

# Partnership Meeting

# Agenda

## Wye Catchment Nutrient Management Board

Date: **Wednesday 21 December 2022**

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Time: **2.00 pm**

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Place:

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Notes: For any further information please contact:

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If you would like help to understand this document, or would like it in another format, please call Simon Cann on 01432 260667 or e-mail [NutrientManagementBoard@herefordshire.gov.uk](mailto:NutrientManagementBoard@herefordshire.gov.uk) in advance of the meeting.

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

## Membership:

### Chairperson

Councillor Elissa Swinglehurst (ES)

Herefordshire Council

### Voting Members

Councillor Catrin Maby (CCM)  
Councillor Jackie Charlton (JC)  
Helen Dale (HD)  
Fergus O'Brien (FOB)  
Jenny Gamble (JG)  
Martin Quine (MQ)  
Councillor Sid Phelps (SP)  
Merry Albright (MA)  
Mark Averill (MAV)  
Jamie Audsley (HS)  
Craig O'Connor (COC)  
Martin Williams (MW)  
Claire Minett (CM)  
Sarah Faulkner  
David Lee (DL)  
Simon Evans (SE)

Monmouthshire Council  
Powys Council  
Countryside Landowners Association  
Dwr Cymru Welsh Water  
Environment Agency  
Environment Agency  
Forest of Dean District Council  
Herefordshire Construction Industry Lobby Group  
Herefordshire Council  
Herefordshire Wildlife Trust  
Monmouthshire County Council  
Farm Herefordshire  
Natural England  
National Farmers Union  
Natural Resources Wales  
The Wye and Usk Foundation

### Statutory Advisors

Oda Dijksterhuis (OD)  
Andrew Osbaldiston (AO)  
Tristan Semple (TS)  
Emma Whitehouse (EW)  
Alistair Chapman (AC)  
Samantha Banks (SB)  
Kevin Bishop (KB)  
Elizabeth Duberley (ED)  
Rachael Joy (RJ)  
Bethany Lewis (BL)  
Kevin Singleton (KS)  
Mark Hand (MH)  
Matthew Lewis (ML)  
Sue Buckingham (SB)  
Hayley Fleming (HF)  
Ann Weedy (AW)

Environment Agency  
Environment Agency  
Environment Agency  
Environment Agency  
Forest of Dean District Council  
Herefordshire Council  
Herefordshire Council  
Herefordshire Council  
Herefordshire Council  
Herefordshire Council  
Herefordshire Council  
Herefordshire Council  
Monmouthshire County Council  
Monmouthshire County Council  
Natural England  
Natural England  
Natural Resources Wales

## Agenda

		Pages
<b>WELCOME AND APOLOGIES</b>		
A welcome and introduction from the Chair and apologies from those unable to attend.		
<b>1.</b>	<b>NOTES AND MATTERS ARISING FROM LAST TIME</b>	7 - 16
	Approval of the minutes and updates on actions and recommendations from the last meeting.	
	Led by: Chair	
<b>2.</b>	<b>UPDATE FROM TAG</b>	17 - 20
	A report and update on TAG activity.	
	Led by: Hayley Fleming	
<b>3.</b>	<b>PARTNER UPDATES</b>	21 - 38
	Partner updates from:	
	<ul style="list-style-type: none"> <li>- Natural England</li> <li>- Herefordshire Council</li> <li>- Environment Agency</li> <li>- DCWW</li> <li>- NRW</li> <li>- Powys Council</li> </ul>	
	Led by: Partner Officers	
<b>4.</b>	<b>REFRESH OF THE PLAN</b>	
	Discussion and date setting for substantial review of the plan actions.	
	Led by: All	
<b>5.</b>	<b>WYE AGRI PARTNERSHIP SUPPLY CHAIN WORK UPDATE</b>	
	An update on the Wye Agri Partnership Supply Chain Work	
	Led by: Kate Speke-Adams	
<b>6.</b>	<b>FUNDING STREAMS AND POTENTIAL BID MATCHING</b>	
	A short update and briefing on funding streams and bids.	

Led by: Rachael Joy

**7. PUBLIC QUESTIONS**

To provide the opportunity to members of the public attending the meeting to ask questions of the statutory partners.

Led by: All

**8. AOUB**

An opportunity to discuss any other business.

**9. DATE OF NEXT MEETING**

Agreeing the meeting cycle for next year.

## **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 in on Wednesday 28 September 2022 at 2.00 pm

## Attendees:

### Voting Members present

Merry Albright (MA)	Herefordshire Construction Industry Lobby Group
Cllr Jackie Charlton (JC)	Powys Council
Helen Dale (HD)	Countryside Landowners Association
David Lee (DL)	Natural Resources Wales
Cllr Catrin Maby (CCM)	Monmouthshire Council
Claire Minett (CM)	Natural England
Fergus O'Brien (FOB)	Dwr Cymru Welsh Water
Councillor Sid Phelps (SP)	Forest of Dean District Council
Martin Quine (MQ)	Environment Agency
Councillor Elissa Swinglehurst (ES)	Herefordshire Council

### Statutory Advisors present

Hayley Fleming (HF)	Natural England
Rachael Joy (RJ)	Herefordshire Council
Ann Weedy (AW)	Natural Resources Wales

### Others present

Simon Cann (SC)	Herefordshire Council
Gordon Green (GG)	
Jenny Grubb (JG)	
Tom Tibbits (TT)	
Helen Hamilton (HH)	
Jim Hicks (JH)	
James Marsden (JM)	
Andrew McRobb (AM)	
Stuart Smith (SS)	Wye Salmon Association
Kate Speke (KS)	The Wye and Usk Foundation
Richard Tyler (RT)	

### Welcome and apologies

The Chair welcomed everyone to the meeting and requested that members of the Board briefly introduce themselves, which they did. The Chair explained voting rules and protocol to the attendees.

#### Apologies for Absence

Apologies were received from: Jamie Audsley, Simon Evans, Steve Hodges

Kate Speke-Adams was substituting for Simon Evans

## 26. BOARD MEMBERSHIP

- Proposal to accept Martin Williams resignation from the NFU rep role
- Proposal to accept Sarah Faulkner's Nomination to the NFU rep role
- Proposal to accept Martin Williams Nomination to the vacant Farm Herefordshire role

- Proposal to accept the resignation of Helen Stace from HWT
- Proposal to accept the nomination of Jamie Audsley from HWT

The Chair made the above proposals and they were all unanimously approved by the board.

## 27. NOTES AND MATTERS ARISING FROM LAST TIME

The Chair invited the Board to consider and approve the minutes of the previous meeting:

**The minutes of the previous meeting on 28<sup>th</sup> September 2022 were agreed as a correct and accurate record.**

### Matters Arising

The Board considered the actions recorded from the previous meeting:

**Action: A second letter to be sent out on behalf of the Board to DEFRA to request data from its inventory on livestock numbers, specifically the numbers of chickens, in the Herefordshire catchment area. [Action by: RJ]**

- *Rachael Joy (RJ) suggested Jenny Gamble (JG) should coordinate this. Martin Quine (MQ) to pick up with Jenny Gamble to source figures of tonnage. Merry Albright (MA) explained they have been published but don't include poultry. Merry Albright provide this link to livestock census:*

<https://www.gov.uk/government/statistical-data-sets/structure-of-the-livestock-industry-in-england-at-december#full-publication-update-history>

- *Kate Speke-Adams (KSA) Explained she was trying to compile figures from Noble, Stonegate and Avara and would try to link back with the British Egg Industry Council.*

**Recommendation: Chairs of TAG Working Groups to be brought forward by 29 July 2022 [Action by: all of group]**

- *Completed*

**Action: Powys Cllr to provided details of the equivalent to Farm Herefordshire in Powys. [Action by: Cllr Jackie Charlton (JC)]**

