Cyswllt Amgylchedd Cymru | Wales Environment Link

PR24: Natural Resources Wales' National Environment Programme expectations

March 2022

Introduction

Over the last few years, communities have increasingly noticed the poor state of their rivers and have begun to be vocal about their concerns. Environmental NGOs receive feedback from communities and have also noted the impacts first-hand as part of their work. More recently, research by Professor Peter Hammond and other citizen scientists has been featured in documentaries such as Panorama and Rivercide. Whilst water companies are not the only contributors to water pollution, we have noted with concern the evidence of breaches of wastewater permits over the last few years.

Whilst we agree with the majority of expectations set out in this document, we feel there are a few areas that could be strengthened, particularly in relation to permit requirements, monitoring and indicators of water company performance. Noting the new requirement for water companies to plan ahead by at least one extra AMP, we also recommend that NRW should assist water companies by providing them with a forward plan for environmental obligations with targets, setting out scenarios for improvements to the environment and conditions that could potentially affect water company services by the start of the AMP 9 and beyond.

NRW Expectations of Water Company Business Plans

Resilience and preventing depreciation of assets and nature

We agree with the points in this section, but we feel that the first point regarding the Section 6 biodiversity duty could be strengthened or supported by a direction to do more for designated areas for nature on water company land. Section 28G of the Wildlife and Countryside Act places a specific duty on authorities (including water companies) to take reasonable steps to further the conservation and enhancement

of SSSI features. This duty should be reflected in the NEP to ensure water companies secure genuine uplift or net benefit on top of required actions under the Environment Act to attain favourable condition of SSSIs and other designated sites.

The points on asset investment and planning for future needs could be more explicit regarding specific problems that need to be tackled, such as investing in enough wastewater treatment capacity for new housing developments to ensure that this does not increase spillage from CSOs or increase nutrient loading in river catchments that are already saturated.

Leadership for the water environment in Wales

This section could benefit from a direction to increase transparency and ease of access of water company data on pollution incidents. The public should be able to understand what is happening in their rivers. NRW should require water companies to provide information on spill volumes and content of spills, as well as spill dates and duration. If this is not possible then they must provide upstream and downstream water quality data.

Performance Commitments and Outcomes

WEL members believe Ofwat should develop stronger environmental commitments and indicators of success to reduce sewage pollution in our rivers and coastal areas. Ofwat should set targets that appropriately measure water company performance. As an example, there is currently no performance commitment or target linked to CSOs. The existing commitment of km of river improved has not driven environmental improvement and we understand that Ofwat is considering additional or alternative measures which should provide a better indication of environmental performance. WEL would welcome more specific water quality targets linked to wastewater treatment plants and CSOs.

WEL members are also concerned that it is not enough to insist on 100% compliance with existing permits. Are these permits still fit for purpose? Do they drive protection of our water resources? For the compliance expectation to drive environmental improvement NRW needs to review all wastewater permits to ensure they are legally enforceable and fit for purpose. In order to gather the resources to do this, NRW

could focus on common areas of failure. Permit subsistence fees should include an allowance for periodic review of every permit to ensure they are fit for purpose.

Nature-based Solutions

WEL supports water companies increased use of nature-based solutions and recognises that they will need support to develop these in a way that allows for increased risk as these solutions are developed and trialled. Safety cannot be compromised, but it is important that even where technological/engineering solutions are necessary, there is a recognition that supporting nature-based interventions can work alongside traditional solutions to reduce the impact on infrastructure and provide multiple benefits. For this reason, we're pleased to see that NRW expects water companies to consider using catchment and nature-based solutions wherever they can to deliver whole or part of the environmental outcome. We are also pleased to see nature-based solutions identified as a driver and would welcome specific targets set out in the NEP that water companies need to achieve in this regard.

For water companies to adopt nature-based solutions, NRW needs to set out how it will support them by accepting reasonable and proportionate risk, longer timescales for outcomes, uncertainty over outcomes and by having the right supporting processes, particularly permitting, in place. We also believe that water companies should be required to learn from the experiences of organisations that are implementing nature-based solutions outside the water industry, as well as other water companies.

Annual Reporting EPA and Evaluation

We are concerned about the Environmental Performance Assessment and whether this currently assesses environmental performance adequately. We think the EPA should be evaluated and are keen to see whether new indicators of environmental performance under consideration by Ofwat will provide a more rounded assessment of environmental performance.

We note that water companies are accountable and responsible for delivery of their proportion of required pollution reduction. However, current water quality monitoring in Wales is not sufficiently robust to apportion the level of impact from

different polluters/pollutants. We would welcome requirements to improve monitoring in order to establish the relative impacts on water quality. This would aid wider decision-making on the best solutions to tackle water pollution from all contributing industries. PR24 represents a real opportunity to improve the data gathered on water quality in Wales.

Drivers

WEL would like to suggest some additional Drivers to WINEP. To strengthen actions to improve fish stocks, we suggest adding Alternative Mitigation obligations (for delivery of statutory requirements from impounding rivers) and the Salmon and Sea Trout Plan of Action to drive delivery of WFD obligations where rivers are failing for fish. This would also drive wider improvement in non-SAC rivers.

We also argue that adding the duty in Section 28G of the Wildlife and Countryside Act, as detailed above, would support the biodiversity drivers already identified, as would a more specific driver of net biodiversity benefit. We note, however, that Ofwat is currently developing biodiversity metrics for water companies for PR24, and that in the absence of a published Net Biodiversity Benefit policy from Welsh Government, they are likely to consider the Biodiversity Net Gain Metric being used in England. We ask that NRW works with Welsh Government to ensure that biodiversity metrics being developed work with Welsh policy and legislation and deliver genuine uplift and net benefit.

Other asks

WEL is working with colleagues on a set of Blueprint for Water asks for Wales and, as such, is supportive of Blueprint's asks for water companies, regulators and Government, where they are relevant in Wales. We are pleased to see that many of these are reflected within NRW's expectations. However, we would value stronger or more specific expectations in relation to:

- improving biodiversity, with a target of 20% net biodiversity benefit
- water efficiency and more specific ambitions on reduced per capita consumption – Blueprint asks water companies to work towards a per capita consumption of 100 litres per day by 2050
- collaboration in relation to use of citizen science to help improve monitoring

Wales Environment Link (WEL) is a network of environmental, countryside and heritage Non-Governmental Organisations in Wales. WEL is a respected intermediary body connecting the government and the environmental NGO sector. Our vision is a thriving Welsh environment for future generations.

This paper represents the consensus view of a group of WEL members working in this specialist area. Members may also produce information individually in order to raise more detailed issues that are important to their particular organisation.

Swyddfa Caerdydd
Tramshed Tech
Uned D, Stryd Pendyris Caerdydd CF11 6BH
F: 07498 228066 | E: enquiry@waleslink.org
Trydar: @WalesLink

Cardiff Office
Tramshed Tech
Unit D, Pendyris Street, Cardiff CF11 6BH
T: 07498 228066 | E: enquiry@waleslink.org
Twitter: @WalesLink

www.waleslink.org

Cadeirydd | Chair: Roger Thomas. Cyf-Gyfarwyddwyr | Joint Directors: Susan Evans and Karen Whitfield.
Rhif Elusen Gofrestredig | Registered Charity Number: 1022675