Compliance Assessment Report CAR_NRW0046581

Licence being assessed: WA/065/0018/005.
For: Unnamed site in Afon Llafar, held by Gerlan Hydro Limited.
At: Afon Llafar, Cwm Pen-llafar, Gwernydd, Bethesda, Bangor, LL57 3UB.

Type of assessment: Site Inspection, Reason: Routine.
On 12/09/2024, between 12:30 and 13:30.
Parts of licence assessed: See report

NRW Lead Officer: Swyn Spencer, accompanied by Walter Hanks.
Report sent to: Jamie Needle, Licence Holder, on 09/06/2025.

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	3.1 and 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-E1	Maintain Fish Access as detailed in report	01/09/2025

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

IMPOUNDMENT - Afon Llafar

CAR_NRW0046581

This report is in reference to the Impoundment Licence WA/065/0018/005

The Gerlan Hydro Ltd scheme on the Afon Llafar was visited on the 12.09.2024 by Environment Officers Swyn Spencer and 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.

Water was going through the abstraction screen at Point B (as marked on the Map on the Abstraction Licence). However the scheme was not abstracting. The turbine was clearly not in operation.

1. NAME OF INLAND WATER TO BE IMPOUNDED

Inland water (river) known as Afon Llafar, Bethesda, Gwynedd

2. POINT OF IMPOUNDMENT – Point A:

As noted in the impoundment licence. National Grid Reference SH 64619 65492

Correct. **Compliant.**

3.1 MANNER AND EXTENT OF IMPOUNMDMENT:

i) Afon Llafar – Intake works consisting of a weir equipped with an aquasheer conada screen, compensation notch and a gravity feed penstock pipe, as detailed on drawings ''Intake front elevation''. ''Intake iso view'', ''Intake plan'' & ''Intake side elevation'' submitted to the Agency on 26 July 2010, controlled by the design of the intake works, (subject to condition 4.4) spanning the Afon Llafar cross section in Point ''A''.

Drawings can be found in Impoundment Licence WA/065/0018/005.

The general arrangement of the intake weir is the same as shown on the licence drawings. There were no issues on the dimensions taken on the day.

Intake Front Elevation:

Screen width: 4520mm

Width of Residual Flow/Drain down notch area: 1000mm

Wal structure: 5600mm

Intake Side Elevation

Side of Residual Flow Notch: 300m

Side wal: 400mm

Note for Cladding: We notice stone cladding work is needed.

ii) The Licence Holder shall install and maintain a ''rocky ramp'' fish access structure

subject to condition 4.4 to the satisfaction of the Agency.

See condition 4.3 and 4.4 for more details on this. There are issues with the 'fish access' and 'rocky ramp'.

4. FURTHER CONDITIONS

4.2

i) The aperture of the aquasheer conada screen specified in condition 3.1 shall not exceed 10mm to prevent the entrapment, entrainment or impingement of fish.

Compliant with what we have checked on the day. Gaps were ideal at approx. 1mm spacing.

4.3

i) The Licence Holder shall construct and maintain a ''rocky ramp'' fish access structure to the satisfaction of the Agency.

ii) The Licence Holder shall finalise the design of the ''rocky ramp'' fish access structure during the scheme construction phase.

iii) The final design must be approved by the local Fisheries Officer before the scheme is commissioned and becomes operational.

iv) The Licence Holder shall enter into an agreement with the local Fisheries Officer to finalise the design and arrange approval.

On the visit the current 'rocky ramp' which was present was not suitable for ameliorating fish passage and had apparently deteriorated due to river erosion processes. This is marked as an **Action** to be completed, therefore marked as a **Non-Compliance.**

Narrative; Although it clearly mentions Rocky Ramp in 3.1(ii) & 4.3 in the licence wording, there are no diagrams or reference to a Rocky Ramp on the actual licence. We interpret this to mean that an informal rocky ramp was to be built *and maintained* in functional condition on the downstream face of the weir so that fish can move upstream in spate conditions, and that downstream movement of fish in all flow conditions was possible.

You will need to maintain the 'fish access (improvised rocky ramp)' to ameliorate upstream and downstream fish access.

ACTION: Please carry out corrective maintenance to the 'fish access (improvised rocky ramp)'

Please confirm this work will be completed and provide before and after photographs or videos to Natural Resources Wales Regulatory Officer (swyn.spencer@naturalresourceswales.gov.uk) by 1.9.2025. Future maintenance works should ideally be completed in the summer months during low flow conditions.

No in-river works can start until 15th May due to fish migration season reasons. No works after 17th October.

I attach a photo of the scheme as it was on our visit in September 2024.

4.4

i. *The Licence Holder shall construct, operate and maintain the impounding works specified in condition 3.1 so as to ensure compliance with the conditions of this licence.* ***See my comments on condition 3.1.***

ii) N/A

iii)

The Licence Holder shall confirm in writing that the impoundment works have been constructed in accordance with the submitted specification and drawings and the conditions of this licence before the scheme is commissioned and becomes operational. ***You need to look a the rocky ramp issue to ensure it is fully compliant.***

Marked as non compliant under 4.3.

iv) The Licence Holder shall maintain the impoundment works to prevent leakage and to be free from obstruction at all times.

During 12.09.2024 visit there were no blockages. The Hof (Hands Off Flow) was clear. This part iv) was compliant on the day.

The Licence Holder shall maintain a flow as explained in Abstraction Licence for Afon Llafar and in the CAR report (CAR_NRW0048118) for abstraction licence; under condition 9.3. 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.

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

Further note on our planned and reactive visits:
We wish to confirm in writing that according to Water Resources legislations, we have a legal right to enter the land to do our compliance checks, without prior notification. This is the procedure I take when visiting Hydropower schemes for compliance checks. We will always contact landowner on departure, to say that we have been, and that a report will be sent to the Licence Holder. We need to be able to visit a scheme prior to notifying the landowner or licence holder, in the first instance.

For reference please familiarise yourself with Section 169, Water Resources Act, 1991 – for our planned routine visits (which are unannounced):
https://www.legislation.gov.uk/ukpga/1991/57/section/169

This clearly states that we are able to legally enter premises to carry out inspections.

In addition we will always have a sign on the car and a telephone number to call NRW. In future we will also leave a works mobile number, so that you can contact us, if you see a NRW vehicle parked on site, and wish to query it.

In addition on some visit we may also ask the Licence Holder or Land Owner to accompany us, in order to discuss aspect of the scheme or to enter the turbine house.

Actions:

Carry out corrective maintenance to the 'fish access as described in condition 4.3. (improvised rocky ramp)' on the Afon Llafar by the 1.9.2025.

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

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 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.