

# Partnership Meeting

# Agenda

## Wye Catchment Nutrient Management Board

Date: **Friday 26 April 2024**

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Time: **2.00 pm**

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Place: **Conference Room 1 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE**

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Notes: For any further information please contact:

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# Agenda for the meeting of the Wye Catchment Nutrient Management Board

## Membership:

### Chairperson

Councillor Elissa Swinglehurst (ES)

Herefordshire Council

### Voting Members

Merry Albright (MA)

Jamie Audsley (JA)

Liz Bickerton (LB)

Cllr Jackie Charlton (JC)

Helen Dale (HD)

Nick Day (ND)

Simon Evans (SE)

Jenny Grubb (JG)

James Hitchcock (JH)

Christine Hugh-Jones (CHJ)

Georgie Hyde (GH)

Sarah James (SJ)

Cllr Catrin Maby (CM)

Andrew McRobb (AM)

Councillor Sid Phelps (SP)

Richard Tyler (RT)

Martin Williams (MW)

Herefordshire Construction Industry Lobby Group

Herefordshire Wildlife Trust

Bannau Brycheiniog

Powys Council

Country Land and Business Association

The Friends of the Lower Wye

The Wye and Usk Foundation

Dwr Cymru/Welsh Water

Radnorshire Wildlife Trust

Council for Protection of Rural Wales

National Farmers Union

Farm Cymru

Monmouthshire Council

Council for Protection of Rural England

Forest of Dean District Council

Save the Wye

Farm Herefordshire

## Agenda

	Pages
<b>WELCOME AND APOLOGIES</b>	
<b>1. NOTES AND MATTERS ARISING FROM LAST TIME</b>	7 - 14
To approve the minutes from the meeting of 10 April 2024.	
Led by: Chair	
<b>2. PUBLIC QUESTIONS</b>	
To provide the opportunity to members of the public attending the meeting to ask questions of the statutory partners.	
 HOW TO SUBMIT QUESTIONS: The deadline for the submission of questions for this meeting is 5 pm on Monday 22 April 2024. Questions must be submitted to <a href="mailto:NutrientManagementBoard@herefordshire.gov.uk">NutrientManagementBoard@herefordshire.gov.uk</a> . Questions sent to any other address may not be accepted. Accepted questions and the responses will be published as a supplement to the agenda papers prior to the meeting.	
Led by: All	
<b>3. DEFRA PLAN FOR THE WYE</b>	
To discuss the DEFRA plan for the Wye.	
<a href="https://www.gov.uk/government/publications/river-wye-action-plan/river-wye-action-plan">https://www.gov.uk/government/publications/river-wye-action-plan/river-wye-action-plan</a>	
<b>4. ANY OTHER BUSINESS</b>	
<b>5. DATE OF NEXT MEETING</b>	
The date of the next meeting is 18 <sup>th</sup> July 2024, 14:00.	



## **The Seven Principles of Public Life**

### **(Nolan Principles)**

#### **1. Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **2. Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

#### **3. Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **4. Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **5. Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **6. Honesty**

Holders of public office should be truthful.

#### **7. Leadership**

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.



## Notes of the meeting of the Wye Catchment Nutrient Management Board held on Wednesday 10 April 2024 at 2.00 pm

### Attendees:

#### Voting Members present

Merry Albright (MA)	Herefordshire Construction Industry Lobby Group
Jamie Audsley (JA)	Herefordshire Wildlife Trust
Liz Bickerton (LB)	Bannau Brycheiniog
Cllr Jackie Charlton (JC)	Powys Council
Nick Day (ND)	The Friends of the Lower Wye
Simon Evans (SE)	The Wye and Usk Foundation
Christine Hugh-Jones (CHJ)	Council for Protection of Rural Wales
Georgie Hyde (GH)	National Farmers Union
Cllr Catrin Maby (CM)	Monmouthshire Council
Andrew McRobb (AM)	Council for Protection of Rural England
Stuart Smith (SS)	Wye Salmon Association (Wye Alliance)
Councillor Elissa Swinglehurst (ES)	Herefordshire Council

### Welcome and apologies

The Chair welcomed attendees to the meeting.

Apologies were received from: Cllr Sid Phelps, Richard Tyler, and Martin Williams.

#### 65. NOTES AND MATTERS ARISING FROM LAST TIME

The minutes of the previous meeting, dated 17 January 2024, were approved.

#### 66. PUBLIC QUESTIONS

The Chair thanked members for written responses received prior to the meeting.

It was confirmed that any outstanding responses would be circulated after the meeting and appended to the supplement document.

