

## Compliance Assessment Report CAR\_NRW0047870

**Licence being assessed:** 23/65/16/0068.

**For:** , held by Dulas Hydro Generation Ltd.

**At:** .

**Type of assessment:** Site Inspection, Reason: Incident Response (Incident number 2502735).

On 20/03/2025, between 10:41 and 11:00.

Parts of licence assessed: 4.3

**NRW Lead Officer:** Swyn Spencer, accompanied by Walter Hanks.

**Report sent to:** Mr Nicholas Curtis, Licence Holder, on 04/04/2025.

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

| Part of licenced activity assessed (criteria)                                             | Assessment result | Licence condition |
|-------------------------------------------------------------------------------------------|-------------------|-------------------|
| WR-G5 - Water Abstraction - Impoundment specified by licence - Other specified on licence | C3 Minor          | 4.3               |

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

### 2. What action is required?

| Criteria | Action needed                | Complete by |
|----------|------------------------------|-------------|
| WR-G5    | Ensure Maintenance of scheme | 02/04/2025  |

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.**

**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 report is in reference to the Impoundment Licence 23/65/16/68**

The Dulas /DHG Hydro Limited on the Afon Hwch was visited on the 20.03.2025 by Natural Resources Wales Fisheries Officer Walter Hanks. Not all conditions in the licence are mentioned in this report. You should always familiarise yourselves with the two licences in full to ensure

compliance.

The scheme was Abstracting on 20.03.2025.

Condition 4.3 of the Impoundment Licence has been assessed.

Previous photos also show blockages. These include 2.10.2025 & 12.12.2024. The scheme was also abstracting on these days. Also detailed in this report.

Details of location:

1. NAME OF INLAND WATER TO BE IMPOUNDED

DHG Hydro Limited is on an inland river known as the Afon Hwch at Llanberis, Gwynedd.

2. POINT OF IMPOUNDMENT – Point A:

As noted in the impoundment licence. National Grid Reference SH 57832 59308. Correct.

Walter Hanks Fisheries Officer came across a blockage on the Dulas Hydro scheme on the 20.03.2025, and removed it.

**We are scoring a non-compliant scored on this report for the most recent found on 20.03.2025 for Condition 4.3, of the impoundment licence.**

**The maintenance of the scheme needs to be continuous. Regardless of the action due date in the report.**

I attach the photos referenced in the report.

As per licence details:

FURTHER CONDITIONS - Condition 4.3 was assessed:

*“The Licence Holder shall maintain the intake weir to prevent leakage and to be free from obstruction at all times”.*

During 20.03.2025 at 10.41am on an incident visit there was a large stone in the Hands off Flow Area (HoF). The area was not free from obstruction. See **Photo A** . The photo also shows the water being abstracted into the screen. Fisheries Officer WH removed the stone, and therefore the obstruction on the scheme.

**Photo B.**

This Photo shows the Hands off Flow (HoF) following the removal of the obstruction on 20.03.2025. The photo is relevant because it shows how the HoF needs to look like without any obstruction. Water should flow freely here to follow the flow regime as detailed in the Abstraction Licence.

**Photo C**

This photo shows the flow going over the screen following the removal of the obstruction on the 20.03.2025. It was clear to the fisheries officer WH that less water was going into the abstraction screen. Obstructions are not allowed in the HoF, as it is not per the conditions in the licence.

The Flow regime:

*'The Licence Holder shall maintain a flow of at least 120 litres per second downstream of the impoundment licence at all times'.*

Keeping Hof clear will contribute to this being achieved. Through compliance with the rates of abstraction and maintenance as per licences, the in river ecology is also protected.

See CAR form **CAR\_NRW0047871** which related to the abstraction licence.

Important Notes (Photos D and E sent separately by email)

During 12.12.2025 there was a visit to the scheme by WH, which was undertaken for other purposes not a full complaint check. Looking back at the photos we observed a partial blockage.. See **Photo D**. It shows an obstruction on the lower left hand side, which is not meant to be there, and would have been affecting the flow regime.

On 2.10.2025 there was a visit to the scheme by Swyn Spencer and Laura Jones, and other NRW colleagues. Laura Jones took the photograph. This visit was also taken for other purposes and looking back at the photos SS and WH observed another partial block. See **Photos E**.

Please keep the sediment directly behind the compensation flow area / Hof area clear and ensure that you maintain it regularly.

If you have any queries regarding this compliance report or your abstraction and impoundment licences then please do not hesitate to contact me on the number or e-mail address below.

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.