

Compliance Assessment Report CAR_NRW0047939

Licence being assessed: WA/065/0006/009.

For: , held by John Orkney-Work.

At: .

Type of assessment: Site Inspection, Reason: Other.

On 28/03/2025, between 11:20 and 12:05.

Parts of licence assessed: All

NRW Lead Officer: Laura Jones, accompanied by Sioned Jones.

Report sent to: John Orkney-Work, Licence Holder, on 08/04/2025.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-G1 - Water Abstraction - Impoundment specified by licence - Inland water to be impounded	Assessed (A)	
WR-G2 - Water Abstraction - Impoundment specified by licence - Manner and extent of impoundment	C3 Minor	3.1
WR-G3 - Water Abstraction - Impoundment specified by licence - Point(s) of impoundment	C3 Minor	2.1

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

2. What action is required?

Criteria	Action needed	Complete by
WR-G2	Stop abstracting until a HoF has been installed, once installed abstraction can continue but a technical variation needs to be applied for to show the structure as built.	30/06/2025
WR-G3	Vary the permit to show the correct grid reference for the point of impoundment	30/06/2025

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

The impoundment licence to abstract water for unnamed tributary of the River Nanmor at Clogwyn was visited by compliance officer Laura Jones from the Conwy Environment Management team and Sioned Jones from the Dwyfor and Meirionydd Environment Team on the 28th March 2025. The following sections of the licence were inspected;

1. Name of Inland Water to be Impounded

1. Inland water (river) known as an unnamed tributary of the River Nanmor at Clogwyn, Gwynedd

No issues were identified

2. Point of Impoundment

2.1 At National Grid Reference SH61788 47203 'Point A' on the map

The impoundment has been built at location SH 61773 47205 approximately 50 meters down stream from the location specified on the licence a variation needs to be applied for to rectify this.

3. Manner and Extent of Impoundment

1. Intake works consisting of a new concrete weir, intake screen with a 3 millimetre bar spacing, forebay tank, gravity feed penstock of an external diameter not exceeding 160 millimetres and HoF notch, in accordance with the specifications and drawings.

"Proposed Hydro Intake: Plan, Section and Profile"

"Existing Hydro Intake Location: Plan and Profile A3, 1-20. Isometric of proposed: NTS"

There is significant non-compliances with these conditions. There are discrepancies between how the structure has been built compared to the drawings within the permit. The structure has been built so the intake weir is on the right hand side of the structure looking up-stream while the drawings in the permit show this to be on the left.

There is no HoF notch on the impoundment meaning the structure is having an impact on the depleted reach where there is significantly less flow than there should be and in some places has completely dried up.

To rectify these issues we require you to stop abstracting as soon as you receive this

information and add a HoF notch to the structure. Once this is complete you must notify myself so a compliance visit can be undertaken.

Once the HoF has been completed abstraction can resume however, the licence holder must apply for a technical variation to the permit to include new drawings showing the structure as built. You can apply for a variation on Natural Resources Wales website.

5. Further Conditions

2. For the purpose of the licence, references to 'intake works' shall mean all works consisting of a new concrete weir, intake screen with a 3 millimetre bar spacing, forebay tank, and a gravity feed penstock pipe of an external diameter not exceeding 160 millimetres and HoF notch.

4.5 The licence holder shall construct, operate and maintain the intake works scheme in accordance with the specifications and drawings referred to in condition 3.1 of this licence and keep them free from leakage and obstruction at all times .

There are significant non-compliances with these conditions. The concrete weir and intake screen are not built to the permit drawings, and compliance officers could not see a penstock pipe or a HoF notch.

The intake works have not been built in accordance with the specifications and drawings referred to in condition 3.1, all abstraction activity should cease until a HoF notch has been added to the structure.

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.