- *JC Couldn't find equivalent, but Herefordshire and Powys Councils have met jointly to look at the issue and have committed to retaining links at those levels. FUW might have a better idea*



- *KSA Part of TAG farm advice working group was to convene a meeting with all relevant organisations and discuss setting up a similar group, it was being pushed forward by a poultry farmer in Rhayader and being progressed by the working group.*

**Action: Grace Wight to bring information relating to WEIF, Project TARA, tree planting initiatives and phosphate bound in sediment data to the board as part of the Evidence working group remit. [Action by: GW]**

- *Martin Quine (MQ) circulated this information pre-meeting and it was also accessible online.*
- *The Chair – Cllr Elissa Swinglehurst (ES) had previously requested Grace Wight (Environment Agency) gather information relating to WEIF, Project Tara and phosphate found in sediment, and requested that this remain on the evidence working group radar.*

**Action: ES would like enforcement process mapped out, with an overview of the problems involved in progressing certain cases. [Action by: GW]**

- *ES suggested taking this through TAG via Regulation working group.*
- *Martin Quine stated there is a published process, it's consistent for the entire EA and we can bring that up through TAG and bring everything to the board that is of key note.*

**Action: Ann Weedy (AW) to provide detailed update on pig farm visits. [Action by: AW]**

- *Update Provided.*

**Action: Claire Minett (CM) to go back and get information and data on ammonia added. [Action by: CM]**

- *CM sent this through.*

**Action: AW to follow up with WPZ proposal response with Welsh Minister. [Action by: AW]**

- *AW Nothing more on this from the Welsh government, but will keep pursuing.*

**28. UPDATE FROM TAG**

Hayley Fleming (HF) gave a verbal update on the report. The TAG had met on 7<sup>th</sup> September and its next meeting was 21<sup>st</sup> October. Significant effort had been focused on the working groups and getting those off the ground.

The working groups would cover: evidence, regulation, farm advice, poultry, and innovation and projects. They served two purposes: firstly, to identify projects that would be plugged into the action plan. Secondly to identify gaps and issues that were beyond the TAGs ability and to sort out and bring these to the board.

Each working group would have a chair and the aim was to start populating those groups with people to be involved. Partners should contact the boards with nominees for the chairs. The groups would require a good mix of people who would not be afraid to ask hard questions and challenge things.

HF Felt there was value in having a vision for the Wye and what it will be like in 10, 20 and 50 years.

Rachael Joy (RJ) suggested that a vision would be a complex area and the national position was very fluid and unclear on policy at the moment. This would anchor some of the choices available at local level.

RJ also noted that there was existing legislation already in place or being planned.

RJ Noted there would be issues around climate change, the heating of the river and the changing of flow rates, all of which would make creating a vision of the Wye very complex and simply asking people what such a vision would look like could lead to dashed expectations.

RJ Stated that she had asked Clare Dinnis to assist with a related piece of work and understood that Wye and Usk were doing some work in that territory. The board would need a proper policy paper to anchor that debate in.

RJ Some working groups have governance arrangements in place and it's important that we clarify governance systems for all other work streams, for example the evidence working group.

RJ TAG needed to be 'light touch' on areas where there was strong governance and clarify governance in other areas, this would allow TAG to focus in on a lot of the gaps.

RJ Stated that there was a need for TAG to be clear on what the product was, was it a business case, project proposal or piece of advice? What's the product and what's the outcome?

ES enquired about funding for the working groups.

RJ Explained that funding went back to resolving the governance issue. If the board was clear on who the lead authority was for each of the work streams, then there could be some accountability for funding and resourcing. Herefordshire and the Wetlands project was given as an example.

CM agreed that clearer governance and clarity on the roles of the leads of working groups was needed.

It was noted that private projects funded by the private sector would fall under the remit of the innovation working group.

**29. UPDATES FROM PARTNERS**

**NATURAL ENGLAND UPDATE**

Update taken as read, with no questions from the board.

**ENVIRONMENT AGENCY UPDATE**

ES Enquired about the impact of the drought period on the Environment Agency.

MQ A lot of resources had been put into the Wye catchment and there had been significant focus on 'new authorizations' these were activities that were previous exempt, but now fell into the permitting regime and were licenced.

MQ stated that the EA had continued with its inspection and licensing regimes. It had piloted the use of sondes in the catchment area. These had improved communications and monitoring of river temperature. The sondes would be removed over winter to avoid them being washed away and damaged.

Sarah Faulkner (SF) enquired how seasonal variations could be measured if the sondes weren't deployed over the Winter?

MQ Explained the risk of the sondes being washed away was high and that winter data was generally less reliable.

KSA asked if orthophosphate and total phosphate were parameters on the EA sondes? MQ Explained that he sounds were being used for looking at water quality, temperature and PH.

MA, if the sondes don't measure ortho or total phosphate, how do you measure phosphate?

MQ we can get phosphate readings from the auto samplers (8 in strategic locations).

MA No real-time data?

MQ I'd need to check and confirm.

MA Where does the new data go when it comes through.

MQ We have someone checking sonde data every day, which gives trend data. If we identify a spike in ammonium we can deploy people on the ground to try and locate the source of where that's coming from.

MA How would we know if phosphate was going up or down?

MQ This issue really relates to funding and availability of equipment, and is perhaps something that could be viewed by the TAG subgroups.

*The discussion on the update turned to poultry farming units:*

ES how many under 40,000 bird units do you visit

MQ very few at all. General farming and livestock would be a priority.

ES It's concerning that nobody is looking at them and we don't know what percentage of birds is contained in the 40,000 units. We're very unsighted.

MQ take some of these concerns to the sub group/working group.

MA can the EA release the results of its fair share assessment?

MQ we will get back to the board when we're able to release this information and expect something to be published shortly.

MA the working groups need to know what fair share means in order to carry out their roles effectively.

KSA It's amazing after years of negative intensive poultry unit stories in the papers, that the EA has seemingly done very little to look into this area. We're working with Stonegate, Noble and Avara and there are about 50 free range sites within that supply chain. Visits have been quite challenging, because growers have never been told that their infrastructure is potentially causing pollution and they don't have any guidance for those sites to know how they should be operating and are going ahead blindly without guidance from the regulatory authorities. They don't know how to improve because they don't know how to comply. It would be better if all sites were permitted, as it's currently a bit of a black hole. It's very frustrating.

ES how do we get to a place where 40,000 birds or less is worthy of a visit?

MQ it's based on priority and risk, The EA prioritise larger units because they fall within its regulatory powers.

MQ This would probably be best discussed within the TAG.

David Lee (DL) There is a wealth of information about CoGAP (Code of Good Agricultural Practice) and SSAFO (Silage Slurry or Agricultural Fuel Oil). The ball is in the farmer's court as to how they comply with the law.

DL We spend an awful lot of time commenting to Powys councillors and planning authorities that all infrastructures should comply with SSAFO. Farmers are told about what they need to comply with, and if they're not complying then that's necessarily the fault on this line.

DL provided a link to the new agriculture bill launched in Wales:  
<https://gov.wales/historic-first-welsh-agriculture-bill-support-farmers-future>

Cllr Sid Phelps (SP) pointed out that focusing too much on under 40,000 units may not be worthwhile as most of the pollutants are exported and put on land.

RJ Stated that there was a need to challenge ourselves in terms of going further on enforcement. Enforcement was a plan and a project about a place.

RJ There's a need for a proper risk assessment and enforcement for units with less than 40,000 birds, as we don't know whether that's the bulk of the flocks. The whole area needs to be subject to a habitats risk assessment.

ES This could sit in the regulation working group

AW any IPU whether below or above 40,000 will require planning permission, which in itself will require an HRA. So there is HRA screening even if it doesn't end requiring an environmental permit.

RJ that's permission to be in business, that's not monitoring what happens once they're operating and who looks at that? We have a gap as we don't know whether the bulk is in units over or under 40,000.

