

Compliance Assessment Report CAR_NRW0044667

Licence being assessed: WA/064/0004/0037.

For: Pant Clyd, held by Geraint Edwards.

At: Pant Clyd, Llanuwchllyn, Bala, Gwynedd, LL23 7UL.

Type of assessment: Site Inspection, Reason: Incident Response (Incident number 2403781).

On 25/04/2024, between 09:00 and 15:00.

Parts of licence assessed: All

NRW Lead Officer: Sioned Jones, accompanied by Jenny Rees-Jones, Arfon Hughes.

Report sent to: Mr Geraint Edwards, Licence Holder, on 20/08/2024.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-G3 - Water Abstraction - Impoundment specified by licence - Point(s) of impoundment	C3 Minor	2. Point of impoundment
WR-G2 - Water Abstraction - Impoundment specified by licence - Manner and extent of impoundment	C3 Minor	Intake works consisting of a new concrete weir, overshot screening with spacing no greater than 3 millimetres, intake chamber, stop logs, HOF notch, gravity feed pipe from the Nant Wal-Lwyd intake with internal diameter not exceeding 225 millimetres, 300 millimetre deep plunge pool, eel pass and a gravity feed pipe with external diameter not exceeding 225 millimetres to the turbine controlled by a valve in accordance with the specifications and drawings: Intake 1 General Arrangement Rev B Sheet 1 Intake 1 General Arrangement Rev B Sheet 2 Intake 1

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
		General Arrangement Rev B Sheet 3 received 13/06/2016, copies of which are appended to this licence, or such minor amendments to those documents that are accepted in writing by NRW prior to the date of commencement of construction
WR-G2 - Water Abstraction - Impoundment specified by licence - Manner and extent of impoundment	C3 Minor	Intake works consisting of a new concrete weir, overshot screening with spacing no greater than 3 millimetres, intake chamber, stop logs, HOF notch, gravity feed pipe from the Nant Wal-Lwyd intake with internal diameter not exceeding 225 millimetres, 300 millimetre deep plunge pool, eel pass and a gravity feed pipe with external diameter not exceeding 225 millimetres to the turbine controlled by a valve in accordance with the specifications and drawings: Intake 1 General Arrangement Rev B Sheet 1 Intake 1 General Arrangement Rev B Sheet 2 Intake 1 General Arrangement Rev B Sheet 3 received 13/06/2016, copies of which are appended to this licence, or such minor amendments to those documents that are accepted in writing by NRW prior to the date of commencement of construction
WR-G2 - Water Abstraction - Impoundment	C3 Minor	Intake works consisting

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
specified by licence - Manner and extent of impoundment		of a new concrete weir, overshot screening with spacing no greater than 3 millimetres, intake chamber, stop logs, HOF notch, gravity feed pipe from the Nant Wal-Lwyd intake with internal diameter not exceeding 225 millimetres, 300 millimetre deep plunge pool, eel pass and a gravity feed pipe with external diameter not exceeding 225 millimetres to the turbine controlled by a valve in accordance with the specifications and drawings: Intake 1 General Arrangement Rev B Sheet 1 Intake 1 General Arrangement Rev B Sheet 2 Intake 1 General Arrangement Rev B Sheet 3 received 13/06/2016, copies of which are appended to this licence, or such minor amendments to those documents that are accepted in writing by NRW prior to the date of commencement of construction

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

2. What action is required?

Criteria	Action needed	Complete by
WR-G3	Either apply for a technical variation on licence no. WA/064/0004/0037 and WA/064/0004/0029 so that the location of the scheme is correct in both licences, or re-construct the scheme so that it is located at NGR SH 84942 25260	17/10/2024
WR-G2	Install a permanent rectangular HOF notch structure that is 0.3m wide and 0.026m high. Please refer to NRW's Hydropower Guidance Notes for guidance on the material of	17/10/2024

Criteria	Action needed	Complete by
	the HOF structure	
WR-G2	Install a downstream eel pass with bristle substrate, and ensure that the eel pass is wetted and has a running flow	17/10/2024
WR-G2	Either apply for a technical variation on licence no. WA/064/0004/0037 so that the retaining wall is included in the drawings, or re-construct the scheme to reflect the conditions and specifications noted on the licence	17/10/2024

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.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

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IMPOUNDMENT LICENCE WA/064/0004/0037 – NANT RHOS GOCH

A Water Resources compliance visit was carried out by Sioned Jones, Jenny Rees-Jones, and Arfon Hughes from the Dwyfor & Meirionnydd Environment Team on the 25th of April 2024. **Please ensure that you read this compliance assessment reports and act on the actions noted within.** Once the actions have been completed, please let us know at your earliest convenience through emailing Sioned Jones at sioned.w.jones@cyfoethnaturiolcymru.gov.uk.

