

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

Site	Llyn Marchlyn Bach.	Permit Ref	23/65/16/0064		
Operator/Permit holder	Dwr Cymru Cyfyngedig				
Regime	Water Abstraction				
Date of assessment	03/07/2019 - 05/07/2019	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	Abstraction license returns				
Lead officer's name	Hywel, Ifan				
Accompanied by	Rees-Jones, Jenny				
Recipient's name/position	Jo Cullen/ Water resources manager	Date issued	29/01/2020		

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
A1 - Specified by permit	C4	6.1 subject to 9.2. Abstracted quantities.

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	1	Total compliance score (see section 5 for scoring scheme)	0.1
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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

Returns data provided by DCWW shows that the maximum daily quantity of water to be abstracted (4000 m³ per day) in condition 6.1 of the licence (4000 m³ per day) was exceeded between 03-05/07/2019. Condition 6.1 is subject to condition 9.2 which allows the maximum daily quantity to be increased to 7,450 m³ per day on any 14 days per year but only whilst no abstraction is occurring under licence number 23/66/8/0010 (Ffynnon Llugwy). Abstraction data for Ffynnon Llugwy Total provided by DCWW shows that abstraction from Ffynnon Llugwy was occurring on these days (shown in table below).

	Marchlyn Source	Marchlyn Source % over abstraction	Ffynnon Llugwy Raw (Mynydd Llan. Wks)	Ffynnon Llugwy Total
29/04/2019	4060.7	1.5	1102.0	1147.7
30/04/2019	5072.8	26.8	0.0	45.0
01/05/2019	5066.5	26.7	95.0	136.6
03/07/2019	4332.40	8.31	1058.00	1107.98
04/07/2019	5454.10	36.35	0.00	51.33
05/07/2019	5494.70	37.36	374.00	425.98

In a meeting with NRW, DCWW have stated the following (minutes taken from the meeting on 17/01/2020):

- • Normally, Mynydd Llandegai WTW is fed from a blend of Marchlyn and Ffynnon Llugwy water. The minimum flow at the WTW is ~5MI/d so if Ffynnon Llugwy is offline DCWW have to abstract at the higher rate from Marchlyn.
- • DCWW cannot comply with condition 9.2(ii) as the Ffynnon Llugwy main can burst at any time of the day and the Marchlyn abstraction must be increased as soon as possible after. Ysbyty Gwynedd are reliant on water from Mynydd Llandegai so DCWW must maintain uninterrupted supply.
- • Dam Safety works in Autumn 2020 will require the Ffynnon Llugwy main to be off line for ~21 days. The raw water main is also liable to frequent bursts and may need to be replaced in the future. DCWW therefore need more than 14 days at a higher rate but could reduce the 7.45MI/d to 6.2MI/d and still meet demand.
- • Increasing the number of days DCWW can operate from Marchlyn alone will also improve the drought resilience for the NEYM zone.

DCWW are currently in the process of applying for a variation of the permit to allow for some abstraction from Ffynnon Llugwy whilst abstraction from Marchlyn Bach is over 4000m³. NRW are aware of the issue and are in discussions with DCWW regarding this.

DCWW have indicated that they would like the variation to be in place by the Autumn so that they can carry out dam safety works at Llugwy. DCWW will need to apply in a timely manner to allow for permitting timescales. Until a

variation is in place DCWW should comply with current licence conditions.

On this occasion NRW have chosen to score a C4 non-compliance, owing to the fact that the periods of non-compliance didn't have a significant impact on reservoir levels. In addition the abstracted quantities for the days before and after the periods of non-compliance were well below the daily licensed quantity, and at the time data was submitted, data indicated that the source appeared to be on course to be well below annual licensed quantities.

Ifan Hywel

Swyddog yr Amgylchedd 1 / Environment Officer 1

Cyfoeth Naturiol Cymru / Natural Resources Wales

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EPR Compliance Assessment Report

**Report ID:
CAR_NRW0036233**

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

Site	Llyn Marchlyn Bach.	Permit Ref	23/65/16/0064
Operator/Permit holder	Dwr Cymru Cyfyngedig	Date	03/07/2019

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			
A1	C4	DCWW should comply with licence conditions unless and until licence is varied to alter or remove condition 9.2.	29/01/2020

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.