RJ It might not be that from a regulatory perspective we are required to do this by law, but as an exemplar organisation we need to go further and subject that to a habitats risk assessment.

### **NRW UPDATE**

ES need to keep both sides of the divide equally engaged.

ES It might be worth opening a dialogue with the Monnow Rivers Association (who are already over the invasive species) to make sure there's no duplication.

ES Also worth talking to the angling community, because they often know the locations of the knotweed and crayfish.

ES Sad to hear of death of 40 salmon.

AW that was over the summer and not one incident.

ES enquired about the restoration project and how it was going to work with phosphate action plan.

AW the project links in with me, the TAG, this board and the SAC rivers project. It is not just about phosphates but about increasing resilience of the river as a whole. It's a holistic project and will be substantial in its funding if it goes ahead.

ES I was at SACROG (Rivers Oversight Group) which had a lot of energy and was being supported by the Welsh government. Are the sondes you're using being taken out of action during the Winter,

AW Our sondes are not linked to telemetry so no live feed. They are put out in areas where they shouldn't be washed away, they will be rotated after eight weeks for fresh units. We are anticipating a drier than average winter, which is worrying as the whole of Wales is in drought. Next year is likely to be challenging for water quantity.

AW we're hoping to host our data analysis on a publicly platform.

David Lee (DL) it might be worth talking with EA about sharing data with EA and pooling all the data together.

RJ We're beginning to take an early look at the Wye and what might be needed for mitigation if we have to move to tighter measures. This will require help from the EA over

targets and obligations and helping us identify where the opportunities are on the Wye. This should help in develop contingency plans.

### **HEREFORDSHIRE COUNCIL UPDATE**

ES Drew the board's attention to the terms of reference of the cabinet commission which includes writing of a plan for the nutrient management board.

ES in the recent SACROG meeting it was noted that the Welsh government was developing governance arrangements and terms of reference for all the nutrient management boards, of which we are one. We are also an English board so it would make sense to wait and see what comes from these different sources and then try and do something that fits once the guidance is out.

RJ The chair of the commission has indicated that she wants to work very closely with the board.

RJ I'm also working closely with the Welsh group that are reviewing NMBs. The commission will engage in a fundamental review, which will take a fresh look at the nutrient management board and the nutrient management plan. Success will be dependent on the cooperation of voluntary partners and it is vital that a fresh look is taken at what is going on with the Wye.

## **30. REGULATION - INCLUDING FARMING RULES FOR WATER**

ES asked the board members whether they felt the Farming Rules for Water were fit for purpose and explained that in the catchment we have a principal source of phosphate and an abundance of phosphate rich manure from different agricultural sources. The UK government guidelines include an instruction to the EA not prosecute unless all the voluntary and advisory measures have been exhausted.

The concept of reasonably practical avoidance of excess phosphate application was considered and it was noted that the EA had essentially confirmed that it is essentially not reasonably practical to separate phosphate from the nitrate when they're combined.

ES since the introduction of the Farming Rules for Water the rate of violations at a national level has increased to 391 recorded breaches in the last financial year 21/22 and over the last two years there were a total of 2053 inspections, 497 violations and not one single prosecution or fine.

ES the Farming Rules for Water are disabled by these guidelines. Option to forbid spreading of phosphate is unfair on those who are using it responsibly.

MA the rules aren't strong enough. If they were we wouldn't have pollution.

ES what is required can it be made to work?

MA we need proper enforcement.

JC a lack of resources is a problem. Expectation by public that we're doing something, but we're not.

RJ we need farmers to know what they can and can't do. National policy on enforcement is set nationally but has a reasonableness test set at the farmer level when it would be far more effective at catchment level.

Sarah Faulkner (SF) rather than focus too much on national figures, we should work with the EA locally and discuss how the rules are working in this catchment and seek information from the EA about what they're finding when they go up farm drives.

Fergus O'Brien (FOB) A regulatory floor is a key to resolving these issues and currently in Wales, legislation focusing on this area is already under discussion.

MQ Farming rules for water, guidance is clear on reasonableness and appropriate measures. Limited resources are a problem and enforcement is complex. The EA will look at legal resource and scale of impact before deciding if enforcement is practical.

Richard Tyler (RT), not a question of lack of will or resources but the structure of the rules.

RT return to the minister and how they justify turning down the justification for the water protection zone when their chosen mechanism for preventing damage is no longer viable, because the manure can be applied almost anywhere. We can't carry on pouring phosphate into a system that already has too much in it.

MQ The Secretary of State's guidance isn't due for review until 2025, we base our regulatory approach on that.

### **31. CITIZEN SCIENCE PRESENTATION**

Stuart Smith (SS) of the Wye Salmon Association introduced the item and Gordon Green presented a series of slides to the board providing a summary of the report on soil sampling in the Garren Catchment

The Chair and board congratulated Gordon and Chris for their excellent work and presentation.

Tom Tibbits (TT) suggested that if regulation RB209 was being diligently followed, then the situation as outlined in the report would never have arisen. TT felt this demonstrated that the voluntary regulations were not a failsafe way of protecting the catchment.

KSA praised the work, but did urge that care was taken in the methodology being used so as not to undermine the trust that was being built with landowners, many of who were working together with the citizen scientists.

MA stated there was a need for catchment data mapping to aid decision makers. Helen Dale (HD) noted that the report didn't necessarily show that the farming rules weren't fit for purpose, but highlighted that the implementation of the rules and how those rules were regulated need looking at.

Andrew McRobb (AMR) suggested that there was little benefit in just bashing the EA and that it might be helpful if every organisation concerned could write to the Office for Environment Protection, who are an oversight body for the government. They have replaced the European Commission and are there for judicial redress.

Christine Hugh-Jones (CHJ) noted the permitting regime doesn't account for manure spreading on fields around installations and being in the regime may not be the best way to tackle things.

David Lee (DL) said he would contact Farming Connect to establish whether they still offered free soil testing.

MQ we now have a dedicated officer assigned to citizen science.

**32. PUBLIC QUESTIONS**

The Board considered questions from members of the public attending the meeting:

Tom Tibbits outlined how he felt the planning application processes were open to exploitation.

Helen Hamilton (HH) asked if the EA could explain the recent spike in ammonium in the Wye?

MQ couldn't identify spike in ammonium in the river.

HH more attention to permits and new planning permission being given to old sites that are no longer suitable for purpose and a more proactive approach is required.

RJ This is something the cabinet commission will be looking into.

**33. AOUB**

None

**34. DATE OF NEXT MEETING**



It was confirmed that the date of the next meeting would be 21<sup>st</sup> December 2022.






The meeting ended at Time Not Specified



**Chairperson**



**TAG update to Nutrient Management Board 21/12/22**

<b>Establishing working groups</b>		
May 2022	<p>After writing the Phosphate Action Plan last Autumn, five topics stood out as needing in depth discussion and focus:</p> <ul style="list-style-type: none"> <li>• Evidence</li> <li>• Regulation</li> <li>• Farm advice</li> <li>• Poultry</li> <li>• Projects</li> </ul>	
Ongoing	<p>TAG is establishing working groups for these topics.</p> <p>Working groups will delve into the detail of their topic, identifying issues, assessing limitations, proposing changes and solutions and bringing those to the Board for consideration and action.</p>	
2023	<p>TAG’s role in 2023 will focus on overseeing the working groups, ensuring they are delivering to the tasks set, ensuring they compliment each other, and taking issues or recommendations to the Board.</p>	
Ongoing	<p>A project schedule has been drafted – but is not yet finalised.</p> <p>Meeting dates have been set for 2023 and are listed in the ‘calendar and project schedule’.</p>	 Calendar and project schedule.xls
Items/ requests to board	<p>Board to sign off on the setting up of leadership group.</p>	 Structure.pptx
Items/ requests to board	<p>TAG suggests that a more substantive plan review is discussed for May 2023, after the SAGIS / SIMCAT modelling update and after DCWW have committed to upgrades.</p>	
<b>Working group progress reports</b>		
<b>Evidence working group</b>		
<p>Chair: Sam Thomas, EA</p>		
<p>The evidence working group is coordinating modelling and collation of data for use in directing further action. The group should ensure the right questions are being asked. This work will inform and direct the other working groups.</p>		
<p>Priority actions identified in action plan:</p>	<ul style="list-style-type: none"> <li>• <i>Modelling – Further modelling may be required to increase confidence in the measures and mechanisms required, including Source Apportionment Geographic Information Systems (SAGIS) tool recalibration and further Farmscoper scenario modelling.</i></li> <li>• <i>Other point sources – TAG to discuss the potential for prioritised actions on specific point sources, such as industry, septic tanks or CSO’s.</i></li> <li>• <i>Base flows and abstractions – TAG to discuss.</i></li> </ul>	

