

Partnership Meeting

Agenda

Wye Catchment Nutrient Management Board

Date: **Wednesday 12 July 2023**

Time: **2.00 pm**

Place:

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)

Phil Crossland (PC)

Helen Dale (HD)

Simon Evans (SE)

Jenny Gamble (JG)

David Lee (DL)

James Marsden (JM)

Claire Minett (CM)

Fergus O'Brien (FOB)

Craig O'Connor (COC)

Councillor Sid Phelps (SP)

Helen Stace (HS)

Grace Wight (GW)

Martin Williams (MW)

Herefordshire Construction Industry Lobby Group

Herefordshire Council

Countryside Landowners Association

The Wye and Usk Foundation

Environment Agency

Natural Resources Wales

Brecon Beacons National Park

Natural England

Dwr Cymru Welsh Water

Monmouthshire County Council

Forest of Dean District Council

Herefordshire Wildlife Trust

Environment Agency

National Farmers Union

Statutory Advisors

Samantha Banks (SB)

Sue Buckingham (SB)

Alistair Chapman (AC)

Oda Dijksterhuis (OD)

Elizabeth Duberley (ED)

Hayley Fleming (HF)

Robert Greenland (RG)

Mark Hand (MH)

Rachael Joy (RJ)

Bethany Lewis (BL)

Matthew Lewis (ML)

Andrew Osbaldiston (AO)

Tristan Semple (TS)

Kevin Singleton (KS)

Ann Weedy (AW)

Emma Whitehouse (EW)

Herefordshire Council

Natural England

Forest of Dean District Council

Environment Agency

Herefordshire Council

Natural England

Monmouthshire County Council

Monmouthshire County Council

Herefordshire Council

Herefordshire Council

Monmouthshire County Council

Environment Agency

Environment Agency

Herefordshire Council

Natural Resources Wales

Environment Agency

Agenda

		Pages
	WELCOME AND APOLOGIES	
1.	CHANGES TO MEMBERSHIP	
	To agree and record any changes to the Nutrient Management Board membership.	
2.	MINUTES AND MATTERS ARISING FROM LAST TIME	7 - 12
	Approval of the minutes and updates on actions and recommendations from the meeting of 21 December 2022.	
	Led by: Chair	
3.	PUBLIC QUESTIONS	13 - 24
	To provide the opportunity for members of the public to ask questions of the statutory partners.	
	HOW TO SUBMIT QUESTIONS: The deadline for the submission of questions for this meeting is 9.30 am on Friday 7 July 2023. Questions must be submitted to NutrientManagementBoard@herefordshire.gov.uk . 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.	
	Supplementary questions can be submitted via email to NutrientManagementBoard@herefordshire.gov.uk by 08:30 am on 12 July. A supplementary question must arise directly out of the original question or the reply given. The chairperson may, at their discretion, allow you to put one supplementary question to the board during the meeting (if you are attending in person).	
	Led by: All	
4.	UPDATE ON ACTIVITY SINCE LAST MEETING	25 - 72
	To receive updates on activity from Nutrient Management Board members (papers to follow where applicable):	
	<ul style="list-style-type: none"> - Herefordshire Council/ Cabinet Commission (background information available Cabinet Commission Conclusions and Cabinet Commission Public Update) - SOS Visit and Update on Defra Group 	

- Natural England
- Informal NMB meeting of 26 April 2023
- Nutrient Management Plan Revision
- Environment Agency
- TAG

Led by: All

5. RESHAPING THE BOARD AND FUTURE STRATEGY

73 - 92

NOTE: Motion from the agencies to go into closed session

To consider the governance, structure and next steps for the Nutrient Management Board.

Led by: All

6. AOB

For the Board to discuss any other business.

7. DATE OF NEXT MEETING

11 October 2023, 2-4pm

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 21 December 2022 at 2.00 pm

Attendees:

Voting Members present

Councillor Elissa Swinglehurst (ES)	Herefordshire Council
Helen Dale (HD)	Countryside Landowners Association
Fergus O'Brien (FOB)	Dwr Cymru Welsh Water
Jenny Gamble (JG)	Environment Agency
Councillor Sid Phelps (SP)	Forest of Dean District Council
Merry Albright (MA)	Herefordshire Construction Industry Lobby Group
Martin Williams (MW)	Farm Herefordshire
Claire Minett (CM)	Natural England
David Lee (DL)	Natural Resources Wales
Simon Evans (SE)	The Wye and Usk Foundation
Ann Weedy (AW)	Natural Resources Wales
Mark Averill (MA)	Herefordshire Council
Martin Quine (MQ)	Environment Agency
Jamie Audsley (JA)	Herefordshire Wildlife Trust
Cllr Jackie Charlton (JC)	Powys Council
Cllr Catrin Maby (CCM)	Monmouthshire Council

Statutory Advisors present

Craig O'Connor (COC)	Monmouthshire County Council
Rachael Joy (RJ)	Herefordshire Council
Hayley Fleming (HF)	Natural England

Others present

James Marsden (JM)	
Helen Stace (HS)	
Elizabeth Duberley (ED)	Herefordshire Council
Simon Cann (SC)	

Welcome and apologies

The Chair welcomed the attendees to the meeting.

Apologies:

Apologies were received from Stuart Smith, Steve Hodges and Sarah Faulkner.

Substitutes:

Georgie Hyde for Sarah Faulkner (NFU)

Paul Vernon for Stuart Smith (WSA)

The board welcomed Jamie Audsley as the new Head of the Herefordshire Wildlife Trust and Kurt Spicer as Head of Conservation for the Herefordshire Wildlife Trust.

35. NOTES AND MATTERS ARISING FROM LAST TIME

Minutes of meeting from 28th September 2022:

It was noted that James Marsden was no longer representing Brecon Beacon National Park the board unanimously approved the minutes of the meeting of 28th September 2022 as a correct and accurate record.

Matters arising:

The Board considered the actions arising from the previous meeting.

ACTION: Ann Weedy (AW) to obtain response from the Welsh Government regarding water protection zones.

ACTION: Martin Quine (MQ) to provide an update on the 'Fair Share assessment'.

36. UPDATE FROM TAG

The Chair thanked Hayley Fleming and the working group chairs for their work. Updates were taken as read and then opened up for discussion.

Evidence working group:

The evidence sub-group was finalising the scope and membership across the many partners involved in data collection, analysis and reporting across the catchment.

Regulations working group:

Purpose: to review the powers and limitations of existing legislation, recommend measures to improve local compliance and raise issues / challenges with the board.

Farmer advice working group:

Purpose:

- Collate links and works strands for greater cohesion.
- Explore options around a whole catchment approach to farm advice and sharing of best practice
- Ensure right advice is given to right places, drawing on RePhoKUs research and outputs of the evidence working group.
- Consider opportunities for landscape scale action and propose projects to the project group.

ACTION: Board members were asked to come up with ideas for securing funding for the phosphate calculator development.

Poultry working group:

Purpose: to secure reductions from the 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.

No questions

Projects and innovations working group

Aimed 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 was to be fed projects to develop by the other working groups.

No questions

37. PARTNER UPDATES

Natural England:

Update taken as read:

ACTION: Update board on what happens when it is known that another source is polluting a target in another country/county. Natural England and Natural Resources Wales to advise on the protocols they have in place to provide a coherent and joined up approach to planning consults which may impact the SAC across England and Wales.

ACTION: Obtain the historic memorandum of understanding (MOU) and circulate it with the minutes for reference purposes.

Herefordshire Council:

Update was taken as read.

Environment Agency:

Update taken as read.

ACTION: Martin Quine to provide details as to whether 93 compliance assessments were conducted before or after the river went into drought.

ACTION: Martin Quine to provide update on Project TARA, including any relevant regulation and waste classification details.

DCWW:

Update was taken as read.

ACTION: TAG to draft proposal for instances where individual partners and working groups have exhausted avenues and want the board to act collectively to try and bring attention to an issue.

ACTION: Hayley Fleming to arrange meeting to discuss whether NE or TAG could explore whether the Welsh Water investment programme funding could be released not just for river betterment and tackling river pollution, but also for phosphate mitigation.

NRW:

Update was taken as read.

Powys Council:

No update provided.

38. REFRESH OF THE PLAN

Refresh of the plan:

The board discussed and considered date setting for the next review of the action plan. Concerns were raised over the progress being made to deliver the plan which might make it difficult to approve them at the next meeting.

Action Hayley to work with TAG to complete the next update of the plan for consideration at the next meeting.

39. WYE AGRI PARTNERSHIP SUPPLY CHAIN WORK UPDATE

Kate Speke-Adams gave the board a slide presentation detailing the activity of the Wye-Agri Food Partnership. The presentation covered off the Courtauld collective action commitments, which brings retailers, food processors and the supply chain together to achieve shared ambitions.

ACTION: The Chair enquired as to why there was no statement on the regulatory position regarding free-range eggs dirty water discharges. Specifically, where the planning permission has allowed dirty water discharge but a retrofit solution is going to render the permit holder liable where they currently are not Ann Weedy to provide a written update to the next board

40. FUNDING STREAMS AND POTENTIAL BID MATCHING

A short update and briefing on funding streams and bids with suggestions for being better prepared for bid opportunities.

ACTION: Board to create ready-made bid database.

ACTION: Carry out skills audit and bid writing training.

ACTION: Create a database of funding sources

41. PUBLIC QUESTIONS

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

Helen Hamilton: The EA was asked for its opinion on a recent court judgement relating to abstraction licences impacting the Norfolk Broads. It was the finding of the court that the review from 2010 used to inform the EA decision was not acceptable. It was also asked if the judgement would change the EAs approach to the Wye.

ACTION: Martin Quine explained he was not familiar with the case or judgement, but would seek a response on the matter from colleagues.

Andrew McRobb (AM): Why did the NRW change its mind over impact of chicken manure from poultry units on the river?

Ann Weedy: It was not really change of mind, SAC rivers report showed data, evidence report did not establish a direct link. Latest document is about objectives and not an evidence-based report

Andrew McRobb: Asked about total P within the catchment area. How do we stop adding to it and why aren't we stopping it? Why are we not lobbying government?

