

## Compliance Assessment Report CAR\_NRW0043651

**Licence being assessed:** WA/067/0005/022.  
For: Nant Ffridisel, held by North Wales Hydro Power Limited.  
At: Nant Ffridisel, Corwen, Denbighshire, LL21 9EL.

**Type of assessment:** Site Inspection, Reason: Routine.  
On 08/02/2024, between 13:00 and 14:00.  
Parts of licence assessed: 4 Further conditions

**NRW Lead Officer:** Philip Barrett, accompanied by Julian Whitehead.  
**Report sent to:** Richard Rees, Primary contact for licence (North Wales Hydro Power Ltd), on 15/03/2024.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-G5 - Impoundment specified by licence - Other specified on licence	C3 Minor	4.3 The Licence Holder shall construct, operate and maintain the intake works in accordance with the specifications and drawings referred to in condition 3.1 of this licence and keep them free from leakage and obstruction at all times.

Result types are explained in more detail in the 'Important Information' section below.

### 2. What action is required?

Criteria	Action needed	Complete by
WR-G5	Remove the gravel that is obstructing/altering the flow through the notches in the impounding structure. This is to ensure the correct flow split is achieved.	26/04/2024

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.

**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

A visit was carried out on the 8th February 2024, to the Impoundment in place on the Nant Friddisel under licence WA/067/0005/022.

This found that gravel was accumulating behind the impoundment structure. The level of the gravel appeared to be built up higher behind the hands off flow and residual flow notches to a point that it was partially obstructing the through flows at this point compared to the abstraction screen.

Condition 4.3 of the licence stipulates:

*The Licence Holder shall construct, operate and maintain the intake works in accordance with the specifications and drawings referred to in condition 3.1 of this licence and keep them free from leakage and obstruction at all times.*

The gravel above the structure must be managed to prevent the obstruction of the notches as these provide the flow split that is required under the abstraction licence WA/067/0005/022, as shown in compliance assessment report form CAR\_NRW0043649.

Condition 4.6 of the licence stipulates:

*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, immediately downstream of the intake works as specified in condition 3.1 to ensure the safe downstream passage of fish.*

There was no assessment made of the depths of the fish pass pools, but consideration should be given to see if any gravel has accumulated in these that may reduce the depth of the pools below the required 300mm.

It was observed that gravel had previously been removed from the watercourse and placed along the bank. Any gravel moved from behind the structure to comply with this licence must not be removed from the watercourse, but should be replaced downstream to allow the natural movement of this to continue. This prevents a depletion of gravel in the stretch of watercourse below the impoundment.

A call was made to the primary contact for the licence to discuss the accumulation of gravel. During the call, it was mentioned that advice has been given to not use the access track leading up to the structure as a sink hole has opened up. This sink hole was observed during the visit and seen to be on the track where it crosses the watercourse, around 450 metres downstream from the impoundment. A concern was raised over the amount of gravel that builds up behind the structure following heavy rainfall. It was also mentioned

that the closed season prevents works from taking place in the river from the 17th October to the 15th May each year.

As there are no conditions covering the management of the gravel in the licences, this will be picked up separately from this compliance assessment with a meeting on site.

If you would like to discuss any of the above further, or foresee any reason preventing the required action being carried out, 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](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.