

Compliance Assessment Report CAR_NRW0047981

Permit being assessed: AN0045101

For: Kimberley Road CSO, held by DWR CYMRU CYFYNGEDIG

At: Kimberley Road, Cardiff, Cardiff, CF23 5DP.

Type of assessment carried out: Report/Data Review, Reason: Routine.

On 01/01/2024 - 31/12/2024.

Parts of permit assessed: EDM Monitoring

NRW Lead Officer: Hannah Jenkins.

Report sent to: CARS mailbox, CARS mailbox, on 08/04/2025.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-C1 - Water Quality - Emissions and monitoring - Emissions to water	C3 Minor	"3.1.1 The operator shall, unless otherwise agreed in writing by Natural Resources Wales, undertake the monitoring specified in the following tables in schedule 3 to this permit: (a) point source emissions specified in tables S3.1 and S3.4."
WQ-C1 - Water Quality - Emissions and monitoring - Emissions to water	Action only (X)	
WQ-C1 - Water Quality - Emissions and monitoring - Emissions to water	Ongoing (O)	"3.1.1 The operator shall, unless otherwise agreed in writing by Natural Resources Wales, undertake the monitoring specified in the following tables in schedule 3 to this permit: (a) point source emissions specified in tables S3.1 and S3.4."

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

2. What action is required?

Criteria	Action needed	Complete by
WQ-C1	Please explain what action you will take to increase the EDM operational time to ensure compliance with the permit conditions.	30/06/2025
WQ-C1	Please provide a more detailed explanation as to the reason for such poor data coverage from this storm overflow monitoring device.	30/06/2025
WQ-C1	Please provide the spill mechanism information for this storm overflow and explain how you determine the event and duration spill data for both outlet 1 and outlet 2 as required by the permit.	30/06/2025

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 and/or suspension or revocation of your permit.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

Following submission of the annual return of Event Duration Monitoring (EDM) data, a routine compliance assessment check was carried out on 04/04/2025 for permit for AN0045101 Kimberley Road CSO. The EDM operational time for this asset is significantly less than the minimum of 90% data coverage.

The operational time provided in the 2024 EDM Annual return for this storm overflow was 30.68%.

Condition 3.1.1 of the above permit states that "The operator shall, unless otherwise agreed in writing by Natural Resources Wales, undertake the monitoring specified in the following tables in schedule 3 to this permit: (a) point source emissions specified in table S3.1 and table S3.4"

This non-compliance has been assessed in line with current guidance as a potentially minor environmental impact which corresponds to non-compliance category 3.

Defined in guidance as follows: the EDM is operational for 10.01-60% of the calendar year. The lack of data makes it less likely that they can confidently assess the performance of the asset. It also suggests that the overflow is receiving limited or inadequate monitoring and that the operator has not resolved operational issues in a timely manner.

Action 1: Please explain what action you will take to increase the EDM operational time to ensure compliance with the permit conditions.

The primary reason given in the data return for the % time operational being less than 90% is "Telemetry or data archiving failure / issue".

Action 2: Please provide a more detailed explanation as to the reason for such poor data coverage from this storm overflow monitoring device.

The date ranges given as unavailable in the data return are: 01/01/2024 00:00 - 11/09/2024 23:45 and 01/01/2024 - 01/04/2024, 03/04/2024 - 12/09/2024.

The permit has two outlet points but only one line of data has been reported, the data gaps stated cover some of the same periods. In addition to the lack of data coverage, it is also not clear from the data return data what the spill event numbers and duration are for the two separate discharge points Outlet 1 and Outlet 2.

Spills should not be double counted or combined for reporting purposes, spill numbers from each discharge point should be reported as required in Table S3.1 and S3.4 of the permit.

Action 3: Please provide the spill mechanism information for this storm overflow and explain how you determine the event and duration spill data for both outlet 1 and outlet 2.

If you have any queries regarding this CAR form or to provide your written response to the actions above, please contact me: hannah.jenkins@cyfoethnaturiolcymru.gov.uk

If we do not receive the information requested within specified deadline and have not been informed as to why there is a delay then we may serve a Regulation 60 Notice requiring the information under Environmental Permitting (England and Wales) Regulations 2016.

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 permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit 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
- review the conditions of your permit.

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 quality action criteria (used in section 1 and 2):**WQ A: Management**

- WQ-A1 General management

WQ B: Operations

- WQ-B1 Permitted activities
- WQ-B2 The site
- WQ-B3 Operating techniques
- WQ-B4 Improvement programme
- WQ-B5 Pre-operational conditions

WQ C: Emissions and monitoring

- WQ-C1 Emissions to water
- WQ-C2 Emissions to land
- WQ-C3 Emissions of substances not controlled by emission limits
- WQ-C4 Installation of monitoring boreholes

WQ D: Information

- WQ-D1 Records
- WQ-D2 Reporting
- WQ-D3 Notifications

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. 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 (Monday to Friday 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.