

## Compliance Assessment Report CAR\_NRW0037052

**Licence being assessed:** 24/66/3/0048.

For: Llannerch Park boreholes - Public Water Supply, held by Dwr Cymru Cyfyngedig.  
At: Dwr Cymru Cyfyngedig, Llannerch Park, St. Asaph, Denbighshire, LL17 0BD.

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

On 18/09/2020.

Parts of licence assessed: Condition 9 - Further Conditions - Augmentation

**NRW Lead Officer:** Philip Barrett.

**Report sent to:** Jo Cullen, North Area Water Resources Manager, on 11/11/2020.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-C1 - Surface/groundwater level and protected flow - Minimum hands-off flow/level requirements	C3 Minor	9.1 - Further Conditions - Augmentation requirement when the River Clwyd is below 1.7 cumecs at the Pont y Cambwll gauging station

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

### 2. What action is required?

Criteria	Action needed	Complete by
WR-C1	A system must be implemented to ensure that the correct flow is discharged when flows in the Clwyd are below 1.7 cumecs.	Already completed

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

When the river Clwyd is flowing at less than 1.7 cumecs, Welsh Water are required to discharge a daily quantity of water not less than the average actual abstraction at Llannerch

park boreholes. (based on a rolling 72 hour mean).

On 22nd September 2020, Gary Rowlands reported that it had come to his attention that the flow at Pont Y Cambwll had gone below the 1.7 cumecs. With the boreholes switched off on the 27th August 2020, when the flows were above 1.7 cumecs. DCWW had been non-compliant with the conditions for augmentation since the 18th September 2020. DCWW Production were made aware to turn the boreholes on and an investigation carried out to determine why the alarm on the Pont y Cambwll NRW transfer level did not trigger.

On the 23rd September 2020, an update was received from Gary Rowlands explaining that 2 alarms were now in place on the system that would trigger when the flows reached a set point. These are set at 4.16 cumecs (Lo) and 2.49 cumecs (LoLo). The new alarm settings would give sufficient time to allow the boreholes to be switched on, and should prevent any further non-compliance of this nature. The investigation into why the original alarm had failed to trigger found that there was a permission error on the system that has now been resolved. The recent rainfall had increased the level at Pont y Cambwll to above 1.7 cumecs, meaning that no further augmentation was required. A decision was made to continue to augment until the new alarms on the system cleared their thresholds.

The non-compliances can be seen from the data provided by DCWW in the following table:

Date	Llannerch Rolling 3day Average	Total Augmentation Delivered	Volume under-released (Ml/d)	Under-release as % of required augmentation	Under-release as % of river flow
18/09/2020	7.7	2.16	5.54	71.95	4.04
19/09/2020	8.34	2.17	6.17	73.98	4.81
20/09/2020	7.66	2.04	5.62	73.37	4.7
21/09/2020	7.04	2.17	4.86	69.03	4.06
22/09/2020	6.39	2.29	4.1	64.16	3.42

The augmentation flow delivered is considerably less than required by condition 9.1 of the permit. Welsh Water were non-compliant during this period, but this is seen to only have a small reduction in the % flow of the Clwyd, with a minor environmental effect.

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](mailto: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](mailto: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.