Scope	 Working group scope - Evidence.do
Update	 TAG Evidence update Dec 22.docx
Items / requests to board	
<b>Regulation working group</b>	
Chair: David Lee, NRW, and Jenny Gamble, EA	
The regulation working group is intended to review the powers and limitations of existing legislation, recommend measures to improve local compliance and raise issues / challenges with the board.	
Priority actions identified in action plan:	<i>Regulation - Fuller application of regulatory powers around agricultural practices in the catchment. Build collaboration between farmers and regulators to raise levels of regulatory compliance.</i>
Scope	 Regulation working group scop
Update	The scope is in development. A face-to-face meeting is being set up.
Items / requests to board	
<b>Farm advice working group</b>	
Chair: Martin Williams, Farm Herefordshire	
The farm advice working group is intended to better link and develop existing strands of work to form something more cohesive. It will explore options around a whole catchment approach to farm advice and sharing of best practice. It will explore whether the right farm advice is being given in the right places, including taking into account recent evidence including the Rephokus research and the outputs of the evidence working group. The group will consider opportunities for landscape scale action and propose projects to the project group.	
Priority actions identified in action plan:	<i>Farm advice – Consider undertaking a review of the successes and shortcomings of farm advice and voluntary action in the catchment. This may need to be commissioned by Defra.</i>
Scope	 V3 Farm advice working group scop
Update	 Tag Farm Advice update Dec 22.docx
Items / requests to board	
<b>Poultry working group</b>	
Chair: Kate Speke-Adams, Wye and Usk Foundation	
The poultry working group is looking to secure reductions from this sector by engaging with chicken producers directly, quantifying reductions, and working with the regulation and farm advice working groups to rectify gaps in regulation, planning, permitting and farm assurance.	

Scope	 Working group scope - Poultry V1 (1)
Update	<ul style="list-style-type: none"> <li>• WUF are doing on monitoring interception wetlands P going in and P coming out, to demonstrate their effectiveness.</li> <li>• Ongoing discussions with supermarkets around red-green tractor.</li> <li>• Rephokus are redoing some of their work to improve accuracy.</li> </ul>
Items / requests to board	
<b>Projects &amp; innovation working group</b> Chair: Elizabeth Duberley, Herefordshire Council	
<b>Overarching Aim</b> To bring forward a series of phosphate reduction schemes to improve water quality in the River Wye and meet the housing and wider economic development needs of each LPA within the catchment. The projects group is to be fed projects to develop by the other working groups.	
<b>Key Objectives</b> <ul style="list-style-type: none"> <li>• To identify and implement mitigation methods to reduce phosphate levels entering the watercourses from both point source and diffuse pollution.</li> <li>• To enable the creation and trading of phosphate credits to mitigate development within the River Lugg Wye catchment area.</li> <li>• To mitigate the significant risk that development is unable to demonstrate nutrient neutrality in the River Wye catchment area which will have huge economic impacts on the county.</li> </ul>	
Scope	 Working group scope - Wetlands V2  NB that this scope will be updated to reflect discussions at TAG.
Update	<ul style="list-style-type: none"> <li>• The HC pilot wetland site is near completion and will go live in the new year. We have received our Regulatory Position Statement from the Environment Agency in order to operate. Our internal credit trading process has been independently reviewed and we are finalising our legal documents in order to commence trading.</li> <li>• HC is also proposing to set up a joint advisory service with regulatory bodies and competent authorities for developers who wish to receive feedback on the mitigation they propose, this is work is currently underway and we will update at the next TAG.</li> </ul>
Items / requests to board	



**Nutrient Management Plan Delivery Board – Herefordshire Council****December 2022 update****The Cabinet Commission**

The Cabinet Commission, given formal approval to proceed in September, is now mobilising and quietly going about its work programme. Powys, Monmouthshire and Forest Dean Councils have all nominated Executive Members to join the Commission so that the entire Catchment is represented.

The Commission has now met twice and will continue to meet monthly. At the last meeting of the Commission there was a presentation from the Wye Agri Partnership which is working with WRAP (The Waste Resources Action Programme) and all of the major national retailers and suppliers who are each developing their own programmes and action plans to manage waste created by their supply chains.

**Nutrient Management Plan Governance Review**

Preparatory work has commenced for the governance review of the Nutrient Management Plan Delivery Board (NMPDB). Herefordshire's commitment to hosting the Board and the efforts of members across all parties here, and with our partner councils, demonstrates our clear leadership and commitment to addressing this most pressing of issues in our and surrounding counties within the Wye catchment areas. However, it is increasingly important for the Environment Agency and Natural England to deliver meaningful progress on the actions identified in the present plan to a level needed to provide assurance that the plan is capable of achieving the improvements it was promising to deliver when it was adopted 8 years ago. This makes the work of our Commission even more significant. We all want to see a rapid shift from research and analysis to tangible delivery and measurable improvement. The Commission has contacted the agencies with its early thoughts on Governance and will bring forward a consultation paper in the new-year. The present NMPDB will obviously be a key consultee in proposals when they come forward.

**Working with the Farm Sector**

In pursuit of this objective, a working group has been established with representatives of Farm Herefordshire, the National Union of Farmers and the Country Landowners Association who are meeting fortnightly to develop plans themselves to better manage manure on farms. The working group has no decision making powers but will inform the work of the Commission. There is growing commitment from the farming sector to investigate and champion changed farm practices for themselves and the Commission is very keen we provide them with all the support we can to make this a reality. Items under consideration are a new farm measurement tool which DEFRA are supporting with workshops. The group is also in the very early stages of exploring whether there is the potential for a farm champion scheme to help drive sector led self-improvement.

**Enforcement**

Alongside this encouraging work with the farming community, a review of enforcement practice has commenced and Commissioners will be receiving proposals and recommendations on enhanced and added value enforcement. We will of course seek evidence of our enforcement partners.

## Planning

Our draft Agricultural Supplementary Planning Document represents the very limited steps we are able to take in policy terms to achieve change at this stage ahead of the adoption of the updated Herefordshire Local Plan. The review of which is well underway. . The Agricultural SPD is presently out for consultation

(<https://consultations.herefordshire.gov.uk/consultations/article/91/agricultural-planning-supplementary-planning-document>)

Our Minerals and Waste Local Plan is currently undergoing Examination in Public, the hearing sessions have been completed and it is anticipated that a set of Main Modifications will be published for consultation in January 2023. A final Inspectors report will be published once the Inspectors have considered any further comments made regarding the modifications. The submitted Minerals and Waste Local Plan included a requirement for all new agricultural development proposals achieve nutrient neutrality for agricultural waste. An enhanced policy position to deliver full nutrient neutrality across the whole of the Herefordshire part of the Wye catchment will be progressed through in the Herefordshire Local Plan. Commissioners will also want to make suggestions to the policy review on how the Planning Framework can strengthen environmental protection across the catchment.