Chair: It's not within the gift of the board and we are lobbying government.

Richard Tyler: I understood that external people could join TAG, but have not heard back yet. What is the board's view. Is external input welcome?

Rachael Joy: There is perhaps too much public involvement and engagement in the work of TAG and there was not the space for the regulators to have conversations about what they can and can't do. TAGs need to be a private space where work and discussions can take place. TAG can't have people with commercial/bid/enforcement interests in that domain and Herefordshire had considered withdrawing from TAG because of the governance and information security conflicts this creates.

Richard Tyler: Then from the outside how do we comment on those groups?

Rachael Joy: NMB has a space for public for questions, but there has to be a protective space for statutory agencies to hold appropriate discussions.

Richard Tyler: I was disappointed with the response on the WPZ zone in Wales

Ann Weedy: We do have the ear and support of the minister and the Welsh government. There are new laws and controls coming in that will hopefully create improvements. A WPZ could take time to have an impact, but is still not off the table and could be reconsidered further down the line.

Richard Tyler: Has the Shobdon Wetlands project been shelved as reported in the Hereford Times?

Rachael Joy: Herefordshire Council will follow that up with Martin Quine at the EA before saying anything further on that subject.

Alison Caffyn: Are any of the working groups looking at issues around reducing the number of birds in the catchment and discussing alternative options or routes out of the poultry farming industry for those looking to exit?

Hayley Fleming: Will take that back to the TAG group.

Christine Hugh-Jones: If you look at the new core management plan it seems the ecology of the river is failing, if this is not a forum for looking at the general health of the river for us public observers, where does that leave the future of the Wye?

Chair: It is the nutrient management board and does have a remit it can't stray too far from.

42. AOUB

There was no other business.

43. DATE OF NEXT MEETING

Date of the next meeting to be confirmed..

The meeting ended at Time Not Specified

Chairperson

Nutrient Management Board – Public Questions 12th July with responses

QUESTION 1.

This question is directed to the Environment Agency and Natural Resources Wales. At the last NMB meeting on 21st December 2022, I asked the Environment Agency whether a review of environmental permits within the Wye catchment was underway in the light of the judgement in Harris & Anor v Environment Agency & Natural England [2022]. I have not yet received a response. If there is no current review, is a review planned or have all permits already been reviewed for compliance with the Conservation of Habitats & Species Regulations 2017? Can I please have responses from both the EA and NRW?

Helen Hamilton

RESPONSE

Response MARTIN QUINE EA

At the last meeting, the EA were asked for its opinion on a recent court judgement relating to abstraction licences impacting the Norfolk Broads. It was the finding of the court that the review from 2010 which was used to inform the EA's decision was not acceptable. We were asked whether this judgement would change our approach to the Wye. Information on the Norfolk Boards can be found here: [https://www.gov.uk/government/news/habitats_protected\[1\]in-norfolk-through-stricter-abstraction-limits](https://www.gov.uk/government/news/habitats_protected[1]in-norfolk-through-stricter-abstraction-limits).

Our response is that each site will be fact specific, and it does not necessarily mean that other Review of Consent (RoC) decisions are incorrect, including the Wye. The RoC was a programme undertaken by the EA from 2002-2010. We reviewed all permits, licences and consents issued by us and assessed the effects on the Habitat Regulations, such as the River Wye SAC; affirming or changing those permissions accordingly. With regards to the Wye we are still awaiting the inspector's decision on the abstraction license appeal. Each case is considered on its own merits, and we did not believe it was appropriate to delay decisions on New Authorisation abstraction licenses in the Wye.

A response from NRW will follow

QUESTION 2.

Please can I ask the following question at Fridays NMB meeting. I'd be grateful if you would confirm receipt. The EA should have established how much phosphate reduction is required in the Lugg catchment annually to meet revised targets. Does the NMB have this figure? Further, can the NMB confirm whether sufficient actions have been identified and implemented to realistically meet the targets and over what timeframe?

Matt Tompkins

RESPONSE

A response from Natural England will follow.

QUESTION 3.

Can you indicate when credits will be available to purchase for planning application 213332 submitted 31/08/21

Jeffrey J Hancorn

RESPONSE

Rachael Joy - Herefordshire

Thank you for your question, Credits are being released to developers in tranches based on their position in the waiting list, with the oldest applications being processed first. The process can take a little while as many of the development applications need to be brought up to date before they can be determined involving work by both Council Staff and developers and their teams. We encourage all applicants to keep in touch with their case officer over the availability of credits.

QUESTION 4.

Could the Board name the 5 most important decisions taken since it was formed (10 years ago? and could it indicate the 5 most important practical steps it will take in the future to address serious pollution in the River Wye and tributaries?

Tony Norman

RESPONSE

Response from Elissa Swinglehurst CHAIR

Dear Tony 5 decisions and 5 practical steps.

Basically 'the board' is not there to deliver actions although the individual board members are. They report into the board the actions that align with or deliver aspects of the plan.

1. The NMB has become the locus for public discussion about Nutrient Management in the catchment and providing a forum for a) agencies to coordinate action b) a place for public scrutiny of performance in delivering the plan and c) a locus to bring call for national action to bring about river restoration for example in drawing attention to the need for a WPZ. Asking for a WPZ was a decision that the board took by majority.
2. The board invited Gamber and Avara to a meeting and it was at this meeting that John Reed pledged to ensure that Avara would not be part of the problem post 2025. That pledge having come from the work being done in the WUF agri supply chain work.
3. During my tenure the board was instrumental in establishing the citizen science cohort and linking them with agency partners. This has grown to an established network of over 600 cit sci volunteers gathering data that is spatially and temporarily detailed in a way that was totally lacking in 2019.
4. Herefordshire Council has delivered the first wetland to provide a degree of betterment and some measure of relief to house builders.
5. Since the board began DCWW have reduced their share by some 22% through their investment in improving infrastructure.

In the future I would hope that the individual board members take ownership of the plan, that they populate it with the good work they are doing and prosecute that work to benefit the river.

The specific task of the plan to act as mitigation has been taken to one side in the light of the Dutch cases. Mitigation will be achieved through actions within the plan but at the moment it will not be via

the plan itself. The Nutrient Management Board needs to demand more of its members and to remain open in its dealings. It must focus on solutions and be very determined to see these delivered.

Simon Evans, as a board member since the beginning, was also asked to comment:

If I was to list its main achievements they would be

-Asking for a WPZ

-Securing council support for Integrated Wetlands

-raising political (local and national) awareness of the issue and its severity

-The Safeguarding soils programme came from the earlier NMP and was taken up and delivered through the catchment partnership

-The original Delivering the Nutrient management plan project was great, but DCLG ripped all the meaningful P reduction measures out during the revision process except the reduction of sewer infiltration which reduced DCWW's

-Supporting DCWW in ensuring its PR14 and PR19 settlements with OFWAT for the Wye were approved which has allowed DCWW to invest in and deliver the most intensive P stripping for any catchment in the UK (over 90% of the population after the next AMP). This did not happen on the Usk.

QUESTION 5.

I note with concern that there is a lack of TAG working group engagement and progress, and a general lack of quantifiable, evidence-based investigation into how to deliver actions that reduce P at scale. How will the Board propose to get to grip with this stasis, given the severe implications to the construction industry, economic development and employment, as well as non-favourable ecological conditions in our beautiful rivers? Will the multi-agencies Leadership at the highest level need to be lobbied and drawn in, for example?

Mike Harries

RESPONSE

Response Rachael Joy- Herefordshire

The Nutrient Management Board is a voluntary partnership overseeing a voluntary partnership. It is for each statutory organisation to determine the resource that they commit to the work of the TAG against the many competing priorities they are each tasked with. All TAG members, including the TAG Chair have full time roles with TAG being an addition to their duties. The Board has always been concerned about the capability and capacity to undertake the work necessary to meet the challenges the Wye faces. We would of course like TAG to do more so recently, Herefordshire Council was successful in a funding bid to Welsh Government and has secure £40,000 towards the cost of a full time role to drive the work of TAG. The wider governance issues you raise will be discussed under agenda item 5 today.

QUESTION 6.

What help, in any form, have Herefordshire Council and/or the Nutrient Management Board actually been given by central government or its statutory agencies in relation to the desperate condition of the River Wye? Are Jesse Norman MP and Bill Wiggin MP actively offering assistance?

Mr Moore

RESPONSE

Response Elissa Swinglehurst Chair-

Dear Mr Moore, Thank you for your question. The Nutrient Management Board was established in 2014 in response to the Water Framework Directive and the failure of the River Lugg to reach favourable conservation status.

It must be remembered that the Rivers Wye and Lugg straddle the border between England and Wales and that therefore political action needs to come from both sides.

There has been a long standing regulatory misalignment between the two countries that leads to anomalies and is detrimental to achieving the right conditions for the river to recover. Since 2018 there has been a greater focus on getting the legislation right and currently it is closer to alignment than previously with the equivalent of NVZ on both sides. However, as the Welsh Government looks to include Phosphate in their drafting of the revised legislation there is a risk that the English rules will become misaligned again by not providing a clear enough imperative not to over apply phosphate in a phosphate sensitive area.

Since 2022 the Welsh Government have taken a strong lead from the first minister who has convened two summits which he has personally chaired. The connections between the Nutrient Management Boards in Wales and Welsh Government becoming well established as the government is taking ownership of the issue and supporting the boards to deliver the solutions. A pan Wales approach is providing a strategy with individual boards adapting the strategy to their local situation.

The Welsh Government and the English Government have provided some financial support recently. The interface between the English government and the RWNMB is less direct as we do not have the equivalent of the SACROG(SAC rivers oversight group) to pull everyone together. Nationally the government has been very focussed on the water industry and has brought forward a scheme to reduce the pollution from sewage. The Levelling Up bill, 'technically achievable limits', does not apply to Welsh Water as it is not an English water provider. Having said that, DCWW have already invested heavily in the catchment and are now about 23% of the source apportionment with an investment strategy that will see their share fall by 90%.

What is lacking is some clear and robust guidance to eliminate over application of P on farmland as well as a scheme to support the industry to reduce the legacy P over time.

