

Compliance Assessment Report CAR_NRW0044670

Licence being assessed: WA/064/0004/030.

For: , held by Geraint Edwards.

At: .

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-E1 - Water Abstraction - Fish and Eel passage - Infrastructure specified by licence	C3 Minor	9.7 (i) No abstraction shall take place unless the Licence Holder has installed a screen with spacing no greater than 3 millimetres to the discharge pipe to prevent the entrapment, entrainment or impingement of fish.
WR-A8 - Water Abstraction - Abstraction specified by licence - Other specified on licence	C3 Minor	9.5 (ii) The quantity of water abstracted shall not exceed 70% of the available flow in the un-named tributary of the Afon Wnon in excess of 2 litres per second.
WR-E1 - Water Abstraction - Fish and Eel passage - Infrastructure specified by licence	C3 Minor	9.8 (ii) The Licence Holder shall maintain, repair or replace the pre-barrage fish easement to ensure that it remains effective 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-E1	Install a mesh cover on the outlet discharge pipe with bar spacing no greater than 3mm and maintain the discharge screen in accordance with the manufacturer's specifications and keep records of such maintenance available for inspection	17/10/2024
WR-A8	Ensure that the quantity of the water abstracted does not exceed 70% of the available flow in the un-named tributary of the Afon Wnion	Already completed
WR-E1	Install a pre-barrage for fish easement and ensure that it is maintained, repaired, or replaced to remain effective at all times	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

CAR_NRW0044670

ABSTRACTION LICENCE WA/064/0004/030 – DRWS Y NANT

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) SOURCE OF SUPPLY

Water is abstracted from an un-named tributary of the Afon Wnion near Drws-y-Nant, Llanuwchllyn, Bala, Gwynedd.

(2) POINT OF ABSTRACTION

At SH 85151 25854

Licence stipulates SH 85148 25859, approx. 5m downstream from where the scheme is built.
Please see CAR_NRW0044671 for scoring and actions against this condition.

(3) MEANS OF ABSTRACTION

Please see CAR_NRW0044671 for comments and actions on intake works.

(4) PURPOSE OF ABSTRACTION

Water is abstracted for the purpose of power production.

(5) PERIOD OF ABSTRACTION

Water is abstracted all year.

(6) MAXIMUM QUANTITIES OF WATER TO BE ABSTRACTED

VOLUME ABSTRACTED (m ³)			
LICENCE MAX (ANNUAL)	2023/24	2022/23	2021/22
914,544	494,643	300,383	296,390

Table 1: Annual abstracted quantities of abstraction licence WA/064/0004/030

Annual abstracted quantities were complaint with licence limits for 2021/22, 2022/23 and 2023/24.
No issues were identified.

(7) MEANS OF MEASUREMENT OF WATER ABSTRACTED

The licence holder noted that they determine the quantity of water abstracted by reference to the kilowatt-hours generated, as measured by a kilowatt-hours meter multiplied by the conversion factor.

(8) RECORDS

No issues were identified.

(9) FURTHER CONDITIONS

All water is returned to the un-named tributary of the Afon Wnion at SH 84800 26201, in accordance with section 9.4 of the licence.

The discharge outlet pipe at SH 84800 26201 did not have a mesh cover to prevent the entrapment, entrainment, and impingement of fish at the point of discharge. Condition 9.7(i) states that no abstraction shall take place unless the Licence Holder has installed a screen with spacing no greater than 3 mm to the discharge pipe. Condition 9.7(ii) notes that the Licence Holder shall maintain the discharge screen in accordance with the manufacture's specifications and keep

records of such maintenance available for inspection.

ACTION: Install a mesh cover on the outlet discharge pipe with bar spacing no greater than 3mm and maintain the discharge screen in accordance with the manufacturer's specifications and keep records of such maintenance available for inspection C3 – 17/10/2024

During the time of visit, the quantity of water abstracted exceeded 70% of the available flow in the un-named tributary of the Afon Wnion in excess of 2 litres per second as the intake structure was not built as per licence. Additionally, a blockage was found to be obstructing the HOF notch causing almost all of the water to go down the intake structure for abstraction (see CAR_NRW0044671 for scoring on this issue).

ACTION: Ensure that the quantity of the water abstracted does not exceed 70% of the available flow in the un-named tributary of the Afon Wnion C3 – already completed

Section 9.8(ii) notes that the Licence Holder shall maintain, repair, or replace the pre-barrage fish easement to ensure that it remains effective at all times. During the time of the visit, no pre-barrage was noted.

ACTION: Install a pre-barrage for fish easement and ensure that it is maintained, repaired, or replaced to remain effective at all times C3 -17/10/2024

No further 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

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

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.