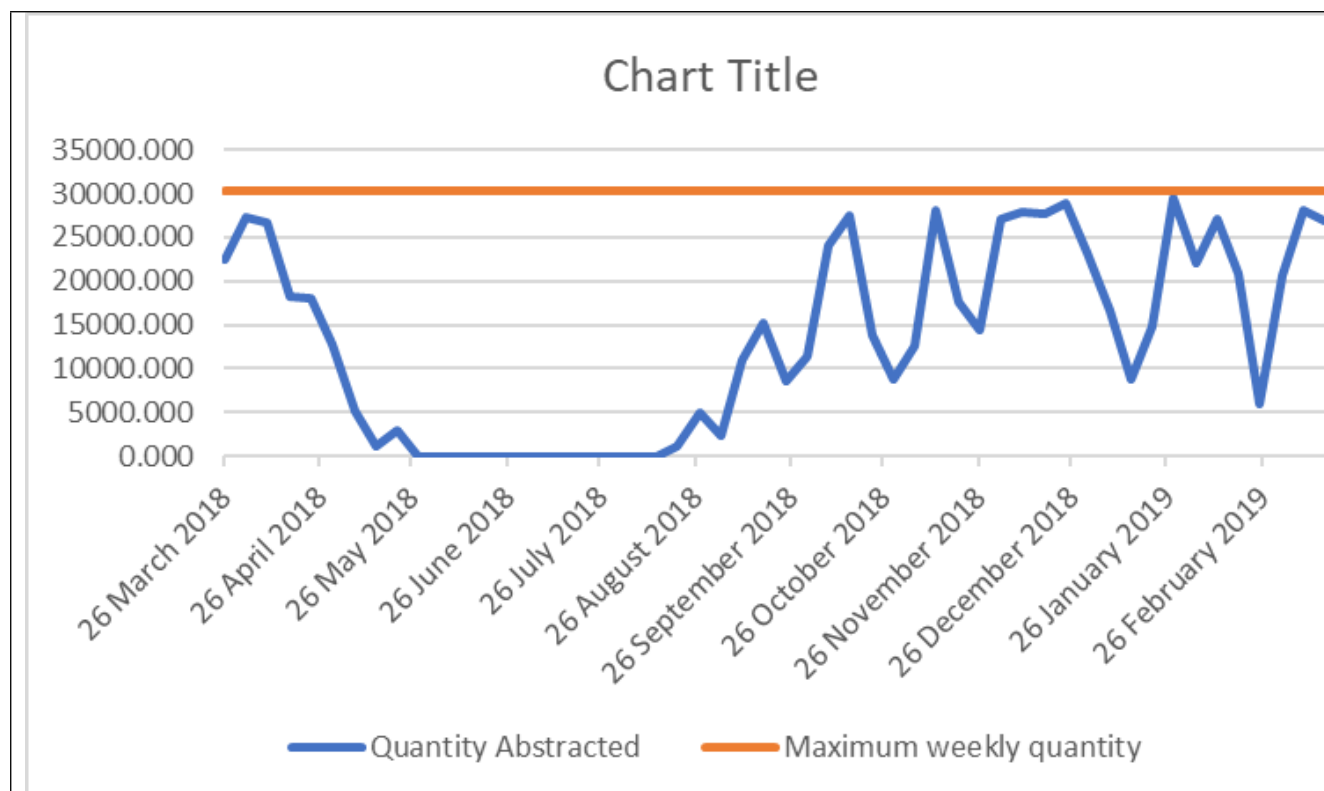
1st April 2020 to 31st March 2021 - 883010.655 cubic metres

1st April 2021 to 31st March 2022 - 732454.797 cubic metres

1st April 2022 to 31st March 2023 - 498817.476 cubic metres

These are within the annual quantity limit of the licence.

Previous to the web based portal, the submissions were submitted by post. The latest of these covers 1st April 2018 - 31st March 2019, which is graphed below.



There isn't a weekly quantity limit written into the licence. The weekly returns have been graphed, shown with the blue line, along with the daily limit (4,320 m³) multiplied by 7 to give an accumulated weekly maximum quantity limit (30,240 m³), shown with the orange line. This shows that the quantity is within the 7 days limit taken from the accumulated daily limit. This would not show if the daily limit has been exceeded within the 7 days.

Please do not hesitate to contact me if you wish to discuss any of the above 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.