There is a great deal of work being done by individual board members on this element – Farm Herefordshire is engaging with farmers and advising them, a Phosphate Loss tool is being developed to assist farmers to monitor their phosphate, advice on healthy soils and tillage is being shared etc. but without a sturdy regulatory floor we are entirely reliant on the good will of farmers working peer to peer and giving freely of their time to help to improve practices.

The board lobbied both governments for a WPZ. Neither government wanted to consider that option. The English Government secretary of state has visited the catchment on a number of times (Rebecca Pow came twice, Therese Coffey has come once) to learn about the situation first hand. We have not yet seen any clear action that will help the river as a result of these visits but discussions are ongoing.

It is not the role of Jesse Norman MP or Bill Wiggin MP to support the River Wye Nutrient Management Board per se. They have both raised the problem of the river in the house at PMQs and Jesse Norman

MP convened a roundtable with senior agency officials, the water company, MPs from both sides of the border and others to get a 5 year plan for river recovery. Herefordshire Council worked closely with Jesse Norman MP to secure the recent Wye Roundtable by the Secretary of State Therese Coffey.

Questions about the work done by the MPs are probably best addressed to their respective offices for a detailed response.

QUESTION 7.

FOUW is delighted that the private meeting of the NMB's members on 26/4/23 allowed "discussions which allow a fuller discussion and wider public debate at the next formal public meeting of the Nutrient Management Board." We look forward to the widening public debate at the forthcoming meeting.

Specifically we have a couple of questions that we'd like to pose to the NMB at the next meeting:

1) Re: TAG update report.

From: RECORD OF TAG MEETINGS, Recommendations to Board: (pg1) How is the TAG or NMB going to raise the resourcing and commitment to the various working groups? Some of them, although charged with important work, don't even have a chair to drive forward activity? The TAG is possibly the most important source of technical information/expertise to keep the programme rolling forwards. It must not be allowed to be under resourced.

2) Re: TAG update report.

From: Evidence Working Group, Scope and Updates: (pg1) Please advise who is the citizen science coordinator, appointed July 2023?

ANSWER: Andrew McRobb of CPRE

Given the recent publication by Avara of a revised roadmap, which is distinctly difficult to follow the numbers through on (missing graph axes labels, calculations that don't add up, etc) is the Chair of the Evidence working group satisfied that he has all the information and data he needs from Avara Foods (and the broader poultry sector) to contribute to his remit of coordinating modelling and collating data for use in directing further action?

How is he ensuring that the right questions are being asked?

3) Re: TAG update report.

From: Regulation Working Group, Updates: (pg2) When will the group start reviewing the powers and limitations of existing legislation, recommending measures to improve local compliance and raising issues / challenges with the board?

4) Re: TAG update report.

From: Farm Advice Working Group, Updates: (pg2) How can Citizen Science efforts contribute to the NMB's effort to make a plan to reduce the pollution in the catchment and restore the river's ecological status to thriving?

When will Farm Herefordshire publish the results of their survey of landholdings in the Wye catchment?

5) Re: TAG update report.

From: Poultry Working Group, Chair: (pg2) When will a chair be appointed to drive forwards the essential work of this working group?

From: UPdates:

Please explain what work is underway and how it is being undertaken/managed if it is "outside the working group"?

I look forward to hearing the answers at the meeting on 12th.

with best wishes

Tom Tibbits

RESPONSE

To be considered at the meeting.

QUESTION 8.

Thank you for the opportunity to put a question to the Wye NMPB Meeting on 12/7/23.

Question from CPRW. How will the Board ensure proportionate, effective and well-informed advisory roles in consideration of the geography (including political geography) of the Wye Catchment?

Statutory Advisers according to Agenda for 12/7/23:

England 12 [of which: 5 from Herefordshire Council, 4 from EA, 2 from NE, 1 from FoDean Council]

Wales 3 [all 3 from Monmouthshire Council]

Total

15

Dr Christine Hugh-Jones

RESPONSE

Response- Elissa Swinglehurst Chair

Dear Christine, Many thanks for the question. Powys, Monmouthshire, NRW are all able to bring as many advisors as they wish. The voting numbers remain the same however. The number of advisors from Herefordshire Council reflects the priority that HC gives the condition of the Wye and the cross cutting nature of the issues involved. Not all of the advisors attend every meeting. It would seem unfair to ask HC to send fewer attendees – perhaps the Welsh authorities might want to review their attendance but it is up to them to allocate resources as they see fit.

QUESTION 9.

Dear Elissa and the Nutrient Management Board, I'm submitting the following questions for the Wye Nutrient Management Board Meeting on Wednesday 12 July. Given the Poultry Working Group doesn't have a Chair and the latest TAG report says work to secure reductions from the poultry sector "is underway but under mechanisms from outside the working group" - can you tell me who is responsible for scrutinising Avara's roadmap and the progress they're making towards their goal of eliminating excess P from their supply chain by 2025?

I studied Avara's recent update to their roadmap - <https://www.avarafoods.co.uk/News/June-2023/An-update-on-our-manure-management-progress> - and have a number of questions.

Avara says they have achieved a 30% reduction in manure this year due to farm closures and exporting more manure out of the catchment. How does this tally with the graph provided in their document? The graph indicates that they've reduced overall manure from just under 160,000 tonnes to just under 140,000 tonnes - so around 20,000 tonnes which assumedly relates to an approximate 12.5% drop in bird numbers? The graph also shows around 10,000 tonnes is now being sold to a 3rd party out of catchment, which makes another 6% or so being exported. That's less than 20% from farm closures and manure exports. How have they got to 30%? Can you explain?

Does 'farm closures' mean that farms have closed completely and therefore the overall number of birds in the catchment has reduced, or have some farms simply left Avara's supply chain for a different company, leading to no change in bird numbers for the catchment?

I don't understand the significance of increasing manure volumes going to Anaerobic Digesters without phosphate-stripping because this doesn't reduce the phosphorus content of the manure. What happens to the digestate presents exactly the same problem as what happens to the manure.

Avara says they're still in the process of establishing new soil management standards for manure spreading and running trials. When will new standards be set for manure and digestate spreading and how they will be enforced? This is the critical question. Are any NMB members working with Avara on this and if so, can they shed light?

How can Avara justify their claim that the new proposed Anaerobic Digester solutions provide the potential for 'circular economies'? If Avara is still importing animal feed from overseas, they have a huge net P import into the catchment - so where is the circular economy?

Furthermore, with any strategic reliance on more Anaerobic Digesters in the catchment, will there be a guarantee that this won't increase maize production? The boom in maize production (driven by demand from AD plants) and its associated soil erosion and run-off is a major contributor to the demise of the river. Many thanks for your time and consideration. I look forward to the answers.

Nicola Cutcher

RESPONSE

Elissa Swinglehurst – Chair-

Thank you for your questions. When the board last met in December 2022 there was a working group specifically tasked with working with the poultry industry. However, as you correctly observe the chair of that working group has left and it is not clear who is taking the working group on. This meeting will be the first opportunity for the board to discuss this issue.

With regards to the work on Poultry Kate Speke Adams- Director of Herefordshire Rural Hub is leading on this through the Farm Working Group and in particular the Courtauld Project (see response to Question 10 below).

Likewise the update from Avara which has happened between board meetings. I think it is appropriate to acknowledge that Avara are engaged with the problem and to broadly welcome the reduction in Phosphate/manure given in the update.

The specific queries you raise need to be asked of Avara as only they know how they have calculated their reduction. I am happy for the board to pass the query on – this will also help the working group to a better understanding of the update and roadmap. You are right to point out that routing the manure via ADs does not address the issue of phosphate unless it is stripped and separated out. Follow the phosphate!

Standards for manure and phosphate spreading are between Avara and their contracted growers. Of course if spreading is in accordance with best practice then P should not be applied in excess of crop requirement on either side of the border and soil testing needs to demonstrate existing P levels to give assurance that the soil is not already leaching. There is some uptake of soil testing, DCWW will not sell biosolids where a field is at Olsen 3 or higher but even this doesn't tell the full story. It would be useful to know the details of the Avara soil/spreading allowances so we can factor in the reduction to the plan.

The question you raise about ADs in the catchment increasing the growing of maize and all the attendant problems with soil run off is something that there is a level of concern about on both sides of the river. Afonydd Cymru are doing some work on the impact of ADs and Herefordshire Council have placed a policy within their Minerals and Waste Plan to limit the flow of feedstock to local 'on farm' waste. The irony of maize growing – that creates such a negative impact in the SAC – is that it is to harvest a 'green subsidy', the RHI. For some reason a quality assurance scheme, such as applies to wood pellet boilers, has not been adopted and so there is only the usual regulatory controls to reduce the environmental impact.

ACTION: forward the question to Avara and ask for response.

QUESTION 10.

Regarding the Round Table Meeting with Tesco's on Monday 17th July in Hay-on-Wye, convened by the Wildlife Trusts; what outcome from that meeting and what commitments from Tesco, and in what timescale, would the NMB consider truly worthwhile and a genuine step towards improving the health of the Wye? Would the NMB consider that the urgency and seriousness of the Wye's situation demands the attendance of a Board Member or Senior Director of Tesco's at that meeting on 17th July? If so, would they consider making that recommendation to Tesco?

Marches Climate Action

RESPONSE

Rachael Joy Herefordshire-

Thank you for your question. Invitations to attend the Roundtable and the desired outcomes of the meeting are a matter for Herefordshire Wildlife Trust and not the Nutrient Management Board. Tesco is one of many retailers and members of the supply chain who are participating in a project with the World Wildlife Fund and the Waste Resource Action Project. They are currently meeting on a quarterly basis and are developing action plans which will be published in due course. It is for WWF, WRAP and the retailers to determine when they are ready to publish their plans. The Board has no statutory role or oversight of this project but is supportive of the work taking place.

Further details about the project can be found here

[Our Water Roadmap project in Wye & Usk \(West of England and Wales\) | WRAP](#)

QUESTION 11.

I'm submitting a public question in advance of the meeting next week.