#### 67. UPDATE ON ACTIVITY

The key updates from Nutrient Management Board members included:

1. It was asked whether there will be minutes of SOG meetings and whether the TAG still operates or whether it has been disbanded for task and finish groups.
  - a. Martin Quine (EA) responded that there will be a full minuted version of the SOG. Going forward, the review of the NMP/DWPP will involve an options appraisal which should start to inform what task and finish/TAG groups are needed to take forward. The task and finish looking into the usefulness of Poole Harbour as a model of nutrient loss measurement has been paused as it was not considered to be the right thing to pursue at this time.
2. The Chair asked in relation to the 8 high risk farms cited in the NRW update as to out of how many farms that is.

- a. David Lee (NRW) confirmed that it was 8 out of the 800 farms in Wales this year since Christmas. This was targeting the big dairy farms and there are not so many of them situated on the Wye.
3. Christine Hugh-Jones (Council for Protection of Rural Wales) asked if NRW are concentrating on those farms with respect to the notification procedure for farms which are not able to keep up with the new lower spreading rates in the agricultural rates.
  - a. The Chair asked if NRW could take that away and bring an answer in the future.
4. The Chair also asked if a copy of Monmouthshire County Council's Rivers and Oceans plan could be provided.
5. The Chair provided a verbal update on behalf of Herefordshire Council. The main points included:
  - a. Herefordshire Council (HC) has now adopted the minerals and waste local plan. The policies within that plan are designed to help support delivering nutrient neutrality or betterment in the SAC. It has taken account the aims of other documents relating to river water quality such as the NMP.
  - b. The new local plan is looking at policies to support objectives of the NMP and is at regulation 18 consultation stage.
  - c. HC has moved ahead to build more wetlands and they will be coming forward as a way of mitigating phosphate for housing and delivering 20% betterment for the river. That is funded by the purchase of phosphate credits by house builders.
  - d. The Cabinet Commission continues to meet and will continue to provide cross border local authority cooperation and will look to increase liaising with both governments and the commission reserves the right to function as a scrutiny panel in relation to works of the board.
  - e. The HC Environment and Sustainability Scrutiny Committee has had two sessions regarding water quality and the NMB.
  - f. A session took place with the scrutiny committee for adult wellbeing looking at the health impacts of intensive poultry industry.
6. Sarah James (Farm Cymru) noted that she will be sitting on the NMB as a farming representative and will be able to provide updates in future meetings.
7. Councillor Catrin Maby (Monmouthshire County Council) added that an initiative to bring in a specialist on regenerative farming to mentor local farms has been carried out in Monmouthshire.

## 68. LAWYERS FOR NATURE AGREEMENT

1. The Chair proposed that, due to HC and the NMB not being able to act as the client, she will be the client and take on any personal liabilities that accrue with the signing of this document. No liabilities, therefore, will be on individuals or the board. Lawyers for Nature have asked that the board supports this proposal.
  - a. **The board unanimously agreed in favour of the proposal for Councillor Elissa Swinglehurst to act as the client.**



2. The Chair then asked members if they would be willing to volunteer to take part on the steering group working with Lawyers for Nature to explore personhood for the river and a seat on the board for the river.
  - a. Councillor Jackie Charlton (Powys County Council) noted that she would be interested in taking part.
  - b. Andrew McRobb (CPRE) added he would be interested in taking part and committed CPRE Herefordshire in supporting the whole aspect of it.
  - c. Sarah James added she would be keen to be involved as much as possible.
  - d. Christine Hugh-Jones noted that on behalf of CPRW and Friends of the Upper Wye, she would be happy to take part.
3. The Chair, therefore, confirmed that herself, Councillor Charlton, Andrew McRobb, Sarah James, and Christine Hugh-Jones will be the core group going forward.

## **69. MITIGATION FOR NEW HOUSING DEVELOPMENT IN POWYS AND MONMOUTHSHIRE**

The Chair asked if there were any updates on this item.

1. Councillor Maby noted that after speaking with planning colleagues in Monmouthshire, in terms of new housing development, NRW nutrient neutrality requirements need to be met as part of the planning process. Welsh Water have included phosphate stripping solutions in their asset plans for waste water treatment in Abergavenny/Y Fenni and Monmouth/Trefynwy. The housing growth proposed is being reviewed by NRW and Welsh Water as not being harmful on water courses and they will continue to assess proposals as they develop.
2. The Chair acknowledged that local authorities are in different positions in relation to mitigation for new housing development and that it would be useful to hear from the Welsh authorities in NMB meetings.
3. Councillor Charlton added that from a political level, there are frustrations not being able to put housing developments forward and it is creating problems around economic development.
4. The Chair noted that the NMP has a strand of mitigation and it is important to focus on mitigation on both sides of the border and acknowledge the areas where there are successes and struggles.
5. Peter Morris (Powys County Council) added that DLUHC has put together a grant funding scheme which Wales does not currently have an equivalent scheme, as things stand. Mitigation strategies are being developed to help housing developments in England, including in Herefordshire. For local authorities across Wales, any suggestions as how best to get funding are welcome.
6. Merry Albright (Herefordshire Construction Industry Lobby Group) noted that if mitigation is to exist, then it needs to be quickly delivered and at a price point, where you will get the betterment otherwise developers will go somewhere else due to it being unviable financially.

