

Compliance Assessment Report CAR_NRW0051486

Permit being assessed: BO5109601

For: Settled Storm and Emergency Overflow at New Penclawdd SPS, **held by:** DWR CYMRU CYFYNGEDIG

At: Penclawdd Foreshore Car Park, North Gower, Swansea, SA4 3YQ.

Type of assessment carried out: Report/Data Review,

Reason: Routine.

On 25/03/2026.

Parts of permit assessed: Emissions to Water

NRW Lead Officer: Sarah Bennett.

Report sent to: CARS@dwrwymru, CARS Mailbox, on 13/04/2026.

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

Part of permitted activity assessed (criteria)	Assessment result	Non-compliant permit condition
WQ-C1 - Water Quality - Emissions and monitoring - Emissions to water	C3 Minor	3.1.2 (b)
WQ-C1 - Water Quality - Emissions and monitoring - Emissions to water	Action only (X)	
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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	Advice: Please try to submit any future reports within the	Already

Criteria	Action needed	Complete by
	required 3-month period.	completed
WQ-C1	Gravity network survey. Carry out initial connectivity study on several hot spots for I&I and tidal influence in the upstream catchment.	30/09/2026
WQ-C1	SPS FPF. AGA and BGA operations to carry out maintenance checks and remedial works on both AGA and BGA assets.	30/09/2026
WQ-C1	Please confirm if you have brought the Pass Forward Flow back into compliance with the permit.	16/10/2026
WQ-C1	Catchment modelling. Rebuild upstream gravity catchment modelling with new information from Item 1.	31/03/2027
WQ-C1	Catchment modelling. Run modelling data to produce remedial optioneering and hot spot targeting for I&I and tidal solutions.	30/06/2027
WQ-C1	Please provide us with a Stage 3 Trigger Exceedance Reason Report (TERR) after the Stage 2 Full Investigation Proposal (FIP) is completed.	30/07/2027

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.

At this time, we do not intend to take any further action.

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

The purpose of this report is to:

- assess and record compliance with Condition 3.1.2(b) relating to a Spill Frequency Trigger (SFT) exceeded on 01/12/2025
- record our comments and approval of the Stage 2 Full Investigation Proposal (FIP) submitted on 25/03/2026
- give advice on complying with Condition 3.1.2(c) going forward.

Compliance with Condition 3.1.2(b) relating to a SFT exceeded on 01/12/2025

Condition 3.1.2(b) requires you to provide a reason for a Trigger Exceedance and a description of any remedial action undertaken or proposed. Where the reason/s for the Trigger Exceedance cannot be identified within the 3 months of the Trigger Exceedance you must provide a proposal with timeframes for a full investigation to be carried out to identify the reason/s for the Trigger Exceedance for approval by Natural Resources Wales.

We received a Stage 2 Full Investigation Proposal (FIP) on the 25 March 2026 when it should have been sent to us by the 27 February 2026. This means you not compliant with the requirement in Condition 3.1.2(b) to submit the proposal within 3 months. A Category 3 breach has been recorded for this non-compliance.

This breach is in contravention of Regulation 38 (2) of the Environmental Permitting (England and Wales) Regulations 2016 which states that it is an offence for a person to fail to comply with or to contravene an environmental permit condition.

Advice: Please try to submit any future reports within the required 3-month period. This Advice and Guidance is given formally as part of our enforcement response.

Comments and approval of a FIP submitted on 25/03/2026

The SFT set for the Combined Storm Overflow (CSO) at Penclawdd Sewage Pumping Station (SPS) was also exceeded in 2023. You submitted an Initial Investigation Report on the 02/11/2023 in which you speculated that the reason for the exceedance was a failure to pass forward the correct flows at the SPS. You informed us, via a close-out report sent to us on the 23/12/2024 that the spills were due to the SPS not achieving its pass forward flow (PFF) and that maintenance works had returned the PFF to compliance.