In addition, my question from the last NMB has yet to be answered: "Are any of the working groups looking at issues around reducing the number of birds in the catchment and discussing alternative options or routes out of the poultry farming industry for those looking to exit?"

At this NMB I would like to ask: Will each of the local planning authorities (Powys, Herefordshire, Bannau Brycheiniog, Monmouthshire, Forest of Dean) give assurances that they will not allow increased volumes of livestock manure to be generated in the Wye catchment and that they will therefore refuse to grant any further planning permissions for additional intensive livestock units (including free range hen units)?

Alison Caffyn

RESPONSE

Peter Morris – Powys Council

From a Powys CC perspective I would respond as follows:

In determining planning applications for IPUs, the Council follows prevailing legislation, regulations, planning policy and guidance that is in place at the time a decision is taken. Comments made by statutory consultees, including Natural Resources Wales (NRW), and non-statutory consultees are also taken into account.

Over time, the policy and guidance has changed as exemplified by NRW introducing planning advice to all Local Planning Authorities in January 2021 in relation to planning applications affecting phosphorous sensitive river SAC catchments (latest advice is on the link below).

Natural Resources Wales / Advice to planning authorities for planning applications affecting phosphorus sensitive river Special Areas of Conservation

Since its publication, the Authority has determined all planning applications in line with the advice and planning applications are only acceptable where they comply with the advice.”

Bannau Brycheiniog- Helen Le Clerq

We screen applications for planning permission which lie within a phosphorous sensitive Special Area of Conservation (SAC) catchment area (like the Wye) in accordance with the latest guidance available from NRW. NRW's current advice can be found here: <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/advice-to-planning-authorities-for-planning-applications-affecting-phosphorus-sensitive-river-special-areas-of-conservation/?lang=en>).

Planning applications for development which are not 'screened out' against the above NRW guidance will be subject to an Appropriate Assessment so that the phosphorous impact of a proposed development on water quality can be considered. If adverse effects on the integrity of the SAC from the proposal cannot be ruled out through the Appropriate Assessment process (taking into account any proposed mitigation measures) then this will be a sufficient reason to refuse a planning application - assuming the proposal does not fulfil the legal tests for derogation. Further information on the broad process can be found here: <https://www.gov.wales/habitats-regulations-assessments-protecting-european-site-html>"

Herefordshire – Rachael Joy

Herefordshire takes its responsibility to the environment seriously and we also value our rural economy. Any proposals that might result in the intensification of farming activity must demonstrate full nutrient neutrality. Since the nutrient neutrality requirements came into force in 2019, Herefordshire has not approved any new expansion of intensive poultry units in the county, other than the replacement of existing units which have reached the end of life. Any new proposal, which resulted in further intensification, are highly unlikely to be approved until the river returns to health, unless it can demonstrate nutrient neutrality. The Council considers these types of applications in line with the Conservation of Habitats and Species Regulations 2017 (as amended) which set out a very clear mechanism for considering the effects of development.

Our catchments leaky soils are in poor health and organic matter is a key way of improving them. Herefordshire Council is working with our statutory partners and the supply chain to find ways to remove phosphate from poultry manure; however these have to be the right solutions in the right locations.

Given both these factors, the key task is to improve the management of phosphate within the supply chain to prevent it entering the river. A moratorium would therefore serve little practical benefit and provide no additional safeguard.

Monmouthshire

As per BBNPA, we screen applications for planning permission which lie within a phosphorous sensitive Special Area of Conservation (SAC) catchment area (like the Wye) in accordance with the latest guidance available from NRW. NRW's current advice can be found here: <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and->

development/our-role-in-planning-and-development/advice-to-planning-authorities-for-planning-applications-affecting-phosphorus-sensitive-river-special-areas-of-conservation/?lang=en).

Planning applications for development, including intensive poultry units, which are not 'screened out' against the above NRW guidance will be subject to an Appropriate Assessment so that the phosphorous impact of a proposed development on water quality can be considered. The guidance requires development proposals to demonstrate neutrality or betterment in terms of phosphate levels. If adverse effects on the integrity of the SAC from the proposal cannot be ruled out through the Appropriate Assessment process (taking into account any proposed mitigation measures) then this will be a sufficient reason to refuse a planning application - assuming the proposal does not fulfil the legal tests for derogation. Further information on the broad process can be found here: <https://www.gov.wales/habitats-regulations-assessments-protecting-european-site.html>

Forest of Dean

The design and construction of new development must take into account important characteristics of the environment and conserve, preserve or otherwise respect them in a manner that maintains or enhances their contribution to the environment, including their wider context. New development should demonstrate an efficient use of resources. It should respect wider natural corridors and other natural areas, providing green infrastructure where necessary.

In achieving the above, the following will be considered:

- The effect of the proposal on the landscape including AONBs and any mitigation/enhancement that is necessary or desirable
- The impact on any protected sites (natural and historic sites and heritage assets and potential for avoiding and/ or mitigating any impacts, or providing enhancement, should the development be acceptable
- The requirements of the management plans of the AONBs
- Whether the existing infrastructure is adequate- additional provision will be required where it is not.
- Whether the development is at risk from flooding, whether it can be permitted taking into account any risks, and the sequential approach and any mitigation that may be necessary to ensure the development is safe and flood risk is not increased elsewhere
- The impact of the development on any land contamination or risk to the development from ground instability including the mining legacy- Proposals must undertake appropriate remediation measures and verification works where contamination and /or stability issues are identified
- The potential for the development to cause pollution and any mitigation measures to avoid pollution or make environmental improvements where existing problems occur
- The provision of water supply and the development's impact on groundwater, watercourses and any protected abstractions
- Any potential impact on the sterilisation of mineral resources and consideration of the potential for the prior extraction of those mineral resources ahead of development
- Proposals for waste minimisation and management

Development that is not able to be satisfactorily accommodated in respect of the above will not be permitted

SUMMARY STATEMENT

Informal Meeting of Nutrient Management Board Members and Advisors

26 April 2023

An Informal Meeting open to all Nutrient Management Board (NMB) voting members with advisors from the statutory agencies was held on 26 April 2023.

The purpose of this meeting was for the statutory agencies - Natural England, Environment Agency, and Natural Resources Wales – to discuss the Herefordshire Council Cabinet Commission report proposals for River Restoration (2nd March 2023) and hear views from other board members present at the meeting.

The discussions sought to:

- maintain momentum by gaining clearer perspectives on the range of views about the Council Cabinet Commission report
- improve understanding of how the proposals made fit with the remit and responsibilities of each body
- begin to shape future joint proposals to progress restoring the Wye Catchment
- allow a fuller discussion and wider public debate at the next formal public meeting of the Nutrient Management Board.

Those present recognised that the NMB would benefit from increased strategic cohesion between the agencies and councils and discussed how this could happen. The emphasis was on how all parties could improve delivery of actions to achieve the stated outcomes, better understand the issues that are viewed as blockers, and plan for short, medium and long-term actions.

Informal soundings were taken on which governance arrangements would enable the NMB to be more effective in delivering the Nutrient Management Plan, which in turn enable clear proposals to come to a formal meeting of the Board.

No decisions were made or formal business undertaken, but the greater clarity and insights shared will be drawn upon to inform development of proposals and future decision-making.

The chance to meet was welcomed by all attendees. It reaffirmed the commitment to collaborate in addressing the central environmental, social, and economic challenges that require sustainable immediate and longer-term solutions.

Response to Media Enquiries

No media release or announcement is planned for this meeting, as it was an informal discussion, a private meeting not held in the public domain.

Explanatory Notes

- The purpose of the Informal Meeting is purely a preparatory exercise to inform members and advisors for the subsequent formal meetings of the Nutrient Management Board after the local council elections in May. Representatives and board members of Herefordshire Council, Natural England, Environment Agency, Natural Resources Wales, Powys Council, Monmouthshire Council, Forest of Dean Council, DCWW, Farm Herefordshire, National Union of Farmers, the Country Landowners Association and the Herefordshire Construction Industry Lobby Group attended it.
- The meeting was hosted by Herefordshire Council and coordinated with the lead bodies the Environment Agency and Natural England who invited the HC Chief Executive, Paul Walker to chair the informal session (Herefordshire currently holding the NMB chair). This arrangement was made because of the impending local council elections in May 2023.
- The meeting was held in private as the Councils and all the agencies are bound by pre-election restrictions that apply to councils from 6 March 2023 in the preparation of the forthcoming local elections on 4 May 2023.
- The next NMB will be held on 28th June and the public will be able to follow on a dedicated You-Tube channel

Clare Dinnis – Environment Agency (Lead organisation)

Claire Minett – Natural England (Lead organisation)

Ann Weedy – Natural Resources Wales (Lead organisation)

Paul Walker – Herefordshire Council (Host organisation)

Further media enquiries to be directed to:

DEFRA communications_midlands@environment-agency.gov.uk

Herefordshire C communicationsteam@herefordshire.gov.uk

NMB Partner reporting template

Organisation:	Natural England
Officer:	Claire Minett
Date submitted:	July 2023
Specific Actions attributed to NE in Action Plan and progress on these	<p><i>CSF Review (jointly with EA & WUF) – below is NE specific progress – this includes CSF actions</i></p> <ul style="list-style-type: none"> • Potato event “Producing whilst Reducing” on 5th July at Park Farm nr Leominster. 40 attendees booked on. Funded and organised jointly by CSF and WUF looking at ways of reducing inputs and minimising the environmental footprint of potato crops. A number of large potato processors have been involved in the planning, will be in attendance and have helped promote the event to their growers. • 77 Mid Tier support requests have passed the sift and will have received a visit by the 18th August which is the scheme application deadline. • 52 Capital Grant approvals have passed the sift and will be contracted out through the FaLMA system to be assessed. • 3 EA referrals have had visits and received advice. • Carried out 5 “Slurry Improvement Grant” visits in the catchment to discuss best practise at every stage of the “slurry journey” as well as the specifics of the grant. • CSFA Met with group of upland farmers from Black Mountains area alongside WUF. Initial meeting with view to possibly working as a cluster group in future to look at future upland land management options. <p>Reviewing Condition of the River - please see agenda for the following supporting documets.</p> <p>Natural England - Wye and Lugg stakeholder briefing (document published with NMB 12 July agenda)</p> <p>Natural England - Appendix 1_ Detailed Evidence Summary Wye and Lugg (document published with NMB 12 July agenda)</p> <p>Natural England - Appendix 2 Understanding terminology in River Condition on Wye (document published with NMB 12 July agenda)</p>

Providing Statutory Planning Advice

Natural England has a number of statutory duties and responsibilities in relation to SSSIs. These include providing advice to local planning authorities and developers on the potential impacts of development,, to ensure their protection and enhancement in line with regulation and planning policy. Local planning authorities (LPAs) have a duty to consult Natural England before granting planning permission on any development that is in or likely to affect a SSSI.

