

## Compliance Assessment Report CAR\_NRW0044634

**Licence being assessed:** WA/065/0014/006.

For: , held by Bryn Hughes.

At: .

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

On 28/08/2023, between 14:00 and 16:00.

Parts of licence assessed: 3.1

**NRW Lead Officer:** Swyn Spencer, accompanied by Cheryl Griffiths.

**Report sent to:** Mr Bryn Hughes, Managing Director, on 28/06/2024.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-E1 - Water Abstraction - Fish and Eel passage - Infrastructure specified by licence	C3 Minor	3.1

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

### 2. What action is required?

Criteria	Action needed	Complete by
WR-E1	Choose between the two options detailed in the licence.	16/10/2024

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

**This HEP scheme is licenced by Abstraction licence WA/065/0014/003 and Impoundment licence WA/065/0014/006**

**This report is in reference to the Impoundment Licence WA/065/0014/006**

Bryn Hughes, Ffridd Farm Hydro at Dyffryn Nantlle – Afon Rheutus/Afon Craig Las was visited on the 29.8.2023. By Environment Officers Swyn Spencer and Cheryl Griffiths from Natural Resources Wales

Afon Craig Las Weir. This is the one visited on the date above which was furthest from Ffridd Farm.

The scheme was abstracting on the river, and it was sunny and dry. Water was going over the abstraction screen at Point A.

During the inspection the following **Compliances** with the licence conditions have been noted:

**Location of Point A - Point of Impoundment:**

Condition 2.1; point of impoundment as per licence. Grid Reference is correct; SH 52086 51865.

**Dimensions as per licences:**

Measurements were taken of the weir structure which were found to be correct as per drawings, (abstraction screen, residual flow, V notch).

**Fish pool as per condition 3.1:**

The licence drawing on page 6 of the impoundment licence specifies in point 4 that boulders should be placed in the Hands Off Flow section of the weir to create a 150mm deep pool to protect fish. Boulders were not in place at the time of the visit. We can see that due to the slippery nature of the stainless steel surface we understand it is difficult to keep the boulders in position, especially during high river flows, when the boulders are washed out.

As discussed in previous visits and previous CAR report form, the weir should be maintained and boulders re-positioned as and when necessary. As also back in 2017 compliance visit the boulders were not in place. It was said that if this becomes a maintenance issue then we can re-visit this condition at a later date and discuss alternative options. See photo attached of weir showing Hof area with no boulders in place.

We now have considered a way forward to alternative options:

**Option 1:**

Keep maintaining the boulders, to ensure they are back in position after every high flow.

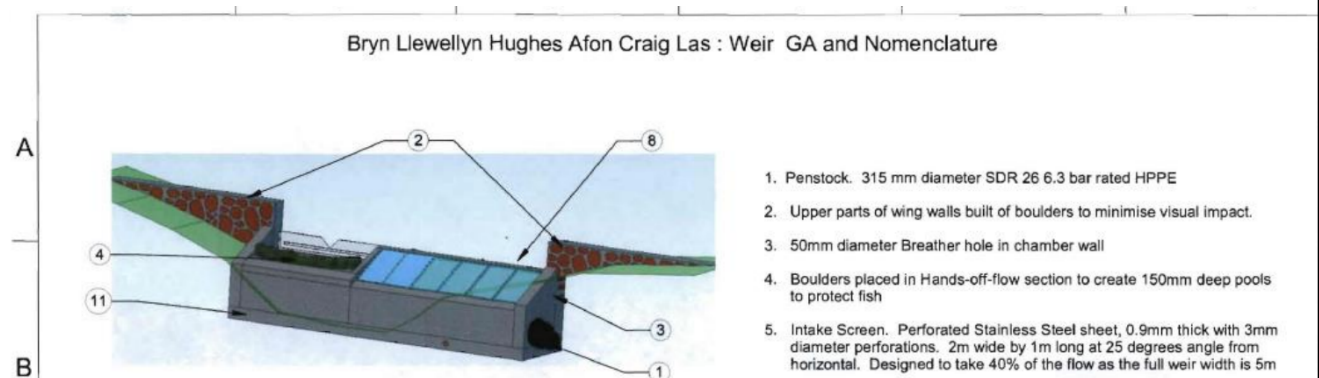
### Option 2:

You can apply to change the licence to include a different means of securing the pool, its up to you as the licence holder to propose a change. You could consult your consultant in order for them to re design this for you appropriately. We will then respond to your method statement.

There would be a fee associated with a licence variation application.

Useful NRW link:

<https://cyfoethnaturiolcymru.gov.uk/permits-and-permissions/water-abstraction-and-impoundment/hydropower/?lang=en>



**Reminder note: V notch & Sediment build up (which would mean not enough flow as per licence allowed downstream). Condition 4.5**

Please continue to keep the sediment directly behind the compensation flow/ V notch area clear. For correct water flows, it is important to keep it clear, and maintain it regularly.

As in the impoundment licence condition 4.5: *'The licence holder shall operate, and maintain the hydropower scheme with the specification and drawings referred to in Condition 3.1 of the licence and keep them free from leakage and obstruction at all times'*.

This is to ensure compliance with the flow regime detailed in condition 9.5 of the abstraction licence. This is to ensure the rate of flow is equal or greater than 14 litres per second.

Through compliance with rates of abstraction, and maintenance of the in-river ecology is

also protected. Continue to comply.

During the inspection there was one non-compliance with the licence conditions.

See details in this report on the non-compliance of Condition 3.1:

It is important that an option is chosen and that any action is carried out, in order to comply with your abstraction and impoundment licences. Failure to carry out this work could lead to further enforcement action.

Actions:

Keep maintaining the boulders, to ensure they are back in position after every high flow.

If you to choose to apply for a variation a Method statement to be forwarded to NRW prior to any work being carried out, and work to to be completed on the Eel passage by 16<sup>th</sup> October, 2024.

**Warning Issued.**

Please contact me if you require further information:

[swyn.spencer@cyfoethnaturiolcymru.gov.uk](mailto:swyn.spencer@cyfoethnaturiolcymru.gov.uk)

[swyn.spencer@naturalresourceswales.gov.uk](mailto:swyn.spencer@naturalresourceswales.gov.uk)

07854 377 319

*Please note any reference within the CAR/ permit to the Environment Agency means Natural Resources Wales.*

*In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) order 2012.*

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.