

Huw Irranca-Davies AS/MS  
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros  
Newid Hinsawdd a Materion Gwledig  
Deputy First Minister and Cabinet Secretary for Climate  
Change and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: MA/HIDCC/0015/25

Llŷr Gruffydd  
Chair  
Climate Change, Environment, and Infrastructure Committee  
Welsh Parliament  
Cardiff Bay  
Cardiff  
CF99 1SN

11 February 2025

Dear Llŷr,

I would like to express my sincere gratitude to the Climate Change, Environment and Infrastructure Committee for considering the Water (Special Measures) Bill and for the report which was shared in advance of the debate in the Senedd on the Legislative Consent Motion. I would like to thank you specifically for your contribution during the debate on 21 January 2025.

I welcome the Committee's support for the provisions of the Bill. I believe this new legislation will fundamentally strengthen the powers of water sector regulators which will lead to improvement in water company performances and water quality in Wales.

I fully support the principle of the Senedd legislating for Wales in areas of devolved competence. Nevertheless, there are times when working with the UK Government on legislation is in the best interest of Wales. In respect of water quality, we face similar challenges to those faced in England and working collaboratively with the UK Government in addressing these is an effective and practical option for Wales. The Water (Special Measures) Bill is an example of how we can work together towards a shared goal whilst respecting the principles of devolution.

The measures in the Bill were considered from a Welsh perspective, including the not-for-dividend business model of Dwr Cymru Welsh Water (DCWW). This will continue to be the case during the implementation phase of the Bill. I want to ensure that implementation happens in a way that is appropriate for the legislative and regulatory context in Wales and allows for the proper consultation of Welsh stakeholders and therefore implementation of some of the measures will follow a different timeline in Wales to England.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I am keen to engage with all key stakeholders during this process, including the Consumer Council for Water (CCW) as suggested by the Committee. I am happy to keep the Committee informed of our implementation plan, once it is fully developed post Royal Assent.

Regarding Event Duration Monitors (EDMs) on Emergency Overflows, I am pleased that water companies operating wholly or mainly in Wales are already well placed to meet the new statutory requirements ahead of the 2035 deadline. As your report notes, water companies also have EDMs installed on storm overflows and this information is available in near-real time to anyone via each company's website. I am confident that the current arrangement works well in this regard; however, we will continue to review the situation and consider if legislative measures are needed in the future.

My position on fines levied in Wales on companies operating wholly or mainly in Wales remains unchanged. Civil sanction penalties levied under the Regulatory Enforcement and Sanctions Act 2008, which is what the automatic penalties and lower standard of proof provisions relate to in Clauses 6 and 7, go to the Welsh Consolidated Fund. There is a concern in respect of criminal fines which are currently levied to HM Treasury by default. However, the overall picture is complex when it comes to the water sector, for example in relation to abstraction licences issued by NRW for England-based water companies. This is an ongoing issue which crosses much wider than water alone and is one the Welsh Government continues to work on with the UK Government.

I am also copying this letter to the Llywydd.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Huw Irranca-Davies', written in a cursive style.

**Huw Irranca-Davies AS/MS**

Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig  
Cabinet Secretary for Climate Change & Rural Affairs