Natural England publishes Impact Risk Zones (IRZ's) for every SSSI, which it keeps under regular review to help local authorities decide whether appropriate to consult. The IRZ defines the zones around each SSSI which reflect the sensitivities of the features for which the site is notified, and indicates the types of development proposal which could potentially have adverse impacts.

Alongside the condition status review mentioned above, Natural England has also reviewed the coverage of the IRZ for the River Wye SSSI. We have concluded that this IRZ should be changed including areas that were previously not captured, to provide consistency in our advice across the whole catchment. The updated IRZ will now match the entirety of the River Wye catchment, covering Herefordshire and also extending slightly into Forest of Dean authority area. This will help to make it clear that drainage and potential impacts on water quality need to be considered in the whole of the catchment. The IRZ wording will remain the same, advising that the Local Authority should have consideration of how new discharges could have an impact upon the River Wye.

This change will take place on the 9th August

[Natural England - River Wye Impact Risk Zone \(IRZ\)](#)
(document published with NMB 12 July agenda)

***RBMP water target review
completed***

***Exploring further voluntary measures for phosphate
reduction***

	<p><i>Local Nature Recovery Statutory Senior Advisor</i> LNRS update:</p> <ul style="list-style-type: none"> • Herefordshire Council formally appointed as Responsible Authority with Natural England as Supporting Authority. • Herefordshire LNRS steering group has been set up with monthly meetings now in place. Awaiting confirmation of a steering group chair. • Herefordshire Council are undertaking a review of existing partnerships in the county before establishing new LNRS working groups to avoid duplication of groups and streamline workflows • LNRS Terms of reference, approximate timelines and stakeholder engagement plan are progressing.
<p>Wider actions contributing to delivery of action plan</p>	<p>Farm Advice</p> <p>For details of CSF see above</p> <p>Ongoing engagement with Farm Herefordshire</p> <p>Potential for Landscape Scale Recovery Bids</p> <p>Chair of TAG and develop working groups</p> <p>See separate paper re working groups & Caba & TAG update</p> <p>Providing SSSI consent/assent/advice</p> <p>This is ongoing with over 100 cases on the Wye and Lugg this year.</p> <p>Restoration plan in place and underway for Mr Price</p>

May 30th 2023



By e-mail

Natural England
County Hall,
Spetchley Road,
Worcester
WR5 2NP

T 0208 026 1280

Dear Stakeholder

**River Wye and Lugg SAC/SSSI assessment of indicative site condition using CSMG.
Natural England March 2023**

We are writing to inform you of a recent indicative site condition assessment of the River Wye and Lugg Sites of Scientific Special Interest (SSSI).

The River Wye (and part of the River Lugg) is designated SSSI and Special Areas of Conservation (SAC), giving it the highest level of protection in the UK. This means making sure that it can support the life that depends on it, the business that depend on it and is healthy and thriving to provide enjoyment for generations to come

There is much work currently being undertaken by multiple stakeholders to support this work. We at Natural England work closely with the Environment Agency, using monitoring data and evidence collected by the EA to understand the health of the rivers and identify where best to make interventions.

Assessment

Natural England categorises the conditions of SSSI's based on condition assessments undertaken in line with Common Standards Monitoring Guidance (CSMG). These assessments are published on the Natural England Designated Site Viewer, which can be viewed here > [Designated Site Viewer](#). For full details on condition assessments please see Appendix 2.

The River Wye and Lugg designated sites have a relatively complex set of aquatic plant and animal life, aka interest features, and conducting a full condition assessment of every feature of the river is a significant operation.

A full two-year assessment is planned to commence in 2024, but in the interim, the Area Team has conducted a small-scale assessment, looking at four specific indicators to create an indicative assessment of the site as a whole.

Using CSMG with data and evidence from the Environment Agency, our assessment reviewed:

- Atlantic salmon
- Macrophytes
- Native white-clawed crayfish
- Water quality

The attribute that has received the most attention is water quality, as it is fundamental to the health of the river and in light of the “nutrient neutrality advice” in place for rivers failing water quality targets. Natural England regularly reviews the water quality targets, and the data is available here > environment.data.gov.uk/water-quality .

Assessment findings: summary

In summary, the river was largely previously classed as ‘unfavourable - recovering’. As per CSMG if any one of the features is classed as either ‘unfavourable’, ‘unfavourable - no change’ or ‘unfavourable - declining’, the whole unit of the river is classed as such, irrespective of the status of the other interest features.

As at least one feature in both the Wye and the Lugg are showing declines, and we cannot be assured that all necessary management is currently in place, despite the significant efforts of many stakeholders, we have updated the SSSI condition status for the Wye and Lugg as ‘unfavourable – declining’, as shown in Table 1. For an explanation of the categories please see Table 2.

Assessment findings: River Lugg

Our recent assessment has identified that the River Lugg is showing declines in Atlantic salmon, and white Clawed Crayfish.

The Lugg is failing its water quality targets and the water quality in the Lugg is declining. Nutrient Neutrality advice remains in place for the Lugg.

Assessment findings: River Wye

In the River Wye we can see declines in macrophytes, salmon and white-clawed crayfish.

The Wye is not currently failing its water quality targets. Although the River Wye is close to its phosphate targets on some of the monitoring points, the latest evidence indicates levels have been stable. Nutrient Neutrality advice does not apply to the Wye as it is not failing its water quality targets.

For a more detailed review of the evidence used to determine condition, please read Appendix 1. For full details on condition assessments please see Appendix 2.

Action to address the issues

Clearly this change of condition is of concern for all with an interest in the Rivers. However, in light of the recent media coverage on the Wye and the health of UK rivers generally, we feel it is important to communicate this change transparently and provide an assurance as to what this means.

Our recent findings do not suggest a sudden decline in the Wye and Lugg SSSIs, and instead reflects the overall decline in health which we are all working collaboratively to halt, and to restore the health of the rivers.

We and other partners do not yet fully understand all the reasons for these declines, so further investigations are being conducted by the Environment Agency and other partners to build greater understanding. Meanwhile there is much activity by multiple partners to improve the health of the river and the outcomes for the species that depend on it.

Improving the condition of the river and reversing declines in species such as salmon and white-clawed crayfish is complex and challenging but are issues we must address.

Reducing phosphates in the river Wye SAC is also a complex issue, but one which we know is fundamental to the health of the river. Both the Environment Agency and Natural England together with our stakeholders are committed to reducing phosphate levels. The [Nutrient Management Plan Board](#) oversees the delivery of the [Nutrient Management Action Plan](#) to deliver reductions in phosphate. This is an iterative plan with further actions required to tackle this challenging issue. We are working with Herefordshire Council and Partners to improve the operations of the NMB board. Both the Environment Agency and Natural England continue to work with stakeholders to deliver the environmental improvements required to reverse the declining condition of this wonderful river.

Table 1: Change in Condition for River Wye and Lugg

Unit	River	Reach	Previous Condition on CMSi	Updated Condition on CSMi
1	River Wye	Tidal river - Estuary to Brockweir Bridge	Favourable	Unfavourable - Declining
2	River Wye	Brockweir Bridge to Monmouth	Unfavourable - Recovering	Unfavourable - Declining
3	River Wye	Monmouth to Ross	Unfavourable - Recovering	Unfavourable - Declining
4a	River Wye	Ross to Lugg Confluence	Unfavourable - Recovering	Unfavourable - Declining
4b	River Wye	Lugg Confluence to Hereford	Unfavourable - Recovering	Unfavourable - Declining
5	River Wye	Hereford to Bredwardine Bridge	Unfavourable - Recovering	Unfavourable - Declining
6	River Wye	Bredwardine Bridge to Whitney Toll	Unfavourable - Recovering	Unfavourable - Declining
7	River Wye	Whitney Toll to Hay	Unfavourable - Recovering	Unfavourable - Declining
1	River Lugg	Bodenham Weir to Confluence with Wye	Unfavourable - Recovering	Unfavourable - Declining

2	River Lugg	Bodenham Weir to Leominster	Unfavourable - Recovering	Unfavourable - Declining
3	River Lugg	Leominster to Mortimers Cross	Unfavourable - Declining	Unfavourable - Declining
4	River Lugg	Mortimers Cross to Presteigne		Unfavourable - Declining

Table 2: The following table explains the condition categories.

SSSI Condition categories	
Condition status	Explanation
Favourable condition	The designated feature is being adequately conserved and the results from monitoring demonstrate that the feature is meeting all the mandatory site-specific monitoring targets set out in the Favourable Condition Tables (FCT). The FCT sets the minimum standard for favourable condition for the designated feature and there may be scope for the further (voluntary) enhancement of the feature.
Unfavourable recovering condition	Often known simply as 'recovering'. The Feature is not yet fully conserved, but all the necessary management measures are in place. Provided that the recovery work is sustained, the feature will reach favourable condition in time. At least one of the designated features mandatory attributes is not meeting their targets (as set out in the site specific FCT).
Unfavourable no-change condition	The feature is not being conserved, and will not reach favourable condition, unless there are changes to the management or external pressures and this is reflected in the results of monitoring over time; with at least one of the mandatory attributes not meeting its target (as set out in the site specific FCT) with the results not moving towards the desired state. The longer the feature remains in this poor condition, the more difficult it will be, in general, to achieve recovery.
Unfavourable declining condition	The feature is not being conserved and will not reach favourable condition unless there are changes to management or external pressures. The feature condition is becoming progressively worse, and this is reflected in the results of monitoring over time, with at least one of the designated features mandatory attributes not meeting its target (as set out in the site specific FCT) with the results moving further away from the desired state. The longer the feature remains in this poor condition, the more difficult it will be, in general, to achieve recovery.