## Mitigation

Mitigation remains a challenging area. The Luston wetland site is now capable of delivering phosphate credits and the development management part of the planning process is getting the necessary agreements in place to trade with developers at the front of the queue for delayed planning applications to be processed. A backlog of ecology consults which built up through Covid has now been cleared which will contribute to the processing of less complex development cases.

Issues around PTP dosing are being evaluated and resolved. It is disappointing to hear report of the unilateral decisions made elsewhere leading to DCWW being forced to withdraw the Shobdon site. The consequence of this is the abortion of 18months careful work to bring that wetland site forward and representations regarding poor communications and their consequences have been made to the relevant agency. Alternative schemes will be sifted to go forward to business case next year.

We are pleased to note that Natural England are also proposing to bring forward mitigation schemes in the catchment and welcomes the involvement of the NGO sector in the design of such schemes. However, we remain concerned that beyond the conceptual design stage for these natural filtration and phosphate capture systems, the technical design and build out capability needs to be developed rapidly in the context of a constrained construction sector for such schemes to meet our resident's needs for new housing.

## The Longer Term

Given the above and the lack of discernible objective progress to restoring the Wye, Herefordshire Council remains firm in its view that the long term solution to the catchments challenges can only be secured by a "Poole Harbour" type ten year delivery scheme with a primary objective of river restoration and with the inclusion of regular checkpoints. This, so that, in the event of insufficient progress with the plan, then reluctantly a formal Water Protection Zone (or some other similarly robust regulatory framework) would be given serious consideration. Therefore we would welcome a commitment from all involved with the wellbeing of the catchment to commit to the two year design process necessary to put a ten-year Poole Harbour Style Scheme in place.

**Nutrient Management Board Update**

Organisation:	Environment Agency
Representee:	Martin Quine
Date submitted:	December 2022
Actions on Phosphate Action Plan contributing to:	<ul style="list-style-type: none"> <li>• Monitoring, Evidence and Modelling</li> <li>• Agriculture</li> <li>• Water Resources</li> <li>• Water Industry</li> <li>• EA Funded Projects</li> <li>• Citizen Science</li> </ul>
Actions on Phosphate Action Plan recent work has contributed to:	All the above, including input to TAG sub-groups and strategic work with Defra to scope longer-term policy and funding initiatives.
Brief progress update on activities	<p><b>Monitoring, Evidence &amp; Modelling</b></p> <ul style="list-style-type: none"> <li>• In August we released our <a href="https://consult.environment-agency.gov.uk/west-midlands/river-wye-water-quality/supporting_documents/Wye_Report_Q1_2022_23.pdf">latest report. https://consult.environment-agency.gov.uk/west-midlands/river-wye-water-quality/supporting_documents/Wye_Report_Q1_2022_23.pdf</a></li> <li>• We have committed to chairing the Technical Advisory Group (TAG) Evidence Subgroup and will therefore be reducing the frequency of our integrated data analysis reports as a result to biannual. The next report is scheduled for January 2023.</li> <li>• We continue to manage and update our <a href="#">public facing webpage</a>.</li> <li>• We have submitted our Monitoring Commission for 2023/24 which focuses additional resource into the Wye Catchment. We are awaiting an affordability assessment due by end of December.</li> <li>• We have secured funding from EA national to deploy additional sondes and autosamplers in 2023 as we did in 2022 and will review the <a href="#">River Wye High Temperature and Algal Bloom Warning System</a>.</li> </ul> <p><b>Agriculture</b></p> <ul style="list-style-type: none"> <li>• We have completed <b>134 farm inspections</b> to date so far this year in the Wye catchment (report date 15/12/22). All farms with identified issues are followed up with actions to achieve regulatory compliance. Of these inspections 22 have been targeted at intensive poultry units.</li> <li>• Out of the 134 farm inspections, 20 were found to be non-compliant with the regimes we inspected, or with the areas/aspects/parts of the regulations we inspected.</li> </ul>

- Across the whole of the **West Midlands 292 farm inspections** have been completed so far. This indicates **45%** of West Midlands farm inspection resourcing is being targeted to the Wye Management Catchment.
- We are increasing awareness of Farming Rules for Water (see appendices) and associated farming regulations through proactive collaboration and communication. Natural England's Catchment Sensitive Farming blog was published on 4 December 2022 and we have worked with the NFU on an article on farm inspections for their January farming magazine British Farmer and Grower.
- We will be running an online lunchtime workshop (by invite from NFU) with farmers in January 2023 on the Farming Rules for Water inspections and compliance.
- Permitted poultry farms in the Wye catchment are being required to report N & P excreted in livestock manures. Data for 2022 is to be reported by end of February 2023. The requirement to report this data is being introduced first in specific catchments where there are significant diffuse pollution concerns associated in-part with intensive pig or poultry operations. Wider roll-out for all permitted farms will follow in January 2024.
- We have developed new GIS tools to spatially map pollution risks, phosphate loads and agricultural data. In 2023 we will begin to utilise these tools in combination with additional support from our national Remote Sensing Team to improve how we target activities and to increase the number of inspections.
- We have recruited an Agriculture Account Manager to engage with key stakeholders in the agriculture and food supply chain. This role will lead on strategy development and the implementation of measures aimed at reducing nutrient inputs across the agricultural sector. Initial focus will be on the Wye catchment in England, taking a catchment-based approach with a range of partner/stakeholder groups.

#### **Water Resources**

- A total of **93 compliance inspections** have been carried out by EA in the Wye Catchment this year, which identified **20 non compliances**. In total of **343 inspections have been completed across West Midlands**.
- We have completed the New Authorisations programme in the Wye Catchment so most previously exempt activity is now licensed.
- WMD moved into Drought status on 23 August and Drought Recovery status on 23 November. Recent rainfall in late October and throughout November has led to an improving situation with rivers rising to normal ranges or above and some respite to Hands Off Flow conditions.

#### **Water Industry**

- We are currently working with Dŵr Cymru Welsh Water (DCWW) on the 2024 Price Review (PR24) Water Industry National Environment Programme (WINEP). DCWW have applied for an extension to their PR24 (AMP8) WINEP submission.



- SIMCAT/SAGIS/Optimiser for the Wye model has been updated and are being used to inform the PR24 WINEP.
- A review of DCWW 2020 data for event duration monitors (EDM) spills to the environment has been completed. This focused on all network combined sewer overflows with more than 40 spills a year.
- We would normally inspect six of DCWW's operator self-monitoring (OSM) sites and 12 descriptive inspections per year. The planned number has been increased to 20 OSM and 20 descriptive inspections.
- Prioritisation of drought response postponed delivery of water company inspections in Q1 & Q2. We have since delivered 5 OSM inspections and four descriptive inspections, resulting in the need for additional sampling locations at one site and the need to have an appropriate upstream Urban Waste Water Treatment Directive (UWWTD) sampling location at another.

#### **EA Funded Projects**

- **Wye P WEIF partnership project** (until March 2023) with the Wye and Usk Foundation includes:
  1. Focus of supply chain engagement.
  2. Focus of Farmer engagement to promote farming best practice and regenerative farming.
  3. Takes the Rephokus study and ground truthing it with a focus on P levels and land drains.
  4. NFM opportunity development and delivery in the Garren and Dore Catchments.
- **Resilient Wye Water** (until March 2023) with Wye Valley AONB focusing on water resources.
- **Wye SASS** (until March 2023) with Farm Herefordshire developing evaluation methods and supporting the development of a website for dissemination of best practice, developing a community, and supporting event booking and evaluation.
- **Wye SAC** (until March 2023) with Herefordshire Rural Hub CIC focusing on delivering a project promoting soil testing and compliance with the regulations.
- **FCRM NFM project** (until 2027) Delivered by Herefordshire Council, delivery started with contractor (WUF).
- **River Arrow catchment Project** - Developing tools to map opportunities and quantify the multi-layered benefits of Nature Based Solutions.

