

10 October 2024

Dear Clare,

As part of our continued concerns on enforcement and regulation in Wales, Afonydd Cymru has recently undertaken a review of NRW compliance reporting, via the online permit register. We have focused currently on compliance checks on Dwr Cymru Welsh Water (Welsh Water).

Afonydd Cymru are technical advisors on the Welsh Government Better River Water Quality Taskforce, where we have worked closely with NRW to improve regulation of the water companies in Wales. This has implemented a number of welcome changes in terms of water company permitting, numeric permit conditions and clarity on descriptive conditions through revisions of the Operational Guidance Notes.

Our overall findings are reported below.

Review of NRW Compliance and Enforcement on Welsh Water (over last 3 months)

Review limited by search facility on the permit database which has delivered an inconsistent result depending on how the search has been done (CAR, Compliance, Dwr Cymru Welsh Water, Welsh Water, Dwr Cymru).

- There are regional differences across Wales with how compliance checks are being carried out by NRW teams
- We do not see consistency in how each regional areas is undertaking compliance checks by issue type. As an example, nearly all of the compliance checks in the NE Region are 'data' compliance checks (so failure on EDM monitors, bathing water spill targets, permit data) undertaken from previous year data reporting. There have been very few routine compliance visits to site.
- In comparison, most of the south Wales compliance checks are related to routine and planned visits to Welsh Water sites, with a few incident-related visits.
- Afonydd Cymru worked extensively with NRW staff over the last year to look at 'data' compliance requirements (compliance with permit conditions, FFT, EDM, OSM etc). These data are all readily available across Wales. It would be more efficient if these type of enforcement checks were undertaken by a centralised NRW team, with checks taken at least annually. This is a fairly simple data processing requirement.
- We are very surprised to see NW region staff using the rivers trust map for compliance checks over non-compliant spill data from Welsh Water sites. These data are reported to NRW directly and in a timelier fashion than any post-processing by the Rivers Trust. However, we *are* pleased to see the challenge from the NW regional team on dry spills

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which does not seem evident from other regional teams, despite other regions having far greater and more impacting operations.

- There are many compliance visits to site for compliance failures that would not be identifiable by site visits, for example, 'OSM data check'. This failure is identified by sampling data. We would suggest that this is not an efficient use of limited resource.
- There are some significant differences in data capture across regional areas, with the south-east Monmouthshire/Central teams providing detailed CAR reports, photos and reporting on their visits. We are disappointed that some CAR reports are empty or capture a single sentence summary of the visit in other areas. Whilst there be nothing wrong on the site, it provides no record of site conditions for future visits.
- We are concerned by the lack of compliance visits for water resources compared to wastewater, with very few checks overall. It is evident from the few that have been undertaken that NRW is well behind on checking data compliance against abstraction licence (with NRW themselves noting this hasn't been undertaken for three years).
- Generally, the current process seems very admin and resource heavy. There would be significant benefit for Wales if regional NRW teams were undertaking consistent approaches for Wales, if the types of compliance failure were considered separately as to those which required data analysis and those which actually do require site visits. In times of restructuring and limited budget, it would seem to be a necessary activity to undertake.
- It is also almost impossible to link Welsh Water responses to the CAR requirements raised without significant extra searching. This would be a welcome addition to the online system.

Afonydd Cymru are very aware that there is currently significant pressure on NRW budget and resources. There is also a huge challenge on NRW and Welsh Water to deliver improved environmental performance. We therefore hope that this review is useful and we would be happy to meet to discuss.

Yours sincerely,



Gail Davies-Walsh, CEO