

Compliance Assessment Report CAR_NRW0043206

Licence being assessed: WA/067/0005/0028.

For: Nant Llechog at Bonwm, held by Corwen Electricity Co-Operative Limited.

At: Nant Llechog, Bonwm, Corwen, Denbighshire, LL21 9EN.

Type of assessment: Site Inspection, Reason: Routine.

On 20/12/2023, between 10:30 and 11:45.

Parts of licence assessed: 3.1 Manner and extent of impoundment. 4.9 Eel passage.

NRW Lead Officer: Philip Barrett, accompanied by Sioned Jones.

Report sent to: Joel Scott, Contact for licence holder (Corwen Electricity Co-operative Ltd), on 01/02/2024.

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	C3 Minor	3.1 Manner and extent of impoundment
WR-E1 - Fish and Eel passage - Infrastructure specified by licence	C3 Minor	4.9 (i) Eel passage

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 notch is the correct width and set at the correct height for the structure.	29/02/2024
WR-E1	The eel passage must be altered to a design agreed by the fisheries officer.	29/02/2024

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 on the 20th December 2023 to the impoundment in place on the Nant Llechog under licence WA/067/0005/0028. The reason for the visit was to inspect the recently built structure to ensure compliance with the licence.

Measurements of the intake screen were taken and found that it was correctly sized. Measurements of the flow split notch were taken and found that this was not the correct measurements.

Condition 3.1 states:

Intake works consisting of a concrete weir, Coanda screen with 2 millimetre spacing, forebay tank, compensation notch, eel passage, 315 millimetre external diameter gravity feed pipe controlled by a spear valve and plunge pool in accordance with the specifications and drawing:

*'Bonwm Hydro Intake' dated 03/12/2018 and,
'Bonwm Flow-Split Notch' dated 10/12/2018*

The drawing 'Bonwm Flow-Split Notch' shows a notch 225mm wide set at 346.435mAOD. Currently there is no notch in the flow split in the stop logs. This must be corrected to ensure the correct flow split is achieved and compliance with the licence.

The visit was also attended by the fisheries officer to carry out an assessment of the fish protection conditions. These are:

4.8 - Prior to the completion of the works authorised by this licence, the Licence Holder shall construct a plunge pool, with a minimum depth of 300 millimetres, across the width of the watercourse immediately downstream of the intake works specified in condition 3.1 to ensure the safe downstream passage of fish.

4.9

(i) This licence shall only take effect so as to authorise the abstraction provided that the Licence Holder has constructed an eel passage structure, approved in writing by NRW, under the Eels (England and Wales) Regulations 2009, to allow the passage of elver, yellow and silver eel at National Grid Reference SJ 09885 42370.

(ii) The Licence Holder shall maintain, repair or replace the eel passage structure to ensure that it remains effective at all times.

(iii) The Licence Holder shall keep records of maintenance, repair or replacement of the eel passage structure for 6 years and shall make them available during all reasonable hours for inspection by NRW.

The plunge pool mentioned in condition 4.8 has been constructed. No measurements were taken of the depth at the time of the visit due to flow conditions.

There were concerns raised by the fisheries officer that the eel pass is not fit for purpose. The reasons for this are that the water flows through it too quickly, the outflow from the pipe

discharges above the water and the single chain passing through it is too small.

The Eel pass must be altered to cover the following points:

- The outflow must be under the water
- Further chains must be added. An additional/alternative is to include mussel rope.
- The intake must have chains continuing to the slack water. It would be beneficial if the pipe extended to the same location.

If you would like to clarify any alteration, please contact the fisheries officer by email richard.pierce@cyfoethnaturiolcymru.gov.uk

If you would like to discuss any of the above, please do not hesitate to contact me on the details below.

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.