

Compliance Assessment Report CAR_NRW0038684

Licence being assessed: WA/062/0001/006.

For: Glasffrwd, held by Hydro Schemes UK Limited.

At: Ystrad Meurig, Pontrhydfendigaid, Ystrad Meurig, Ceredigion, SY25 6ES.

Type of assessment: Site Inspection, Reason: Other.

On 11/08/2021, between 13:45 and 14:25.

Parts of licence assessed: Impoundment/Abstraction Point

NRW Lead Officer: Heidi Markham.

Report sent to: Mr Kevin Jones, Director of Hydro Schemes UK Limited, on 31/08/2021.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-A2 - Abstraction specified by licence - Points of abstraction	C2 Significant	9.2 & 9.5 (ii)

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

2. What action is required?

Criteria	Action needed	Complete by
WR-A2	The dimensions of the residual flow section of the structure must be brought into compliance with the conditions specified within the licence.	31/08/2021

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.

You are non-compliant with your licence.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

Water resources compliance visits were carried out by Heidi Markham from the Ceredigion Environment Team on 2nd June 2021 and 11th August 2021.

The river levels above the scheme were as expected during the visits. It was overcast on both occasions, with light drizzle on the visit carried out on 11th August 2021.

Glasffrwd Impoundment Structure

Water is abstracted from the Afon Glasffrwd near Pontrhydfendigaid, Ceredigion at National Grid Reference SN 76116 69365 as per licence conditions 1.1 and 2.1.

Photographs 1 & 2 below show the abstraction point at the time of the visits on 2nd June 2021 and 11th August 2021.



Photograph 1: Point of abstraction 02/06/2021
11/08/2021

Photograph 2: Point of abstraction

As can be seen from Photograph 1 and Photograph 2, a piece of wood remains in place on top of the steel cover lid that was installed earlier in the year. As a result of this piece of wood being in place on the cover lid, the chamber lid that forms the residual flow part of the structure (seen on the right-hand side of the photographs) continues to be higher than the weir crest and the coanda screen.

Photographs 3 and 4 below, show close-up images of the piece of wood blocking part of the residual flow section of the structure. Both photographs were taken during the visit on 2nd June 2021. The height of the piece of wood, which was found to be at a height of 5cm above the weir crest, was also taken during the visit on 2nd June 2021.



Photograph 3: Increased height of residual flow section Photograph 4: Increased height of residual flow section

- **Residual Flow**

As has been communicated to you on several occasions since 11th December 2019, an increased height of the residual flow section of the weir results in the diversion of a larger portion of water to the coanda screen and abstraction point, with a reduced amount of water being able to flow downstream, which may result in a depleted reach. As can be seen from the photographs, during the visit on 2nd June 2021, this piece of wood was preventing water from passing over this section of the weir.

Licence Schedule of Condition 9.5 (ii) clearly states 'The quantity of water abstracted shall not exceed 40% of the available flow in the Glasfrwd excess of 20 litres per second.' The photographs above clearly show that this piece of wood is causing a breach of this condition.

ACTION: The dimensions of the residual flow section of the weir must be brought into compliance with the conditions in the licence.

ENDS

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.