

Compliance Assessment Report CAR_NRW0037059

Licence being assessed: 24/67/8/0010.

For: Llyn Cyfynwy and Pendinas Reservoir., held by Hafren Dyfrdwy Cyfyngedig.

At: Llyn Cyfynwy, LL11 3BF.

Type of assessment: Report/Data Review, Reason: Routine.

On 07/07/2020 - 15/07/2020.

Parts of licence assessed: Abstracted quantities and compensation flow measurement

NRW Lead Officer: Jenny Rees-Jones.

Report sent to: Elizabeth Franks, Environment & Natural Resources specialist (Wales), on 06/11/2020.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-C2 - Surface/groundwater level and protected flow - Flow/level measurement devices	C3 Minor	Compensation flow as per Wrexham and East Denbighshire Water Order 1955

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

2. What action is required?

Criteria	Action needed	Complete by
WR-C2	Proceed with monitoring regime and development of proposal for means of measurement. Please update on plans.	31/03/2021

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.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

During the period of dry weather in 2020, NRW did not carry out compliance inspections on this site due to Covid 19 restrictions. Alternatively, NRW contacted Hafren Dyfrdwy, requesting data to check compliance and asking specific questions at certain sites. Hafren

Dyfrdwy provided a report for this abstraction by email on 06/08/2020.

This licence covers the abstraction from Llyn Cyfynwy and Pendinas reservoirs to Pendinas Water Treatment Works. Hafren Dyfrdwy provided the following abstraction data for Llyn Cyfynwy (totaliser reading taken 14/07 so dates for daily abstracted quantities 07/07 to 14/07) and Pendinas Reservoir (totaliser reading taken 15/07 so dates for daily abstracted quantities 08/07 to 15/07).

Licence number	Meter reading		Quantities (m ³) – on day of check and previous 7 days							
	Totaliser	Instantaneous	0	1	2	3	4	5	6	7
24/67/8/0010 Llyn Cyfynwy	1874756	40m ³	798	1381	1174	911	826	969	996	1069
24/67/8/0010 Pendinas	7121274	3m ³	91	87	92	87	85	92	86	91

The combined total daily abstraction limit is 5.45Ml/d (5450m³/d). The above readings demonstrate compliance with the daily maximum quantities allowed by the licence.

The Wrexham and East Denbighshire Water Order 1955 requires the Company to deliver a compensation release into Pendinas Brook at or above the bridge spanning the River Alyn at Pen y Stryt, a regular and continuous supply of water of at least of 125,000 gallons a day (which equals 568 m³/day or 6.6 litres per second).

It has previously been identified that the compensation flow is not measured, as required by the Order, and does not appear ever to have been measured. HD report that historically, this has been delivered via natural leaks in the leat around the reservoir. HD have agreed to carry out low flow monitoring on the Pendinas Brook to help establish how and where best to monitor the required compensation flow from Pendinas reservoir. The monitoring was planned to begin in summer 2020, but this has been delayed due to Covid.

Please provide NRW with an update to planned monitoring and progress next year subject to Covid restrictions. Please provide progress update / plans for monitoring in 2021 by 30/03/2021 to Jenny Rees-Jones jenny.rees-jones@cyfoethnaturiolcymru.gov.uk.

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.