Part destroyed condition	Lasting damage has occurred to part of a designated feature, such that it has been irretrievably lost and will never recover (no amount of management will allow the feature to ever reach favourable condition).
Destroyed condition	Lasting damage has occurred to an entire designated feature such that the feature has been irretrievably lost (no amount of management will bring this feature back). This feature will never recover e.g., a finite mineralogical feature has been totally removed from its surroundings without consent and is therefore lost forever.

Yours faithfully



Emma Johnson
Area Manager - West Midlands Team, Natural England



Appendix 1: Detailed Evidence Summary Wye and Lugg SSSI

Natural England November 2022

This document summarises the key evidence used to undertake an interim assessment of the condition of some of the features on both the River Wye and River Lugg Sites of Special Scientific Interest (SSSIs). Further detailed information on the attributes/targets used is available in the Monitoring Specifications for the River Wye and River Lugg SSSIs. If you would like a copy of the Monitoring Specifications, please e-mail west.mindlands.enquiries@naturalengland.org.uk

Macrophytes, Diatoms and Macroinvertebrates

Macrophytes, Diatoms and Macroinvertebrates form a mandatory part of the condition assessment for the interest feature 'rivers and streams' (The River Wye is a H3260 Ranunculion type river).

The target status for macrophytes, diatoms and macroinvertebrates is High Ecological Status (HES).

All of WFD waterbodies within the Wye/Lugg SAC are classified as either moderate or good WFD status for macrophytes and phytoplankton (combined) and therefore fail to meet the designated site target. Units 2 and 3 declined in status from Good to Moderate between 2014 and 2015. Units 4 saw a class improvement between 2016 and 2019 from moderate status to good. Units 5 and 6 have remained at moderate status since reporting in 2014.

Macroinvertebrates fail to meet the target in part or all of units 4, 5 and 6.

Table 1. Classification of macrophytes and macroinvertebrates as displayed on Catchment Data Explorer <https://environment.data.gov.uk/catchment-planning/ManagementCatchment/3117>

Unit		WFD WBID	Plant community	Macro-invertebrates
			SAC/SSSI Target is HES	SAC/SSSI Target is HES
2	Brockweir Bridge to Monmouth	GB109055037111	Moderate*	
3	Monmouth to Ross	GB109055037111	Moderate*	
		GB109055037112	Good**	
4	Ross to Lugg Confluence	GB109055037112	Good**	High
	Lugg Confluence to Hereford	GB109055037112	Good**	High
		GB109055037113	Moderate	Good*
5	Hereford to Bredwardine Bridge	GB109055037113	Moderate	Good*
6	Bredwardine Bridge to Whitney Toll	GB109055037113	Moderate	Good*
		GB109055037116	Unknown as NRW	

7	Whitney Toll to Hay	GB109055037116	Unknown as NRW	
1	R Lugg (Wye SAC) Wye Confluence to Bodenham Weir	GB109055036790	Moderate	
		GB109055042030	Moderate	
2	Bodenham Weir to Leominster	GB109055042030	Moderate	
3	Leominster to Mortimers Cross	GB109055042030	Moderate	
4	Mortimers Cross to Presteigne	GB109055042030	Moderate	

* Indicates evidence that the situation is declining

** Indicates evidence that the situation is improving

Atlantic salmon

Both rivers are deemed to be iconic for their salmon population. Salmon are a notified feature of the River Wye SSSI and SAC, and a feature component of clay river health in the Lugg. The salmon population of the River Wye is at a critical state, with the salmon run estimated at around 2000 to 3000 down from 50,000 a year, with angling catches down 94% from their peak in 1967 (River Wye Salmon Action Plan 2019).

Fundamental to the assessment of stock is the site Conservation Limit. The Conservation Limit (CL) defines the minimum number of fish we want to see spawning in the river. The CL for each river is set at a stock size (defined in terms of eggs deposited) below this limit further reductions in spawner numbers are likely to result in significant reductions in the number of juvenile fish produced in the next generation. The conservation objective for the River Wye & Lugg is to meet or exceed its CL in at least four years out of five.

NRW & the EA published their **Proposed new salmon and sea trout rod fishing byelaws for the Wye in England 2021**, the report states

“... evidence emerging from the salmon stock assessments indicates **a continued decline in the status of salmon in the River Wye**, with substantial deficits in the number of spawning adults apparent in the Wye and neighbouring rivers such as the rivers Severn and Usk.”

Table 3 and figure 1 provides a summary of the Wye Salmon stock assessment. The Wye stock assessment covers the whole catchment including the River Lugg.

Since 2015 there has been a decline in fry across the catchment. Recruitment was especially poor in 2016. The poor fry numbers have been reflected in low parr numbers in 2017 (Figure 2).

Table 2. CSMG targets for Atlantic salmon from

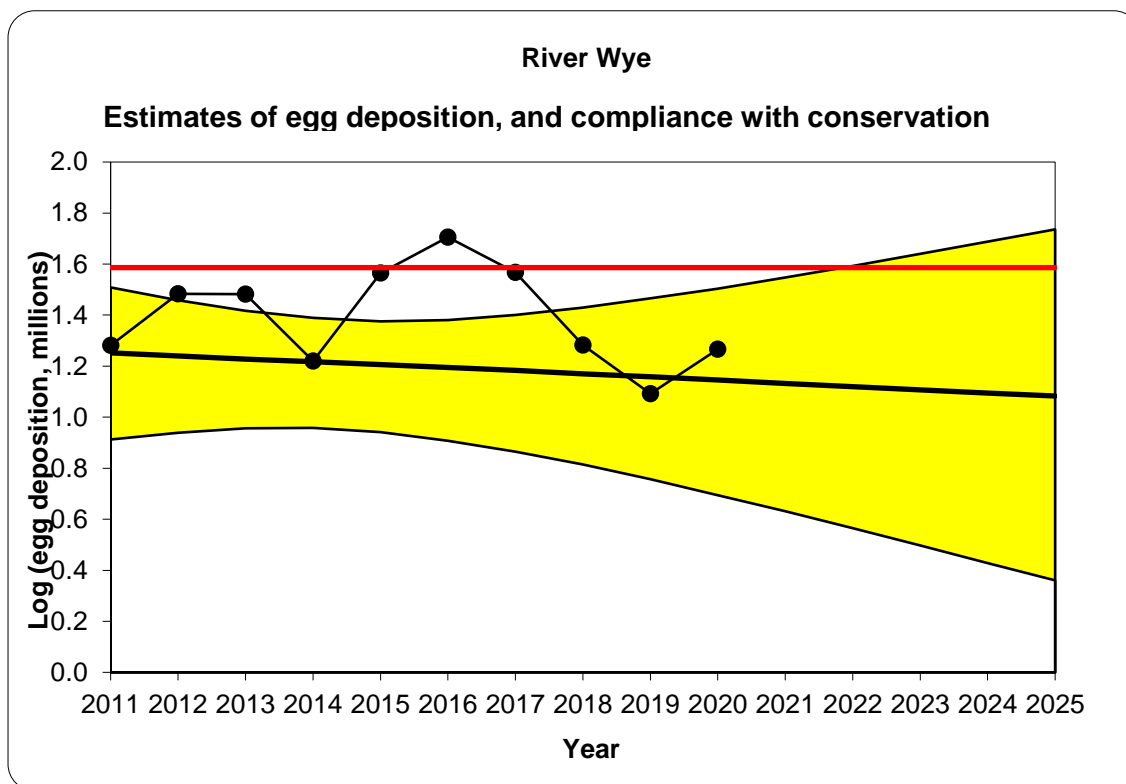
<https://hub.jncc.gov.uk/assets/9b80b827-b44b-4965-be8e-ff3b6cb39c8e>

Favourable Condition Table 5 – Atlantic salmon (*Salmo salar*)

Details of the standard method for population assessment can be found in the monitoring protocol for Atlantic salmon.

Attribute	Target	Method of Assessment	Comments
*discretionary			
POPULATION			
a. Spatial extent	Should reflect distribution under near-natural conditions.	Electrofishing	Juvenile Atlantic salmon should be present in all areas of the catchment to which they have natural access. This does not include areas above naturally impassable barriers, but areas where access has been limited by man-made obstructions should be identified. See the associated monitoring protocol for further details.
b. Population density: juveniles	These should not differ significantly from those expected for the river type/reach under conditions of high physical and chemical quality.	Quantitative, semi-quantitative and timed electrofishing	Juvenile densities vary naturally between rivers and between survey sites on rivers, depending on the productivity and natural habitat character of the system. Observed densities therefore need to be assessed in relation to the expectation for each river and each river reach. See the associated monitoring protocol for further details.
c. Population density: adult run size	Total run size at least matching an agreed reference level, including a seasonal pattern of migration characteristic of the river and maintenance of the multi-sea-winter component.	Fish counters where available Rod catch data	The numbers of returning salmon should be sufficient to ensure that all naturally available spawning and nursery habitat is utilised. Different rivers have different seasonal patterns of adult migration associated with the environmental characteristics of the catchment and river system. Multi-sea winter fish are an important component of a natural salmon run and have declined considerably in recent years. The data available to assess this attribute vary widely across the UK. See the associated monitoring protocol for further details.

Figure 1 River Wye salmon spawning compliance assessment 2020







Key to graphs	
	20 th percentile trend line (in a 10 year period around 2 annual egg deposition values would be expected to fall below this line)
	Annual egg deposition estimates
	Conservation Limit
	Upper and lower boundaries of the Bayesian Credible Interval.