#### **Citizen Science (CS)**

- CS monitoring has continued across the Wye catchments with data added to Epicollect. We now have agreement from all parties for data to be shared openly across the monitoring groups and more widely.
- Following our July monitoring report recommendations, we have new monitoring sites identified by CPRE for the Lugg catchment that will now be included in the programme.

- We are considering how soil sampling (total phosphorous and Olsen P) may be undertaken in collaboration with landowners and other partners. This is following discussions with NFU considering previous soil sampling in the Garren catchment by Wye Salmon Association.
- There is consensus that monitoring for P would be extremely useful in order to establish soil baseline data in the Wye catchment, however a standardised monitoring approach would need to be developed and agreed.
- We now have approval for £11k to provide additional monitoring equipment (phosphate test kits), which is being administered via CPRE.
- We will continue to support and work closely with all the CS groups whereby data will inform future work programmes and regulatory effort.



# APPENDICES

Advice & Guidance Letter

## Farm Inspections in the **XXXX** area

Dear Sir/Madam

I am writing to advise you that we are carrying out regulatory farm visits in your area to identify the sources and reduce the impact of agricultural pollution on water quality.

Should we arrange a visit with you, we will check that you are complying with the environmental regulations that apply to your farm business. These are the key records required by the regulations that we will be inspecting.

### **The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 - Farming Rules for Water (FRfW) - Planning for Crop and Soil Need**

Regulation 4 of the FRfW requires that each application of organic manure or manufactured fertiliser:

is planned so that it does not exceed the needs of the soil and crop on that land, or give rise to a significant risk of agricultural diffuse pollution, and takes into account the weather conditions and forecasts for that land at the time of the application.

It is a regulatory requirement that all land managers plan each application of organic manures and manufactured fertilisers to cultivated agricultural land. Cultivated land is any land that has been physically cultivated in the last year or had manure or fertiliser applied in the last 3 years. Any plan should be based on up-to-date soil analysis results (within the last 5 years). We will ask you to provide evidence of your **Nutrient Management Planning and Soil Analysis**.

There has been recent Statutory Guidance issued by Defra to the Environment Agency setting out what it should consider when enforcing these regulations, but it does not change the requirements detailed in this letter or the Farming Rules for Water.

**Action required – ensure you have up to date soil analysis and evidence of nutrient management planning as outlined.**

*Key reading/ resources:*

[Farming rules to protect watercourses - policy paper \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674442/farming-rules-to-protect-watercourses-policy-paper.pdf)

[Rules for farmers and land managers to prevent water pollution - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/674442/rules-for-farmers-and-land-managers-to-prevent-water-pollution.pdf)

[Applying the farming rules for water - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/674442/applying-the-farming-rules-for-water.pdf)

[Nutrient Management Guide \(RB209\) | AHDB](https://www.ahdb.co.uk/resources/nutrient-management-guide-rb209)

### **The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010 (SSAFO Regulations)**

These rules apply if you store silage, slurry, or agricultural fuel oil. There are general rules applicable to each of the 3 substances, as well as specific rules for storing and handling each one. The following information will be requested as applicable to your business:

- Location, dimensions and volume calculations of any slurry lagoons/ stores, solid manure stores, fuel tanks and silage silos
- The location of any clean and dirty yard drains and the size of yard area (in m<sup>2</sup>) draining to the slurry and dirty water systems

- Your slurry storage capacity calculation
- Your silage effluent tank storage capacity calculation
- Construction details, including analysis of soil type, depth, and permeability results if the structure is constructed from earth.

**Action required – ensure you have up to date records as outlined above (as applicable to your farm business)**

*Key reading/ resources:*

[Storing silage, slurry and agricultural fuel oil - GOV.UK \(www.gov.uk\)](http://www.gov.uk)  
[Slurry wizard | AHDB](http://www.ahdb.co.uk)

### **The Nitrate Pollution Prevention Regulations 2015 (NVZ)**

Nitrate Vulnerable Zones (NVZs) have been designated by Defra to protect water quality from agricultural nitrate pollution which impacts drinking water abstractions and affects life in our rivers, streams, lakes, ponds, and sea. Find out if your land lies within an NVZ here: <https://environment.data.gov.uk/farmers/>

If you are farming in an NVZ, the Nitrate Pollution Prevention Regulations require you to act to store, plan and apply organic manure and nitrogen fertilisers within specific times, areas and application limits and keep records of this, as below:

ACTIONS	LIMITS	RECORDS
<ul style="list-style-type: none"> <li>• Spreading restrictions when applying organic manures and manufactured fertiliser to land</li> <li>• Requirements for the storage of slurry and other organic manure</li> <li>• Planning nitrogen applications before spreading</li> </ul>	<ul style="list-style-type: none"> <li>• 170 kg N/ha from livestock manure 'Farm Loading Limit'</li> <li>• 250 kg total Nitrogen per hectare (N/ha) 'Field Limit' for applying organic manures</li> <li>• 'N-max' average Nitrogen application limits for most crop types across the farm</li> </ul>	<ul style="list-style-type: none"> <li>• Farm Risk map</li> <li>• Livestock Manure Nitrogen Farm limit calculation</li> <li>• Storage calculation</li> <li>• Nitrogen Management Plan</li> <li>• Field records</li> <li>• N-max calculation</li> </ul>

**Action required – ensure you have up to date NVZ records as outlined above (as applicable to your farm business).** Visit [Catchment Sensitive Farming: Nitrate Vulnerable Zone \(NVZ\) Record Keeping and My Farm Business \(nutrientmanagement.org\)](http://www.nutrientmanagement.org) for step-by-step guidance.

*Key reading:*

[Nitrate vulnerable zones - GOV.UK \(www.gov.uk\)](http://www.gov.uk)  
[Using nitrogen fertilisers in nitrate vulnerable zones - GOV.UK \(www.gov.uk\)](http://www.gov.uk)  
[Storing organic manures in nitrate vulnerable zones - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

If you already have the required records as detailed within this letter, you may send them to the email address below so that we can review them in advance of any visit.

If you'd like us to talk you through any of the requirements or what to expect during a farm visit, then please call the number below for an introductory informal discussion. Please also get in touch should the information we hold about you not be accurate, such as contact/ farm details, that way we can update our records.

Yours sincerely

**REGULATION**

# EA INSPECTIONS



**What should you expect?**

Receiving a letter from the Environment Agency (EA) can be stressful, but the NFU, alongside the EA, wants to help members make an inspection an opportunity, explains NFU Environment Adviser Alastair Heinrich

**We've been working together with the EA to summarise the process and offer insights on how to prepare. Here's what you need to know...**

**WHY MIGHT I BE INSPECTED?**

EA officers check that farmers are complying with environmental regulations, including those controlling slurry, silage, nitrate, and diffuse pollution. Farms are chosen for a variety of reasons, usually due to concerns over the water quality in the local rivers. Being selected for an inspection doesn't mean you've done something wrong.

"We are not here to catch you out, we are here to help you understand what the regulations mean, assess if you are complying with them and, if you aren't, to work with you to make changes to protect the environment and reach compliance," says Senior EA Officer Karen Price.

**HOW CAN I PREPARE?**

You'll be contacted by either phone, email or post to arrange a date and time. The officer conducting the inspection will send you a letter confirming arrangements and explaining the documents and areas they'll need to see. If you can provide any documents by email ahead of the inspection this will usually help reduce the time an officer will spend on your farm. The documents they could ask for include a Nutrient Management Plan with soil samples, risk maps, drainage plan, NVZ documents (if applicable) and slurry store calculations.

