

Compliance Assessment Report CAR_NRW0049003

Licence being assessed: WA/065/0016/013.

For: Unnamed tributary on Afon Dudodyn, held by Dudodyn Hydro Ltd.

At: Nant Peris, N/a.

Type of assessment: Site Inspection, Reason: Routine.

On 19/06/2025, between 10:15 and 12:00.

Parts of licence assessed: See Report

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

Report sent to: Wiliam Alan Jones, Licence Holder, on 01/08/2025.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-G4 - Water Abstraction - Impoundment specified by licence - Construction and removal requirements	C3 Minor	4.5

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

2. What action is required?

Criteria	Action needed	Complete by
WR-G4	Clear all sediment/Gravel build up on the approach to the intake. As described in report, as well as the build up of Moss on the HoF area. The obstruction wall of stones directly behind the HoF and the small stone within the notch has been removed on the day. Action has now been completed. Prior to sending the report.	03/08/2025

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 HEP scheme is licenced by Abstraction Licence 23/065/0016/012 and Impoundment Licence WA/065/0016/013

This report is in reference to the Impoundment Licence WA/065/0016/013

A compliance visit was undertaken on **Dudodyn Hydro Ltd** hydro scheme on the Afon Dudodyn. It was visited on the 19.06.2025 by Environment Officers Swyn Spencer and Fisheries Officer Walter Hanks.

You should always familiarise yourselves with the two licences in full to ensure compliance.

Water was going through the abstraction screen at Point A (The scheme was abstracting).

1. NAME OF INLAND WATER TO BE IMPOUNDED

Inland water (river) known as Afon Dudodyn at Nant Peris, Caernarfon, Gwynedd.

2. POINT OF IMPOUNDMENT – Point A:

As noted in the impoundment licence. National Grid Reference SH 61344 60142

Correct. **Compliant.**

3.1 MANNER AND EXTENT OF IMPOUNDMENT:

Intake works consisting of a new concrete weir with conada intake screen with 1 millimetre aperture, concrete sump, equipped with a 355 millimetre internal diameter penstock pipe, plunge pool, V-notch and flow split bracket in accordance with the specification and drawing.

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.

On this visit we wanted to measure the depth of the V Notch, and it was correct at a depth of 164mm.

Dimensions: Compliant.

There is no requirement for this site to allow fish migration. There are however design features that must effectively be maintained to allow downstream migration. There was a suitable plunge pool present as per licence drawing; '*Plunge pool depth greater than 300mm.*'

Plunge Pool was compliant to the condition and scheme diagram and labelling. With depth greater than 300mm. **Compliant.**

4.5 The Licence shall construct, operate, and maintain the intake works in accordance

with the specification and drawings referred to in condition 3.1 of the licence and keep them free from leakage and obstruction at all times.

This condition has been marked as a Non Compliant.

The scheme was clearly abstracting on the day, water was flowing over and into the intake screen.

During a Compliance visit on this scheme on the 19.6.2025, there were clear obstructions, this means the flow which needs to go down the hands of flow area/residual area was compromised greatly. The conditions in the Abstraction Licences Permit explains the rate of flow allowed in condition 9.5. This means it was not operating as designed to protect flows with in the downstream depleted reach. See report form which relates to the conditions in the Abstraction licence; **CAR_NRW0049002** for more details on this.

Build up directly by the Hands off Flow – ‘The curved line of stones’

Photos and videos were taken of the scheme in operation with the obstruction in place, and also after their removal on the day. The removal of the obstruction directly around the Hands off Area (HoF) area was done during the compliance visit. See photos DSCN1073, DSCN1076 and DSCN1077 of the obstruction found in this area. There was an accumulation of a curved line of stones clearly reducing the amount of water going back into the river via the notch, and deflecting it onto and into the abstraction screen.

There was also stones found wedged within the V notch, and a build up of Moss. See Photo DSCN1079, and see also the version with red marker. The scheme must be maintained and the moss also removed.

Approach to the Intake Upstream

The approach to the intake was also not acceptable. The flow leading to the intake should be uniform and steady with a long straight approach channel and no protection to the flow. This is in order to provide sufficient flow of water back into the downstream watercourse, and to ensure continuation of compliance.

Photo DSCN1069 & Screen shot marked in red version shows the stretch of sediments on the approach to the intake on this scheme.

Action:

Following email correspondence following this visit, Environment Officer Swyn Spencer had confirmed that you can go ahead with the clearance of this gravel/sediment build up as stated in your method statement, with small machinery and reposition the gravel/sediments in the channel below the scheme. The photos that I have attached in this report shows the gravel /sediment build up behind the scheme, licence holder must clear all the gravel

downstream marked red in the photo. Some of it can be placed in the fish pool as you mention in your method statement, but you will also need to redistribute sediment in other areas downstream.

As for the work you asked to do to separately on landslide areas upstream. I cannot give you permission to work in this area.

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

It is important that the Licence Holder shall maintain a flow as agreed in the permit and explained in Abstraction Licence for Afon Dudodyn.

Keeping Hof notch area within and on the approach to the intake 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.

Note: There was also a breach of condition 4.5 during our compliance visit 6.7.2021.

Action Completed:

You have sent photos of the upstream sediment/gravel trail, and the area directly behind the V – notch following clearance works, as well as the build up of moss in the HoF area, on an email on 31.7.2025.

I attach the photos of completed actions on CAR report relating to the abstraction licence: CAR_NRW0049002.

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.

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.

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.