

Compliance Assessment Report

Report ID:
CAR_NRW0036239

This form will report compliance with your permit as determined by an NRW officer

Site	Llyn Cwellyn	Permit Ref	23/65/15/0024		
Operator/Permit holder	Dwr Cymru Cyfyngedig				
Regime	Water Abstraction				
Date of assessment	12/07/2019 - 19/07/2019	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	Abstraction and compensation flow returns				
Lead officer's name	Williams, Kirsty				
Accompanied by	Rees-Jones, Jenny				
Recipient's name/position	Jo Cullen/ Water Resources Manager	Date issued	27/01/2020		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	X	

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.
A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,
O = Ongoing non-compliance, not scored.

Number of breaches recorded	0	Total compliance score (see section 5 for scoring scheme)	0
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

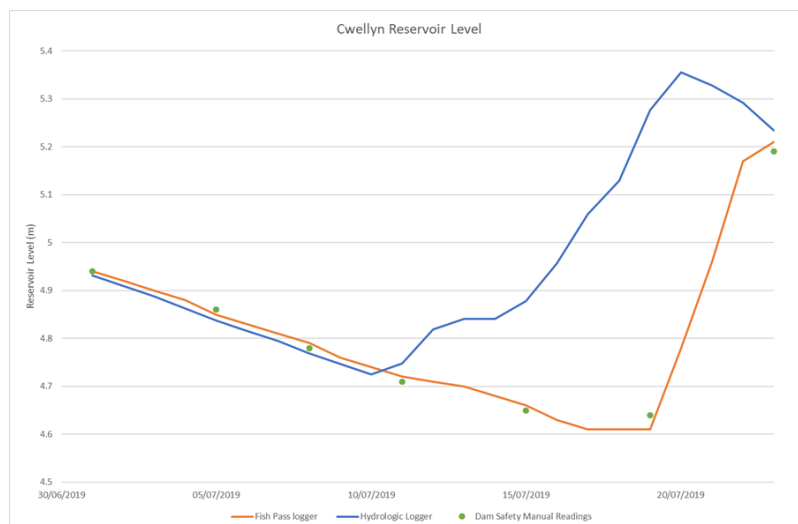
- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

Date	Cwellyn Res Level mAOD	Cwellyn SD flow
12/07/2019	4.819	14.753
13/07/2019	4.841	14.727
14/07/2019	4.841	14.735
15/07/2019	4.878	14.559
16/07/2019	4.957	14.213
17/07/2019	5.059	13.929
18/07/2019	5.129	13.902
19/07/2019	5.277	15.217

Licence specifies that for the above dates, when reservoir levels are higher than 4.8 m, the compensation water rate is 18.2 MI/d , and when the reservoir level is lower than 4.8 m, the compensation water rate is 13.6 MI/d. Returns data initially provided by DCWW as summarised above indicates that the Res Level between 12-19/07/2019 > than 4.8 m and therefore require a compensation water rate of 18.2 MI/d.

When asked about this data, Jo explained that the data provided above had not been through the QA process. Jo explained that the instrument that measures the reservoir levels was not working during this time period. DCWW have used the fish pass logger as a proxy for the reservoir level. The fish pass logger reads slightly higher due to the electronics so have to add an offset of ~ 1.5 mm. Using the graph provided by Jo Cullen (below), the data shows that the reservoir levels did not go above 4.8 until 20/07/2019. The data can be verified by the dam safety manuals readings from the gagueboard. Based on this data/information, the compensation water flows between 12/19/07/2019 were therefore compliant.

Graph provided by Jo Cullen:



Jo Cullen as agreed to provide QAd data as soon as possible.

For information, please see condition 9.6 (i) and (ii) which refer to the maintainance, repair or replacement of the lake water monitoring and recording device to ensure that accurate measurements are recorded at all times.

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EPR Compliance Assessment Report

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Site	Llyn Cwellyn	Permit Ref	23/65/15/0024
Operator/Permit holder	Dwr Cymru Cyfyngedig	Date	12/07/2019

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
G1	X	Please ensure that mintoring system is per licence condition, 9.6. Please provide QA data of reservoir level.	27/02/2020

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.