Table 3 summary of salmon stock status on the Rivers Wye: provisional assessment results for 2020¹

Salmon stock status on the Rivers Wye	
Current compliance status (2020)	At Risk
Predicted (+5yr) compliance status (2025)	Probably at Risk
Trend*	Declining (-)
Conservation Limit	38.57 million eggs
Management Target	48.69 million eggs
Egg deficit on MT**	24.52 million eggs
Spawner deficit***	8,175

* Declining trend: Slight (-); Moderate(--); Steep (---)

** Egg deficit based on 5-year mean 2016-2020

** Spawner deficit expressed as 8lb fish equivalents; where average fecundity = 3,000 eggs per fish

White Clawed Crayfish (Atlantic Crayfish)

Native white clawed crayfish are a notified feature of the River Wye and an indicator of the health of the clay river feature in the River Lugg. Surveys were undertaken in 2013 by Hills ecology on Units 3-7 of the River Wye and Units 1-4 of the River Lugg.

The result of this survey indicate that the species is in 'unfavourable' condition for units 1-4 of the River Lugg, and either unfavourable or part destroyed for units 3-7 of the River Wye due to either the absence of white clawed crayfish, and/or the presence of non-native signal crayfish. Further investigation into habitat availability and historic survey data may be required to determine whether the status is unfavourable-declining, or part destroyed

(https://www.therrc.co.uk/sites/default/files/files/Designated_Rivers/wyedrafttechnicalreport.pdf).

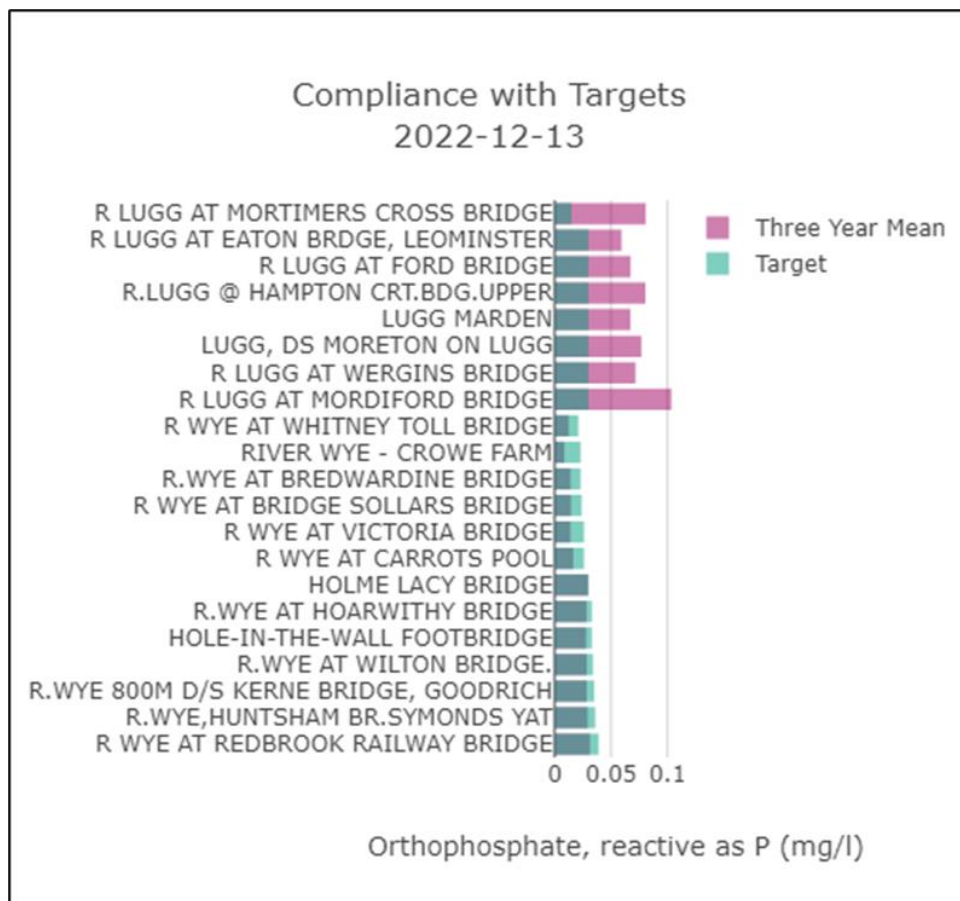
¹ Source NRW Technical Case 2021

Water Quality Analysis – River Wye & Lugg

Water quality is not a notified feature of the SSSIs, it is one of the attributes assessed to indicate the health of the Rivers. Water quality targets are set out in the Monitoring Specifications for both the River Lugg SSSI and the River Wye SSSI.

Figure 2. River Wye & Lugg Ortho-P Current Compliance with Targets.

Figure 2 illustrates that for each monitoring location on the River Lugg, the Ortho-P target for the three-year mean target is currently being exceeded. The water quality data presented for the River Wye illustrates for each monitoring location that water quality is not currently exceeding the three year mean target.



EA WFD Classification – Phosphate (up to 2019)

The water body - **Lugg - conf Norton Bk to conf R Arrow** – deteriorated from High to Moderate status for Phosphorus between the 2015 – 2019 classification.

The river Wye remain, increased or stayed at high or good throughout this period.

Table 4. EA Phosphate classification for the Wye & Lugg main river sections.

Catchment	Water Body	Physico-chemical element	2015	2016	2019
River Lugg	Lugg - conf Norton Bk to conf R Arrow Water Body	Phosphate	High	Good	Moderate

River Lugg	Lugg - conf R Arrow to conf R Wye Water Body	Phosphate	Good	Good	Good
River Wye	Wye - Bredwardine Br to Hampton Bishop Water Body	Phosphate	High	Good	High
River Wye	Wye - Hampton Bishop to conf Kerne Br Water Body	Phosphate	High	High	Good
River Wye	Wye - conf Walford Bk to Bigswear Br Water Body	Phosphate	Good	High	High

Water Quality Trends

The following graphs illustrate the trend in water quality over the past 20 years in the Wye and Lugg catchments. The monitoring locations are ordered upstream to downstream.

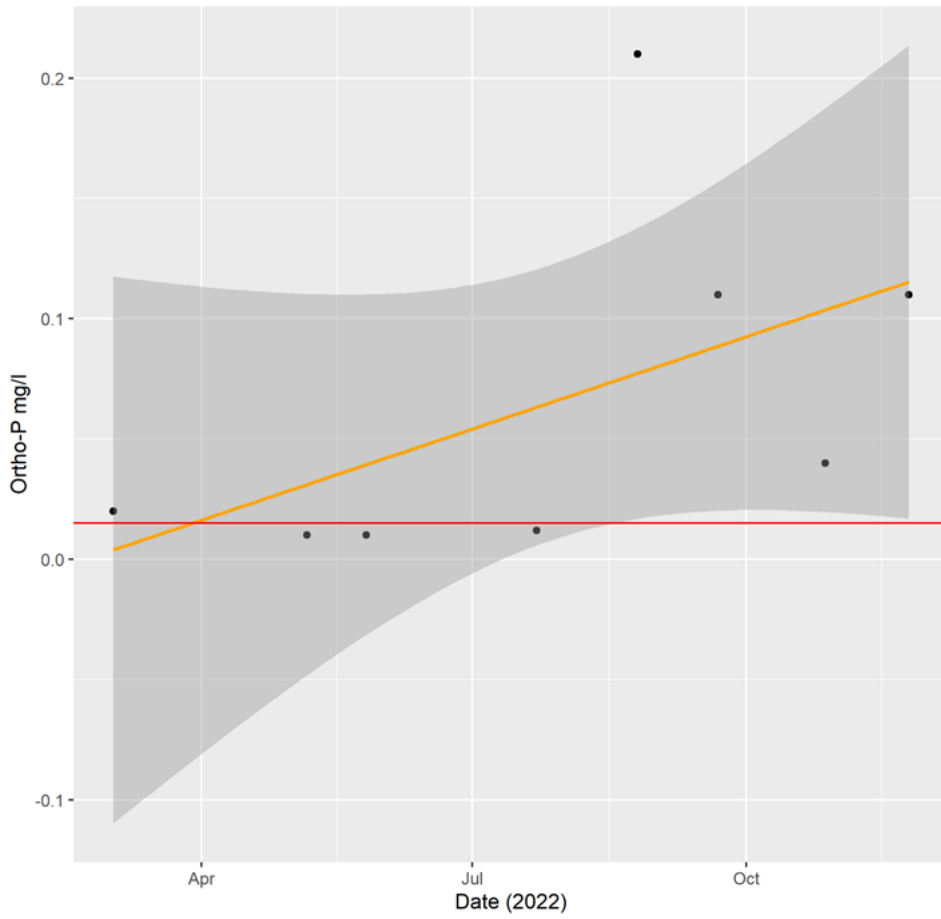
The **red line** is the site target for Ortho-P

The **orange line** plots a linear regression line with 95% Confidence Interval (CI)