**WHAT SHOULD I EXPECT?**

The whole inspection usually takes between one and three hours, but may be longer depending on the size of your farm and the advice needed. The EA will look at:

- Fuel storage: Condition of both tank and hoses, age, bunding, spill kits and any signs of potential pollution.
- Silage clamps: Condition, age, flooring, drainage, effluent collection, and any signs of potential pollution or run-off.
- Slurry storage: Condition, age, structure, overtopping, quantity of storage and any signs of potential pollution or run-off escaping.
- Farmyard manure store: Condition, age, flooring, drainage, effluent collection, and any signs of potential pollution or run-off escaping.
- General yard drainage: Clean and dirty water separation, clean draining areas kept clean, condition of gutters and downpipes, no signs of contaminants.
- Fields: Checking that reasonable precautions are being taken to prevent soil erosion and run-off, location of livestock feeders, poaching near watercourses and large areas of poaching within the fields, and that non-spreadable areas are being adhered to.
- Chemical storage: Looking at how and where it is stored.
- Pesticide handling areas: Where the sprayer is filled and cleaned, water sources, washings disposal, training.

Should any non-compliances be found, the officer will discuss the actions needed and agree an appropriate and reasonable timeframe for completion.

**WHAT HAPPENS AFTERWARDS?**

You'll receive a post-inspection report, usually within two weeks.

It will outline any actions required and completion timeframes. If circumstances mean you are no longer able to meet the agreed timeframe you should contact the officer to let them know and agree a suitable extension if possible.

The EA uses an advice-led approach to help farmers comply with regulations, but they also have a range of alternative actions including enforcement tools. The post-inspection report will make it clear when this is the case.

## HOW WAS IT?

**Lincolnshire farmer Emma Billings had her first EA farm inspection with Caroline Hook, an agriculture regulations inspection officer.**

"Caroline checked various paperwork and I gave her a tour of the farm. It went really well. Caroline checked that we were correctly complying with farming regulations, from preventing nitrate pollution, to the way we stored oil and silage. We talked about how safe farming practices can help to limit pollution and she advised us on how some minor issues could be improved. I found this particularly useful as she gave me advice specific to my farm, and a reasonable deadline to get the work done by.

"My advice to farmers who are perhaps nervous about the farm inspection is, firstly, don't panic! The letter they send will include a list of all the information they might need, including your general farm records. This is mostly the same as what we do for our annual Red Tractor inspection. Also, the inspectors are very helpful. They are there to support you, to listen to your concerns and offer practical advice which will specifically benefit you and your farm."



# Nutrient Management Board Update

21<sup>st</sup> December 2022

## Modelling and Capital works

The 2021 Nutrient management plan contains a table outlining where DCWW committed in the 2019 Business Plan (PR19) to take measures to reduce phosphorus entering the SAC from wastewater treatment works. These decisions were made based on the best available data and modelling at the time. We now need to account for the new in river standards and better understand our contribution to the SAC failure, this will ensure the investment is fit for purpose and identify where further schemes may be necessary from 2025 onwards.

Dŵr Cymru Welsh Water (DCWW) are currently building our next investment plan which will run from 2025-2030 (known as Asset Management Period 8/AMP8). We will use updated modelling to establish where we may need further schemes and what phosphorus limits would need to apply to address our 'fair share' of the exceedance in the river.

DCWW have been jointly running the SAGIS (Source Apportionment Geographical Information System) model with NRW for the Upper Wye, and the EA have built and run the Lower Wye model.

The 2022 modelling work is now complete and Dŵr Cymru must now work out where we can align the new needs to our current planned investment. We must also ensure that solutions put in place in the last 2 years and in progress, are compatible with any future further requirement, i.e., future proof the current capital schemes.

We must also identify any additional schemes that may be necessary in the period 2025-2030.

It is our understanding that the EA plan to publish their modelling results in December 2022 or early 2023. DCWW have committed to discussing these results with our stakeholders in more detail in March 2023. The modelling results will be used to inform our business plan which will be submitted to OFWAT in October 2023 and include details of any works required between 2025-2030.

The table included in the 2021 NMP is copied below. The schemes listed were funded for completion during Asset Management Period 7 (AMP7) which runs from 2020 to 2025. Within the AMP 7 National environment programme further schemes were identified for potential investment in 2027, these were based on previous model outcomes and river targets. DCWW will work with NRW in coming months to process the required change control for these draft obligations based on the outcome of the more up to date modelling assessment. It is important to note that the new modelling and the subsequently chosen schemes will supersede the requirements outlined in these tables. Almost certainly some of the proposed limits in this table will need to be tightened further and it is our ambition to deliver this as part of the existing investment wherever possible and to avoid a second capital scheme in the next investment cycle. This may not be possible everywhere however, as some schemes have already been completed.

Works		Current limit	Future limit	Delivery date	Update Dec 2022
Eign WwTW	EA	1	0.4	2025	Scheme in advanced design phase
Kingstone and Madely WwTW	EA	N/A	2	2025	Scheme in advanced design phase
Leominster WwTW	EA	1	0.5	2025	Scheme in advanced design phase
Pontrilas WwTW	EA	N/A	1.8	2025	Scheme in advanced design phase
Rotherwas WwTW	EA	1	0.4	2025	Scheme in advanced design phase
Weobley WwTW	EA	N/A	1.5	2025	Capital work complete and site is meeting proposed permit
Builth Wells WwTW	NRW	N/A	2.5	2025	Delivered early temporary dosing, overall scheme in detailed planning
Llandrindod Wells WwTW	NRW	1.25	0.3	2025	Scheme in advanced design phase
Prestiegne WwTW	NRW	N/A	1	2025	Capital works complete- Meeting new permit limit
Rhayader WwTW	NRW	N/A	0.7	2025	Scheme in advanced design phase
*NEW* Monmouth WwTWs	NRW			2024	*NEW* Scheme brought forward from AMP8 for early delivery

Monmouth Wastewater Treatment Works has also been added to this table as an additional scheme that has been identified and brought forward for early delivery through additional funding secured outside of the AMP7 business plan.

In addition to the above, DCWW is continuing to facilitate Herefordshire Council's Nutrient offsetting wetlands.



**NMB Partner reporting template**

Organisation:	Natural England
Officer:	Claire Minett
Date submitted:	December 2022
<b>Specific Actions attributed to NE in Action Plan and progress on these</b>	<p><b>CSF Review (jointly with EA &amp; WUF) – below is NE specific progress</b></p> <ul style="list-style-type: none"> <li>• Contract being progressed by NE for Farmscoper 5 to be run using RePhoKUs study</li> <li>• New Senior Agricultural Advisor for Wye appointed.</li> <li>• Discussions with national team, on further detailed analysis for the Wye catchment with regard CSF.</li> </ul> <p><b>RBMP water target review</b> completed</p> <p><b>Exploring further voluntary measures for phosphate reduction</b></p> <ul style="list-style-type: none"> <li>• TAG farm advice working group set up, supported by agricultural senior advisor for the Wye</li> <li>• Local Nature Recovery Statutory Senior Advisor (Rhiannon Pierce) appointed for Herefordshire, to support Herefordshire Council in developing the LNRS</li> <li>• NE ran an Agro-forestry event in early Nov, was well revived</li> <li>• Working with WUF and poultry CSF expert to explore options to help with funding to reduce pollution from ranges and verandas through capital grants.</li> <li>• Slurry Advice will launch next Feb, developing series of events for the catchment</li> </ul>
Wider actions contributing to delivery of action plan	<p><b>Farm Advice</b></p> <p>For details of Farm Visits, technical advice provided, agri-environment agreements delivered, please see September report. Will provide updated figure in March.</p>

**Chair of TAG and develop working groups**

See TAG update

**Reviewing Condition of the River**

Evidence reviews almost completed, final review of new reports from EA. Will confirm ahead of next Board meeting. Will not change status on Nutrient Neutrality. Nutrient Neutrality remains in place on the Lugg which is failing its water quality targets. The Wye is not currently failing its water quality targets. The river Wye is close to its phosphate targets on some of the monitoring points. This situation is regularly reviewed by NE.

