

Compliance Assessment Report CAR_NRW0038465

Licence being assessed: 21/57/24/0055.

For: Top Lake Cwmclydach Phase 1, held by Cwm Clydach Community Development Trust.
At: Cwmclydach Community Development Centre, Clydach Road, Tonypandy, Rhondda Cynon Taff, CF40 2BD.

Type of assessment: Audit, Reason: Routine.

On 05/05/2021, between 11:41 and 12:00.

Parts of licence assessed: all

NRW Lead Officer: Natalie Wrangham, accompanied by Paul Latham.

Report sent to: Spencer Coombs, Groundskeeper, on 29/07/2021.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-B2 - Abstraction measurement and records - Recording	Action only (X)	
WR-A1 - Abstraction specified by licence - Source of supply	Assessed (A)	
WR-A2 - Abstraction specified by licence - Points of abstraction	Assessed (A)	
WR-A3 - Abstraction specified by licence - Means of abstraction	Assessed (A)	
WR-A4 - Abstraction specified by licence - Purposes of abstraction	Assessed (A)	
WR-C1 - Surface/groundwater level and protected flow - Minimum hands-off flow/level requirements	Assessed (A)	
WR-F1 - Discharge - Point of discharge	Assessed (A)	

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

2. What action is required?

Criteria	Action needed	Complete by
WR-B2	The returns submitted for the year 2017 - 2018 are far over the maximum abstraction daily and yearly quantities, however I believe from looking through the form that a mistake was made in how the readings were recorded or calculated, as your start and end meter readings for the year show the quantities to be with in maximum yearly limit. Please ensure all readings are thoroughly checked before submitting. Some readings missing for extended period in 20-21 returns data but Mr Coombs explained this was because of	30/07/2021

Criteria	Action needed	Complete by
	COVID lockdown conditions.	

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

Attended site with Officer Paul Latham to carry out compliance checks on Hydropower scheme on the top lake at Clydach country park. The weather at the time was dry and bright, river levels were moderate to low. Spencer Coombs came across us whilst we were checking the intake by chance. Mr Coombs maintains the hydropower scheme for the group.

It was difficult to determine whether the exact structure of the intake was as per drawings as a concrete cover had been installed over the intake structure, however we took measurements of the following:

- complete width of the river at the intake point = 6.5 metres - as per drawings
- width of concrete cover = 2.35 metres, which is 1.15 metres smaller than the total width of the screen as shown on the drawings
- It was unclear from the drawings whether a HOF notch should be part of the design, and there is no mention of one on the licence.
- It was not possible to measure the height of the intake screen crest due to the concrete cover.



Intake weir looking downstream. Screen under concrete cover.



HEP intake looking upstream.

Mr Coombs explained that he inspected the intake regularly and cleans debris off the screen. There were no blockages to the flow going downstream of the scheme observed during the visit.

We then checked the turbine house and discharge. At the time of the visit the turbine was not generating, but there was a small discharge from the outfall by the turbine house.

There is no condition on the licence which states that water mustn't flow through the turbine when not generating, and so this is compliant.

Please be aware that whilst the scheme appeared compliant I have concerns about how much water is going downstream of the intake at low flows and have asked our hydrometry team to carry out some flow gaugings and to measure the height of the intake weir if possible. The results of these will be discussed with you if concerns are raised.

Mr Coombs submitted the returns for the scheme for the last 2 years on the 18/05/2021 and other returns data was found on the NRW document management system. As stated earlier in this report there appears to be some mis-recording of the readings for the abstractions in 2017-2018 which individually exceed the maximum daily and collectively the maximum yearly abstraction quantities, but this isn't reflected in the year start and end meter reading in the continuation dates and volumes document submitted by Mr Coombs, therefore I assume it was an error in recording.

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.