

Compliance Assessment Report CAR_NRW0047877

Licence being assessed: WA/067/0003/022.
For: Nant Cwm Tywyll Abstraction, held by Berwyn Hydro Limited.
At: Nant Cwm Tywyll, Llandrillo, Corwen, Denbighshire, LL21 0TD.

Type of assessment: Site Inspection, Reason: Routine.
On 19/03/2025, between 10:45 and 12:00.
Parts of licence assessed: 8.0 Records

NRW Lead Officer: Rebecca Redmond, accompanied by Philip Barrett.
Report sent to: Licence Holder, Licence Holder, on 30/04/2025.

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

| Part of licenced activity assessed (criteria) | Assessment result | Licence condition |
|--|-------------------|--|
| WR-B3 - Water Abstraction - Abstraction measurement and records - Reporting | Action only (X) | |
| 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 30 millimetres to the discharge outlet pipe to prevent the entrapment, entrainment or impingement of fish. |

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

2. What action is required?

| Criteria | Action needed | Complete by |
|----------|--|-------------|
| WR-B3 | Please submit meter readings for the years 2019-2024 to be compliant with the conditions of the licence. | 30/05/2025 |
| WR-E1 | Install a 30mm screen on the discharge outfall pipe. | 30/05/2025 |

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 site visit was carried out on the 19th March 2025 to the abstraction in place on the Nant Cwm Tywyll under licence WA/067/0003/020/V001.

During the visit, there was no abstraction taking place due to the flow conditions. When checking the abstraction returns on the portal from 2019 onwards, there appears to be no returns submitted and are all 'outstanding' since 2019.

Condition 8.1 (i) (Records) states that 'The Licence Holder shall record readings of the electrical output and the corresponding quantity of water abstracted at the same time each week, as determined using the calculation checklist attached to this licence or at such other intervals as may be approved by NRW in writing. (ii) The Licence Holder shall send to NRW a copy of the records required by Condition 8.1 (i) above within 28 days after 31 March in each year, and also within 28 days of being so requested in writing by NRW. (iii) The Licence Holder shall keep all records for at least 6 years, and shall allow NRW to inspect them during all reasonable hours.'

To remain compliant with the licence, you will need to submit abstraction returns via the online portal for the years 2019-2024 and must do so within the given time frame stated above. These returns will then be assessed against the maximum quantities and another CAR form will be produced which outlines whether abstraction quantities are compliant with the conditions of the licence. To gain access to the portal, you will need to email: waterresources.returns@cyfoethnaturiolcymru.gov.uk

An inspection of the outfall found that there was no screen in place on the discharge outlet. Condition 9.7 (i) states that no abstraction shall take place unless the Licence Holder has installed a screen with spacing no greater than 30 millimetres to the discharge outlet pipe to prevent the entrapment, entrainment or impingement of fish. An action is required to install a 30mm screen on the outfall pipe to remain compliant with the licence.



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.