## **70. WELSH GOVERNMENT FUNDING UPDATE**

1. Ben Boswell (Head of Environment, Climate Emergency & Waste, Herefordshire Council) outlined the funding received from Welsh Government. The main points included:
  - a. Two allocations have been had: 1) £40,000 in 2022-23; and £70,000 in 2023-24.
  - b. Discussions are being had with Welsh Government to increase the allocation for this year.
  - c. There is an application for £70,000 to refresh the plan and are awaiting the funding letter for that.
2. Sarah James noted that Farm Cymru would like to put a bid in for more money in this financial year.
3. Councillor Maby asked to clarify if this was HC applying for funding to Welsh Government on behalf of the NMB. It was asked if partners could be more engaged in the process on how money is being allocated and spent.
  - a. The Chair confirmed that is correct, however, this is money from Welsh Government to support the establishment of NMBs across Wales and the plan not the support of actions.
4. Emma Johnson (NE) noted that at the last SOG meeting, there was some discussion about this issue and Liz Duberley had made a commitment, at that meeting, to look at how that funding has been spent. There have been one-to-one conversations with NRW and EA about how that money can be used to develop actions on the Welsh bit of the NMP.
5. Ben Boswell added that the idea was to put Welsh Government funding as a standing item to have greater transparency. A written update can be provided.

## **71. STATUTORY OFFICER GROUP REPORT**

1. Emma Johnson gave an overview of SOG related activities. The main points included:
  - a. Work has been paused, in relation to the task and finish group looking at phosphate loss tools, because what has been looked at is not directly applicable to the Wye. DEFRA have also commissioned some studies so it is considered to be appropriate to wait until the conclusion of those.
  - b. The DWPP (Diffuse Water Pollution Plan) is in progress and the funding and resources are in place and an expert is currently working on this document.
  - c. This is an evolving process with the same teams in other SAC catchments across England in addition to a lot of new people in post.
  - d. The DWPP will be the update of the (English catchment) NMP. The DWPP is effectively the same review as the NMP and there will not be two documents.
  - e. Since 2021, the modelling has been developed further and an options appraisal has been introduced. The current measures are looked at, in terms of reducing phosphate to the river target and then look at what the gap is that still remains.
  - f. It has been asked to be done at sub-catchment level. Therefore, instead of taking the whole body of the Wye as one, it will be split down across the Frome, Arrow, and the Lugg as well as the main body of the Wye. The

Wye itself is close to, but is not failing its target, while the main sub-catchments are.

- g. The DWPP should provide greater certainty than previously with the NMP.
  - h. The pressures in the catchment are in the upper reaches and is partly why a lot of focus is maintained around the Frome, Arrow and the Lugg.
2. Christine Hugh-Jones asked if the DWPP will be concerned with phosphate alone.
    - a. Martin Quine responded that the DWPP looks at the reasons for failure and why the SAC is not meeting the target. Nutrients are looked at as a whole although the main focus for not reaching its target will be phosphate. The synergy between the Wye Catchment Plan and the DWPP/NMP needs to be looked at in order to make sure that they are more holistic as documents.
  3. Councillor Maby asked to what extent is the work being done on the English side of the border being covered on the Welsh side of the border and to what extent is EA liaising with NRW.
    - a. Martin Quine responded that the Wye Catchment Plan is a catchment plan which crosses the border. The DWPP is specific to England because it came from a judicial review specific to England. The DWPP will be a review of the NMP for England and not a standalone document as it will meet the same objectives.
  4. Ann Weedy (NRW) restated that the DWPP will double up as the review of the NMP and there needs to be a single plan for the entire river. Work is ongoing in Wales around developing NMPs for some of the other failing SAC rivers and it would be a shame to miss out of some of that work on the Wye.
  5. Andrew McRobb (Council for Protection of Rural England) noted that the Wye Catchment Partnership are doing a lot of investigative work and are looking holistically at the problem. It was queried that such work should feed in to the DWPP, if it is not already.
  6. Emma Johnson confirmed that every bit of potential evidence is being used. The links with different partners is being supported by work and discussions going on in the background. A lot of work is ongoing between the statutory organizations and the partnerships. A revised NMP will not be in place until March 2025, however, in the meantime, the SOG will produce a progress update on the actions in that plan and it will be brought back to this board to monitor progress.