Please be aware that the given due dates are the final deadlines. We strongly encourage you to complete the actions ahead of these dates.

(1) NAME OF INLAND WATER TO BE IMPOUNDED

Nant Rhos Goch at Pant Clyd, Llanuwchllyn, Bala, Gwynedd

(2) POINT OF IMPOUNDMENT

At SH 84947 25260

Licence stipulates SH 84942 25260, 5m downstream from where the scheme is built. It is also clear from the photo survey provided by the licence holder submitted to support this licence that the impoundment has been located in the incorrect location within the watercourse.

ACTION: Either apply for a technical variation on licence no. WA/064/0004/0037 and WA/064/0004/0029 so that the location of the scheme is correct in both licences, or re-construct the scheme so that it is located at NGR SH 84942 25260 C3 – 15/10/2024

(3) MANNER AND EXTENT OF IMPOUNDMENT

Overshoot screening

Licensed: screening with spacing no greater than 3 mm

Actual: 2.5 mm screening

Intake chamber

Licensed: Intake chamber of 1.00m width

Actual: Intake chamber of 0.99m width

Hands off flow (HOF) notch

Licensed: rectangular HOF notch of 0.3m width and 0.026m height

Actual: wooden rectangular HOF notch of 0.052m width and 0.050m height*

*The Licence Holder corrected the size of the HOF notch on the day of the inspection, and by the end of the visit the size of the HOF notch was compliant

ACTION: Install a permanent rectangular HOF notch structure that is 0.3m wide and 0.026m high. Please refer to NRW's Hydropower Guidance Notes for guidance on the material of the HOF structure C3 – 17/10/2024

Plunge pool

Licensed: 300 mm deep plunge pool

Actual: 300 mm deep plunge pool

Eel pass

Licensed: Eel pass with bristle substrate

Actual: Eel pass present however no bristle substrate for the length of the eel pass, and is suspended in the air and therefore dry. For the eel pass to be effective, it must be wetted and have flowing water running over it. The eel pass should extend from low flow river levels downstream of the weir and over the weir crest to ensure effective passage.

Section 4.8(i) notes that this licence shall only take effect so as to authorise the abstraction provided that the Licence Holder has constructed an eel passage structure.

ACTION: Install a downstream eel pass with bristle substrate, and ensure that the eel pass is wetted and has a running flow C3 – 17/10/2024

Retaining wall

The retaining wall observed on the right bank of the watercourse, upstream of the impoundment, is not included in the licence drawings (see "Plan View" on drawing "Intake 1 General Arrangement Rev B Sheet 1"). Additionally, in the drawing provided for "Elevation form Downstream" on the drawing "Intake 1 General Arrangement Rev B Sheet 2", the weir crest level is shown to be at or below the level of the river bank. The retaining observed has caused the river level to be much higher than the natural ground level. During the time of inspection, there was clear evidence of erosion around the retaining wall.

ACTION: Either apply for a technical variation on licence no. WA/064/0004/0037 so that the retaining wall is included in the drawings, or re-construct the scheme to reflect the conditions and specifications noted on the licence [C3 – 17/10/2024](#)

(4) FURTHER CONDITIONS

No issues were identified.

It should be noted that no work should be carried out in the watercourse between 17 October and 15 May in any year, as stipulated in section 4.7 of the Impoundment licence.

We would like to thank the Licence Holder for their time on site.

Sioned W. Jones

Uwch Swyddog / Senior Officer

Tîm yr Amgylchedd (Dwyfor a Meirionnydd) / Environment Team (Dwyfor and Meirionnydd)

Hi / She/her

Sioned.w.jones@cyfoethnaturiolcymru.gov.uk

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.