Whilst there has been a significant improvement in spill numbers which have dropped from 66 in 2023 to 35 in 2024, the SFT was still exceeded in 2025 with a total number of 41 spills. The percentage of time that the EDM data was reported has increased from 90.17% to 99.5% during that time as well.

The 2025 trigger exceedance full investigation proposal you have submitted for our approval appears to have already identified that the SPS is again not passing forward the correct flows. You also speculate that hydraulic overload and tidal influences may also be contributing to the trigger exceedance and this needs investigating.

Your proposal includes 7 actions, 6 of which have timescales. I believe that Actions 1, 2, 3a and 3b are part of the Full Investigation Proposal which will allow you to provide us with a Trigger Exceedance Reason Report (TERR) and also provide you with the information you need to produce a Spill Reduction Plan (SRP).

Actions 4 and 5 appear to be actions that you will need to carry out in order to provide us with a Spill Reduction Plan (SRP) to resolve the reason's for the Trigger Exceedance (as described by Condition 3.1.2(d) submit a plan with timeframes to resolve the reason/s for the Trigger Exceedance identified in 3.1.2(c) for approval by NRW) and I do not regard them as part of the Full Investigation Proposal. Action 6 has no timescale so cannot be approved.

Excluding Actions 4, 5 and 6, I approve the submitted Stage 2 Full Investigation Proposal.

Advice on complying with Condition 3.1.2(c) going forward.

Condition 3.1.2(c) states that if a full investigation is required by condition 3.1.2(b), implement the proposal as approved by Natural Resources Wales and provide to Natural Resources Wales a report which identifies the reason/s for the Trigger Exceedance.

You now need to implement the investigation proposal in order to comply with Condition 3.1.2(c).

Action: Gravity network survey. Carry out initial connectivity study on several hot

spots for I&I and tidal influence in the upstream catchment.

Action: SPS FPF. AGA and BGA operations to carry out maintenance checks and remedial works on both AGA and BGA assets.

Action: Please confirm if you have brought the Pass Forward Flow back into compliance with the permit.

Action: Catchment modelling. Rebuild upstream gravity catchment modelling with new information from Item 1.

Action: Catchment modelling. Run modelling data to produce remedial optioneering and hot spot targeting for I&I and tidal solutions.

Condition 3.1.2(c) also requires you to provide NRW with a report which identifies the reason/s for the Trigger Exceedance.

Action: Please provide us with a Stage 3 Trigger Exceedance Reason Report (TERR) after the Stage 2 Full Investigation Proposal (FIP) is completed.

Thank you.

End

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 required for the permit condition assessed to avoid non-compliance. No non-compliance scored at this time
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

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 Monitoring
- WQ-C5 Installation of monitoring boreholes

WQ D: Information

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

Enforcement response

Any non-compliance with a permit condition 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 twenty working days to let you know if we agree to your request.

Disputing the Content of this Compliance Assessment Report Form

If you disagree with the content of this Compliance Assessment Report form, you should submit your concerns, in writing, to the regulating officer who issued it within **15 working days** of its issue. This will be treated as a **Stage 1 review**.

If you are not satisfied with the outcome of the stage 1 review, you may request a **Stage 2 appeal**. This request must be submitted **within 21 working days** of receiving the response from the stage 1 review.

Further details on our review and appeal process are available at: [Natural Resources Wales / Appeal a regulatory decision from Natural Resources Wales](#)

Concerns Not Related to the Content of this Compliance Assessment Report Form

If your concerns do not relate to the content of the Compliance Assessment Report form, you should first attempt to resolve the issue with the regulating officer or their line manager.

If the issue remains unresolved, please contact our **Customer Contact Team**:

- **Telephone:** 0300 065 3000 (Monday to Friday, 09:00–17:00)
- **Email:** enquiries@naturalresourceswales.gov.uk

They will provide details on how to escalate your concerns through our **Complaints and Commendations procedure**.

If you are dissatisfied with our response, you may contact the **Public Services Ombudsman for Wales**:

- **Telephone:** 0300 790 0203
- **Email:** 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.