
Infrastructure 40, Dŵr Cymru Welsh Water

Senedd Cymru | Welsh Parliament

Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee

Bil Seilwaith (Cymru) | Infrastructure (Wales) Bill

Ymateb gan Dŵr Cymru | Evidence from Welsh Water

General principles

What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?

Dŵr Cymru Welsh Water (DCWW) is the statutory water and sewerage undertaker that supplies over three million people in Wales and some adjoining parts of England. We provide essential public services to our customers by supplying their drinking water and then carrying away and treating their wastewater. In this way, our infrastructure makes a major contribution to public health and to the protection of the Welsh environment. Our services are also essential to sustainable economic development in Wales.

Our dams, reservoirs and wastewater treatment works are key assets within our network of infrastructure. It is vital that we can continue to deliver this essential public service in a timely manner. Where appropriate, we support the consideration of mechanisms to speed up the decision-making process for the consenting of large-scale infrastructure. Therefore, we support in principle, a robust, unified, clear and streamlined consenting process for the construction and alteration of our dams, reservoirs and wastewater treatment works as set out in the Bill. However, we do have a number of comments relating to the thresholds for what is considered a Significant Infrastructure Project (SIP).

Streamlined Process

The Bill's 'one stop shop' approach to energy and infrastructure is most encouraging. The Bill is an amalgam of different statutes, policies and procedures now included within one potential application procedure. In brief, various statutes appear to have been included with sections from Planning legislation, policies and procedures, Compulsory Purchase legislation, the Commons Act 2006 and the Development of National Significance procedure. This single solution remains

positive on the proviso that all applications will remain as one to submit and that the result does not become an unwieldy procedure, potentially leading to developments in Wales being delayed or abandoned.

However, due to the nature and complexity of the Bill's planning procedures, additional time is required for DCWW to fully consider the implications on the process for delivering dams, reservoirs and wastewater treatment works.

Statutory Consultee

As a statutory consultee in the planning process, we expect to be consulted on all new infrastructure applications enabling us to comment on the impact on our infrastructure in the interest of protecting our customers and the environment. A unified, clear and streamlined process could help lessen the strain on resources in providing a thorough examination of an application, as well as improving efficiency and avoiding potential delays.

DCWW has within a limited timeframe sought to provide some substance at the submission date stage, but now requires additional time to have more internal consultations with relevant departments from which to feed into the future evidence gathering procedures.

Earning the Trust of our Customers

One of our key objectives as a Company is 'to earn the trust of our customers every day'. This vision is fundamental to the way we work for the people of Wales and beyond as a not-for-profit company. Transparency and effective community engagement is the foundation of all our work. We support appropriate and meaningful pre-application consultation which allows input from local communities as well as statutory consultees.

This Bill, in principle, aligns with our values as its overall objective and purpose is to unify existing consenting regimes namely on the basis of a) Consistency - to enable the public to engage with a single process. B) Certainty - so that the public are clear when decisions are made and c) Confusion - to ensure a more inclusive process for those unfamiliar and ensure valuable viewpoints are considered. A new, strengthened role for communities is very important to us as an organisation.

What are your views on the Bill's provisions (set out according to parts below), in particular are they workable and will they deliver the stated policy intention?

Part 1 - Significant infrastructure projects

Thresholds for Infrastructure Consent and Enforcement

The majority of DCWW's Capital Work is undertaken by the serving of s.159 notice under the provisions of the Water Industry Act 1991. This notice procedure allows a water utility to attain access to 3rd party land and undertake pipelaying and all necessary ancillary works on 3rd party land. A recognition payment is made to create statutory easements for newly constructed underground pipes. Should access for works be refused, a water utility can apply to the Magistrates Court for a Warrant of Entry.

The projects are generally pipeline constructions that benefit public health infrastructure but are not significant in terms of size to be included within the new Infrastructure Guidelines. Any planning application would be submitted under the Town and Country Planning Act 1990. All projects under s.159 have rights that involve pipes but any other utility requirement necessities for these projects, such as electrical supply agreements are not included within the statute definitions and without such rights issues can arise with construction.

However, some DCWW schemes are significant in terms of size and the provided definitions in the Bill highlight the areas of significant development as follows:

- Dam and Reservoir constructions with a size of in excess of 10,000m³ is the standard size that requires risk assessment under the Reservoirs Act 1975.
- Transfer of Water Resources with associated thresholds.
- Wastewater Treatment Works for a capacity threshold of in excess of 500,000 properties.

DCWW requires further time to assess the thresholds provided to give further feedback from the Internal Capital Department as to whether the levels are appropriate for a Welsh population or whether some could be reduced to allow an application under the new legislation.