**Providing SSSI consent/assent/advice**

This is ongoing with over 100 cases on the Wye and Lugg this year.

Ongoing work regarding prosecution case on the Lugg. NE lead witness working on restoration plan.

Continued close working with EA team on cases.

**Providing Statutory Planning Advice**

Ongoing engagement with HC. Will provide comments on agricultural SPD.

# Update from NRW to the Wye NMB

## December 2022

### 1. Statement from the Minister for Climate Change

Julie James MS, Minister for Climate Change, set out a [statement on water quality](#) on 15 November 2022.

### 2. Wye catchment activities

We report to HSE every year on information on pesticides to go into their annual report. Most years we have no, or maybe one Environmental Quality Standard (EQS) failure for any pesticide. But this year we reported 14 from the 2021 classification, mostly cypermethrin or diazinon, with one for Heptachlor. Of those 14, 9 are on the Wye. We are gathering further information on these failures now to identify likely sources as they are commonly used as pour on products to control a range of pests in both arable and livestock farming.

12 poultry units operating under an Environmental Permitting Regulations (EPR) have been inspected on the Wye since mid-September. NRW have inspected 9, for compliance with EPR permit conditions, with 3 inspected for us by the site's chosen Certifying Body under the EPR Pig and Poultry Assurance Scheme [Natural Resources Wales / Pig and Poultry Assurance Scheme](#) where inspection outcomes are relayed to NRW for enforcement if required.

We have started a series of visits to registered sewage discharges in the river Lugg catchment to check on how these household septic tanks and sewage works are performing and whether they are being maintained correctly. There are over 350 permitted or exempted (registered with NRW) discharges across the catchment with hotspots for these discharges being Llangunllo, Discoed and Evenjobb. Households can register their sewage discharge for an exemption if it is less than two cubic metres to ground or 5 cubic metres to a stream.

### 3. Incidents

Only 7 incidents on the river Wye have been reported to NRW since Mid-September which is a very low number. Please encourage your neighbours and friends to report incidents of any kind on the Welsh Wye to our 24 hour incident centre on 0300 065 3000 as soon as possible so they can be assessed and investigated.

### 4. NRW's SAC Rivers project

A project has been running in NRW for the SAC rivers water quality issues we first reported in 2020. This project is required to enable NRW to fulfil its statutory obligations for the sustainable management of natural resources and our wellbeing duties with respect to

the 9 riverine SACs listed in the Habitats Directive. Tackling water quality problems in Wales is also a key priority for the Welsh Government.

### Latest update

- The first full 8-week installation of the sonde network in the Wye has come to an end and the sondes have been removed, replaced and the data extracted. The full dataset for each location is available on NRW's Z drive. An open data solution has been developed to visualise the data and make it available and accessible internally and externally. That solution is awaiting approval. Data obtained so far has been used to track the effects of the summer heatwave and drought and the measures put in place to mitigate its effects. Opportunities for installing telemetry to access data in real time are being investigated.
- We have published [nutrient neutrality principles](#) on our web site.
- Citizen science - NRW have written to the various groups undertaking citizen science initiatives on the River Wye explaining our position following closure of the Cardiff University coordination project and how we hope to use the data collected. [NRW Wye Citizen Science Advice](#).
- In October we published the revised water quality targets in the Core Management Plan (CMP) for each of the nine SAC rivers. SAC Core Management Plans outline the site vision, features and what is required to bring the features into favourable condition. Each feature has a set of conservation objectives which are an expression of the conservation aspiration for each site in the context of favourable conservation status. The new targets form part of the conservation objectives and targets are included for a range of water quality attributes including phosphate, total ammonia, unionised ammonia, dissolved oxygen and biochemical oxygen demand.
- You can now view the full list of updated water quality targets for the [127 water bodies within SAC rivers on our website](#). The core management plans are available to view in full using the filters on our [designated sites page](#).
- For all SAC rivers in Wales, NRW will be requiring a backstop permit limit of 5mg/l of phosphate, in line with the default concentration used within the SAGIS modelling, for all sewage works exceeding 20m<sup>3</sup> per day dry weather flow, unless modelling has specified a limit tighter than 5mg/l. Our expectations will be for Welsh Water to plan and cost for all works exceeding 20m<sup>3</sup> per day to achieve 5mg/l as part of their PR24 business planning submissions to Ofwat. Where modelling indicates the requirement for tighter limits, costs to achieve this should replace the backstop limit and be included in the business plan.

## 5. The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 (CoAPR)

These regulations came into force on 1 April 2021 and are subject to transitional periods until 1 August 2024. As measures are transitioned into law become a requirement of Cross Compliance. All farmers and landmanagers in Wales who are claiming the Basic Payment Scheme (BPS) and/or Welsh Government Rural Development land based schemes must adhere to Cross Compliance requirements.

Any identified failure to meet the Cross Compliance standards would result in payments being reduced, recovered or withheld by Rural Payments Wales. NRW is obliged to report Cross Compliance breaches to Rural Payments Wales under a Service Level Agreement since 2005 and continue to do so..

Measures coming into force from 1 January 2023

- a total nitrogen limit per hectare for applications of organic manures from plant, animal or human sources,
- a written nitrogen plan and record subsequent applications
- storage requirements for solid organic manures including temporary field heaps.
- risk maps

In October Welsh Government announced a delay in the introduction of the 170kg/ha total nitrogen holding limit from livestock manures and a consultation on [Nutrient management: managing the application of livestock manures sustainably | GOV.WALES](#). Where it is proposed to allow farmers who can meet the licence conditions to apply up to 250kg/ha total nitrogen from livestock manures. The proposed conditions include full nutrient management planning and associated records. Consultation closes 17 February 2023.

NRW is progressing with discussions with WG on the Draft Service Level Agreement in relation to the delivery of the Control of Agricultural Pollution Regulations. We continue to enforce the regulations when non-compliances come to light.

Communications continue to promote compliance with CoAPR at the Royal Welsh Winter fair where NRW had a stand and also had a presence on WG stand, at farmer events in the Wye catchment.

An event is planned in early January for Farming Connect, WG farm Liaison staff and Farming Connect technical advisors to ensure clarity of the limited delay in implementing the regulations is understood by the farming community.

The COAPR requirements apply to agricultural land in Wales and the definition of organic manures includes plant animal and human sources so applications of other sources of nitrogen eg PAS digestate must comply with CoAPR as well as Anaerobic Digestion Quality Protocol (ADQP) when spreading material to land in Wales. This will enable a protective regulatory control of all organic manure applications in Wales eg livestock manures, digestate and biosolids.

It is important to remember that manures and slurries can only be applied to land where there is a requirement for them ie used to improve soil or support crop growth. When manure or slurry are applied to land with no demonstrable benefit to the soil or crop growth or when they exceed the nutrient requirements of the crop, they are considered waste materials and would risk the activity falling under waste regulatory controls. [Natural Resources Wales / How to use manures and slurries appropriately](#)

## 6. Wye Restoration Programme

- NRW is preparing a £10M, 5 year programme of works on the Upper Wye (from Hay upstream) to address ecological issues and risks in the Upper Wye, and improve the rivers long-term resilience to Climate Change. The main focus is on the Wye SAC but the project area also incorporates tributaries of the Upper Lugg to provide a catchment approach.
- The Programme will have workstreams covering respectively: Targeted farm visits and partnership working with farmers to reduce pollution and the risk of pollution; In-river, riparian and floodplain habitat restoration works; Improving fish access; Invasive species management. There will also be monitoring and reporting workstreams.
- The Programme will work collaboratively and share information with other initiatives across the Wye catchment, as well as wider initiatives such as the Sustainable Farming Scheme.
- All of the above is subject to approval by the NRW Executive Team and Board, and funding from Welsh Government.