

Compliance Assessment Report CAR_NRW0044691

Licence being assessed: 24/67/2/0001.

For: , held by Dwr Cymru Cyfyngedig.

At: .

Type of assessment: Report/Data Review, Reason: Incident Response (Incident number 2410211).

On 03/07/2024.

Parts of licence assessed: WR-C1 - Surface/groundwater level and protected flow - Minimum hands-off flow/level requirements

NRW Lead Officer: Sioned Jones.

Report sent to: Area Water Resources Manager - North, Area Water Resources Manager - North, on 11/03/2025.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-C1 - Water Abstraction - Surface/groundwater level and protected flow - Minimum hands-off flow/level requirements	C2 Significant	Subsection: Quantity of water authorized to be abstracted
WR-C4 - Water Abstraction - Surface/groundwater level and protected flow - Reporting	Action only (X)	

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 that a statutory minimum compensation flow of 0.737 m ³ /s is maintained between the 1st of April and the 30th of September	Already completed
WR-C4	Report to NRW on how and why this incident happened	26/07/2024

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

This Compliance Assessment Report (CAR) has been issued following a non-compliance event of Permit Condition “Quantity of Water Authorised to be Abstracted” of Licence 24/67/2/0001 on the 03/07/2024.

The abstraction of water at Llyn Celyn reservoir is permitted by License 24/67/2/0001 and is regulated by Natural Resources Wales (NRW). Subsection “Quantity of water authorised to be abstracted” refers to Section 17 of the Liverpool Corporation Act (1957) and Section 2.2.1 of the Dee General Directions, which both state that a uniform and continuous compensation flow of 0.737 m³/s must be maintained between the 1st of April and the 30th of September.

03/07/2024 INCIDENT

On the 3rd of July 2024, the flows of the Llyn Celyn release dropped below the minimum summer compensational flow of 0.737 m³/s between the hours of 08:30 and 10:15, to a lowest flow of 0.166 m³/s.

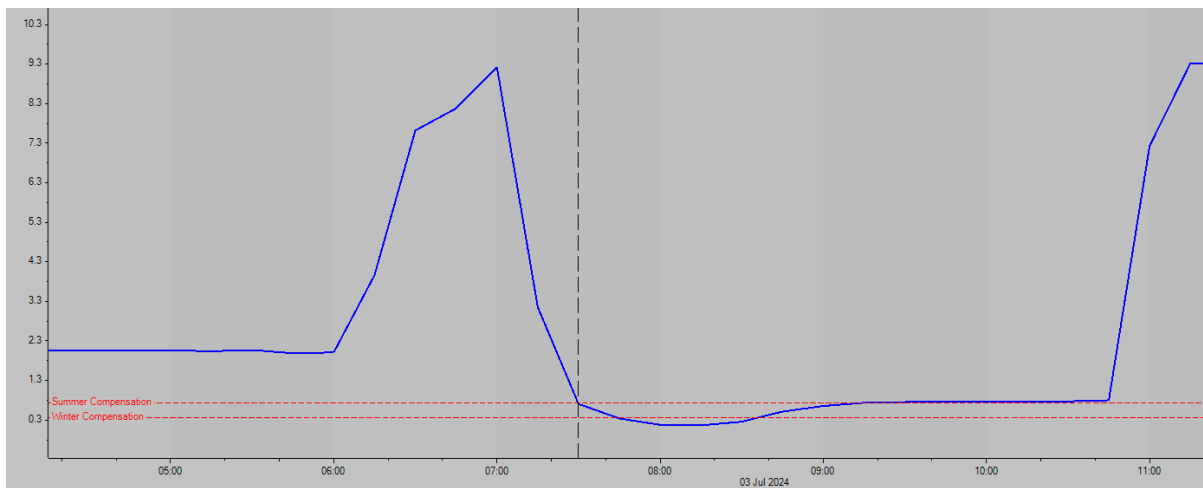


Figure 1: Llyn Celyn flows between the hours of 5:00 and 11:00 on July 3rd 2024.

A Category 2 score has been issued in response to this non-compliance. A Category 2 score is described as an event that has the “Potential to have a significant impact or effect on the environment, people, and/or property”. This dip in compensation resulted in a loss of adequate flow in the Afon Tryweryn for a 1 hours 45 mins. The compensation flow on the Tryweryn is seen as the minimum flow to protect the margins of the river drying out. Any flows below the agreed compensation flow at this critical time could result in the alevins/fry becoming stranded and perishing if the river margins dry out, and then being washed downstream when the flow is returned to the watercourse.

NRW Fisheries Officers have raised concerns regarding incidents of this nature and the possible effects on alevins which would have just emerged in the catchment during the spring months. A loss in compensation flow could result in the alevins becoming stranded and then being washed downstream when the flow is returned to the watercourse. Significant habitat improvement works

have also been undertaken over the last 10 years in the Tryweryn catchment aiming to improve spawning areas for Salmon. NRW's Fisheries Officers are concerned that re-occurring incidents of this nature could be disrupting the chances of salmon stocks improving in the catchment. It is also concerning that the non-compliance occurred upstream of the Afon Dyfrdwy SSSI and SAC designated sites.

This is the **SIXTH** recent non-compliance at Celyn Weir as an incident resulting in the under release of compensation flow at Llyn Celyn also occurred on the:

- 10th of August 2020
- 29th May 2021
- 10th June 2022
- 5th September 2022
- 5th July 2023

NRW are therefore concerned about the frequency of non-compliance incidents at Celyn Weir.

ACTION: Please investigate this incident and report back on findings to Sioned Jones at 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.