A water utility serves statutory notice for the laying of new pipework and an additional discussion is required to assess what would be included within the provided definitions / thresholds and whether an application could be made for a site-specific purpose with the pipework not included as statutory notice could be served for such infrastructure. As DCWW has powers of statutory notice, discussion

is required whether compounds and access would be included in the IC procedure for a water project, or whether notice would continue to be served for such requirements.

It is very encouraging that the powers provided are underpinned by Compulsory Purchase. This will ensure that a substantively researched and evidenced application will be consented and not abandoned due to any 'land ransom' situation.

Transfer of Water Resources

Section 13 specifies that the threshold for a water resources development to be classified as a SIP is 100 million cubic meters per year. This is extremely large given that as a company, DCWW only supply around 350 million cubic meters per year. It is therefore highly unlikely that any water resources development DCWW undertakes would be classified as a SIP, nor benefit from the improved, unified and streamlined permitting process in this respect.

Section 13 also states that the Bill doesn't relate to the "*transfer of drinking water*". It is DCWW's understanding that this relates to developments to the transfer of raw water, not potable water. As an organisation, DCWW is more likely to develop network schemes that deliver potable water between our supply areas and so having this included within the Bill would be a benefit.

Dams and Reservoirs

Our dams and reservoirs are key assets within our network of infrastructure. In principle, we support a unified, clear and streamlined consenting process for their construction and alteration provided this enables approval in a robust and timely manner to ensure we can continue to deliver the essential public service that we provide.

An optional threshold in relation to dam and reservoir applications aimed at providing a degree of flexibility as to which consenting process to follow is supported in principle. We would request, however, that there is sufficient clarity on the timescales and decision-making processes to enable an informed decision on the most suitable consenting process to follow. To this end, further information is required for us to fully comment on these proposals.

Water Treatment Works

It is noted that a Water Treatment Works (WTW) is not included within this list of Infrastructure Consent (IC) projects and discussion is required with Welsh

Government (WG) to assess the appropriateness of inclusion as the development of large WTWs are essential, land purchase always necessary, and the discussion underpinned by compulsory purchase needs to be considered for WTWs to be added to the list of IC projects.

Wastewater Treatment Plants

The thresholds in the Bill using population equivalents for Wastewater Treatment Works in Wales is high. This means that the Bill would only apply to one of DCWW's Wastewater treatment works (Cardiff East Wastewater Treatment Works) and we are unlikely to increase capacity to a population equivalent of 500,000.

The Bill outlines that the alteration of infrastructure for the transfer of storage of wastewater is a SIP if the effect of the alteration is expected to be to increase the capacity of infrastructure for the storage of wastewater by more than 350,000 cubic metres. We would need to undertake a lot of work to understand what the 350,000 cubic metres threshold means in reality. For example, does that mean holding all wastewater and associated sludges on a site or are sludges considered 'waste'? Does this part also include the capacity of a sewerage network under the "transfer of water for treatment"? If so, would the 350,000 cubic metres be the total of sewerage network in each catchment?

It is also concerning to see that major infrastructure projects for pipeline replacement etc. are not included, but instead, may come under the latter capacity of transfer of wastewater. Some of DCWW's major pipeline projects such as replacing the SECS main in Southeast Wales could be classified as a SIP.

DCWW suggests that the new environmental agenda schemes to deliver wastewater treatment are included within the definitions of what constitutes a SIP for example, wetland creations and DCWW requires additional time to liaise with its Environment Department in this regard.

Part 2 - Requirement for infrastructure consent

No response.

Part 3 - Applying for infrastructure consent

No response.

Part 4 - Examining applications

No response.

Part 5 - Deciding applications for infrastructure consent

No response.

Part 6 - Infrastructure consent orders

No response.

Part 7 - Enforcement

No response.

Part 8 - Supplementary functions

No response.

Part 9 - General provisions

No response.

What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

No response.

How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

We are mindful that The Bill provides Welsh Ministers with powers to make regulations relating to processes that would be relevant to planning for example, pre-application, submission, consultation, examination etc. We would request that we continue to be consulted and have opportunity to comment where possible. We also encourage continued dialogue and consultation through the National Development Framework process, enabling us to provide further comment on the policies proposed within it and consider the implications on DCWW.

In the 2018 consultation on Changes to the Approval of Infrastructure, reference was made to the approval of new connections to the public sewer within the Welsh Infrastructure Consent. We would reiterate that DCWW would be fully opposed to Welsh Ministers making decisions regarding connections to our infrastructure, as this currently lies within the provisions of the Water Industry Act 1991.

Are any unintended consequences likely to arise from the Bill?

No response.

What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?

No response.

Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?

No response.