## **72. UPDATE ON PRESENT PLAN**

1. Emma Johnson noted that the SOG have commissioned and asked for the update to be carried out. A template will be sent out to members of the board to ask for a report on progress of the actions.
2. The Chair added that there needs to be a consistent update of information in order to better access the progress of actions.
3. Emma Johnson added that the SOG update can be used to highlight actions.
4. The Chair suggested the possibility of twin-tracking the plan with actions with reasonable scientific certainty and actions with less scientific certainty that nevertheless should exist in the plan.

### **73. UPDATE ON WELSH GOVERNMENT ACTION PLAN**

1. The Chair asked if there is any further information to item 5666 in the action tracker of the Welsh Government action plan and how the NMB is sighted on such activity.
  - a. Ann Weedy noted that she was not aware of the activity referred to in 5666.
  - b. Peter Morris added that he was also unaware of such activity.
2. Dr Liz Bickerton asked what the status of the task and finish report on nutrient trading is and whether it has been published.
  - a. Peter Morris responded that it has not yet been published.
3. Dr Liz Bickerton asked where Farm Cymru sits in the action plan process with Welsh Government and other partners.
  - a. Sarah James responded that she intends to be as involved as much as possible with things to do with the river and Farm Cymru is the link that has been missing to help make action happen more quickly.

### **74. WETLAND COLLABORATION OPPORTUNITIES IN HEREFORDSHIRE LINKED WITH DCWW SITES**

1. Dan Humphreys (DCWW) presented on behalf of DCWW. The main points included:
  - a. A commitment was given last year to release data on potential sites in AMP8 (investment cycle, 2025-30) that would have potential collaboration opportunities to add wetlands on to the back of the treatment works.
  - b. There has been a screening process to determine which sites would apply and what would be possible. There have been several trial sites already in the Herefordshire catchment and there is a list of another four sites with some progress already started with HC on a couple of these sites.
  - c. The intention is for DCWW to remain impartial in terms of where the collaborative site would take on the ownership of the wetland and be responsible for it.
  - d. The NMB can then have a collective approach as to who would be most appropriate to take on that work.
2. The Chair confirmed that the role of the NMB in relation to this work is that it is the first port of call for mitigation proposals and it acts as the catchment mitigation approver, balance competing needs, and determines betterment commitment per solution.
3. Simon Evans noted that a fundamental problem with wetlands is that they need an installations permit. In England, this problem has been circumvented with a regulatory positioning statement from EA which allowed the wetlands to be owned by a third party. In Wales, it is understood that they are being treated as tertiary treatment and have to be owned by the water company with no opportunity for a third party to own them.

- a. Ann Weedy responded that she would have to take that away to see whether there is any consideration for following a similar route that the EA has followed.
- 4. Nia Thomas (Bannau Brycheiniog National Park) added that a statement will be shared through to the relevant partners in due course to help clarify some of the issues surrounding this matter.
- 5. Merry Albright noted that in the Wye, eighty years of mitigation certainty needs to be provided whereas everywhere else in the UK in a protected, failing catchment, under the Levelling Up Act, would have to provide six years. If it is possible to find out why the government is unwilling to include the Wye in the Levelling Up Act then potentially a lot more Wetlands could do a lot of work for less time while other bigger and more sector specific actions are brought on-stream.
  - a. The Chair responded that this should be raised with the UK government and she is willing to take that away and potentially include that in a letter that is sent out to the government in the future.
- 6. Merry Albright asked if the same could be done with Welsh Government.
  - a. Councillor Charlton noted that this is something that can be done together cross border.
- 7. The Chair asked if an action could be minuted for discussion at the Cabinet Commission.
- 8. Sarah James added that Farm Cymru were involved in some meetings with Welsh Government, DEFRA, NRU, and Welsh Water around conversations in relation to phosphate research at a government level.

**ACTION: To include item on mitigation with the UK and Welsh governments at the Cabinet Commission.**

**75. DEFRA PLAN FOR THE WYE (PROVISIONAL)**

- 1. The Chair confirmed that a plan still does not exist, at the time of the meeting. It was asked if it was the will of the NMB to write to DEFRA to find out when the plan is coming.
  - a. **The board unanimously agreed to the proposed action.**

**76. ANY OTHER BUSINESS**

- 1. The Chair proposed that James Hitchcock (Radnorshire Wildlife Trust) and Sarah James (Farm Cymru) be added to the membership of the board.
  - a. **The board unanimously agreed to the proposal.**
- 2. Andrew McRobb noted that a new initiative called 'Mud Spotter' is hoped to be implemented across much of Herefordshire where citizen science will be used to survey where mud and silt is coming from and where it goes directly to rivers or to drains.

**77. DATE OF NEXT MEETING**

The date of the next meeting is 18<sup>th</sup> July 2024, 14:00.

The meeting ended at 4.09 pm

**Chairperson**