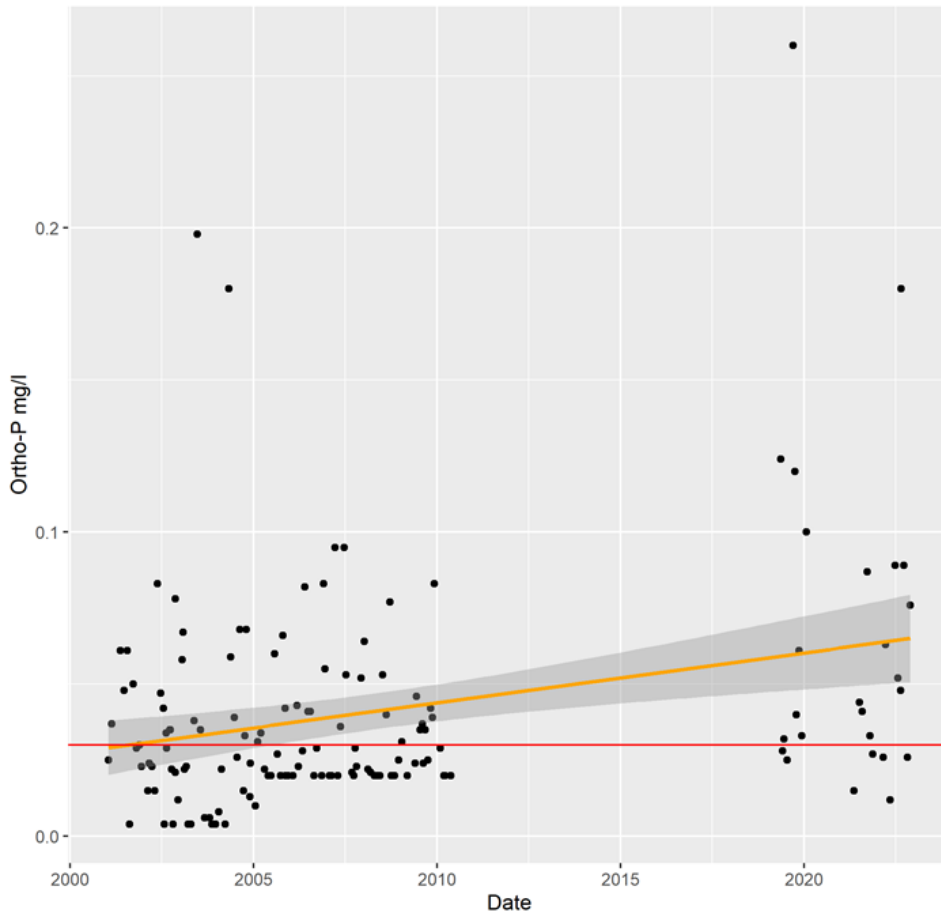
River Lugg

Each of the plots for the monitoring locations along the River Lugg (u/s à d/s) show Ortho-P concentrations either increasing or stable over the past 20+ years – demonstrated by the positive or neutral linear regression lines.

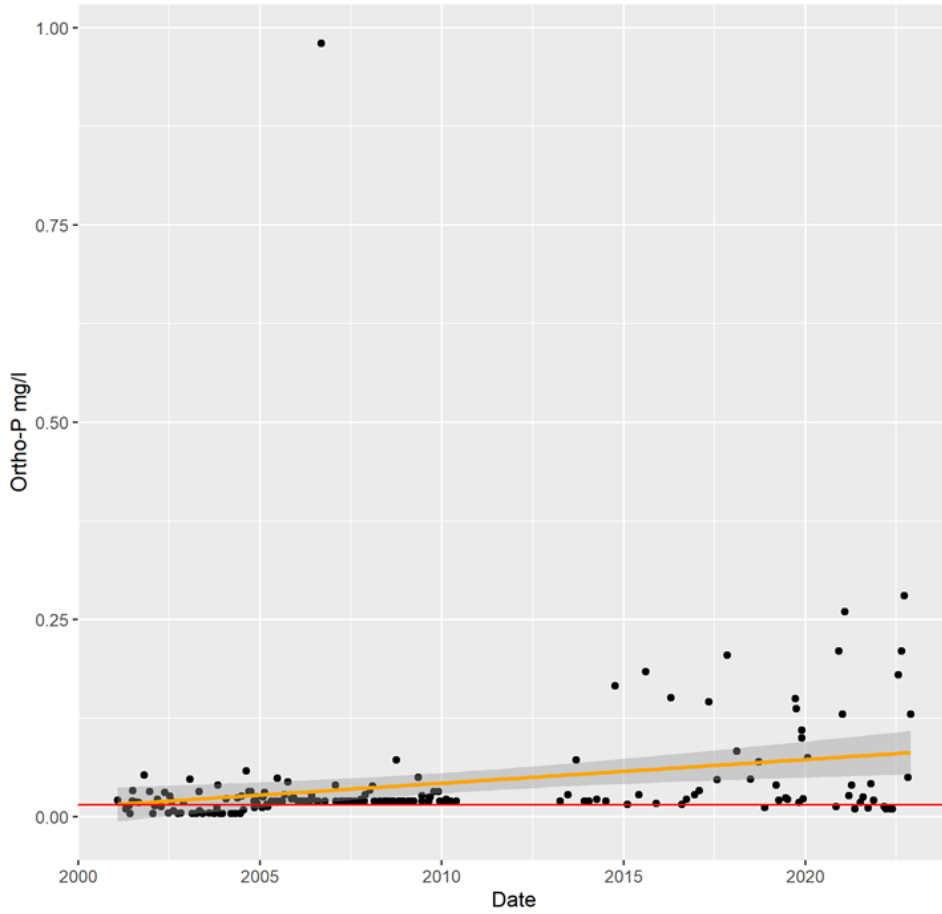
River Lugg - Hindwell Brook Orthophosphate Concentration



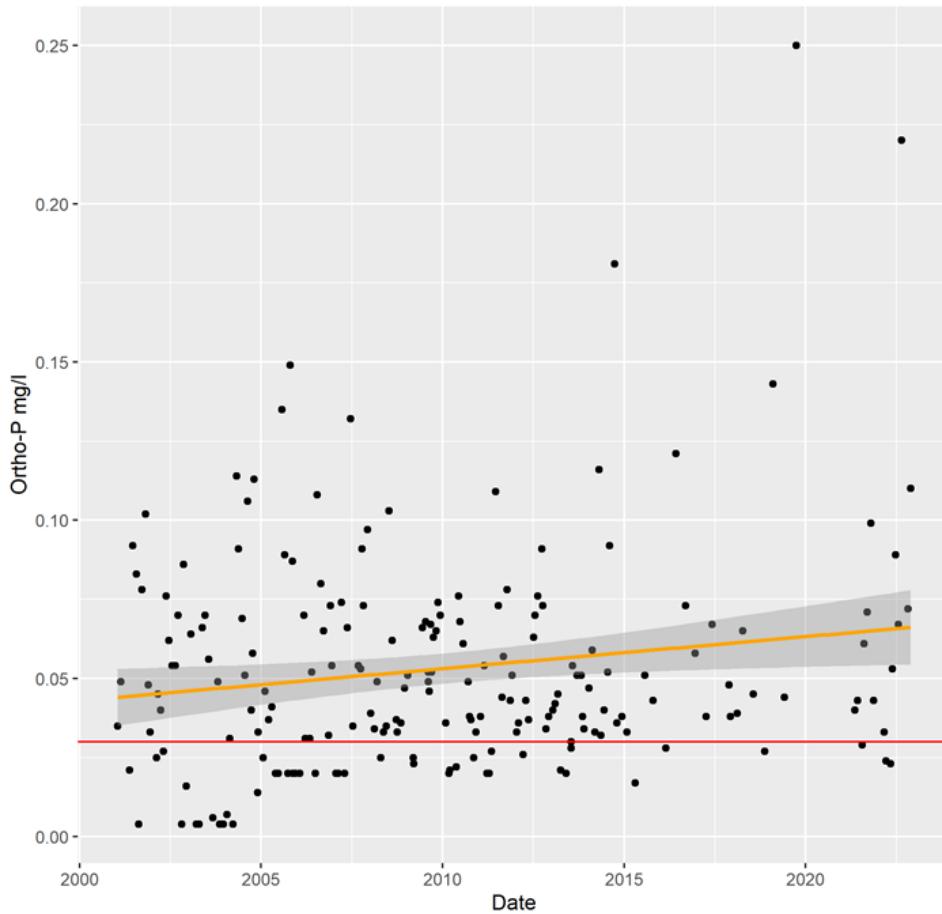
River Lugg - Eaton Bridge Orthophosphate Concentration



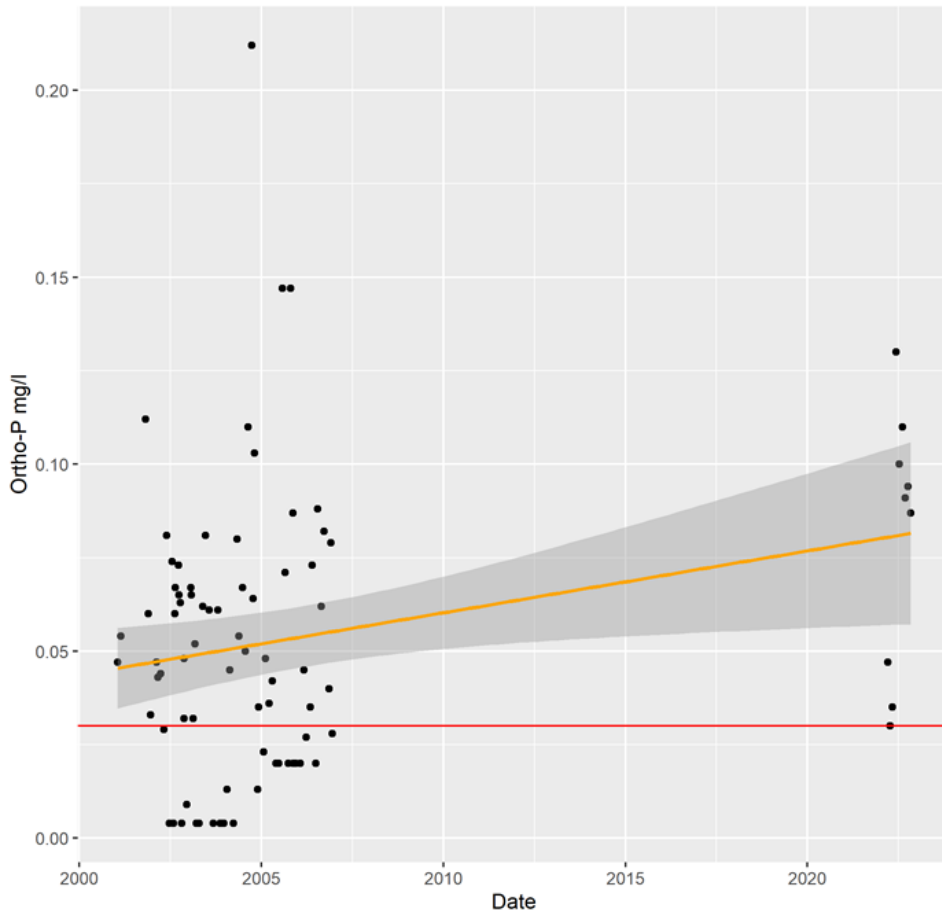
River Lugg - Mortimer Cross Orthophosphate Concentration



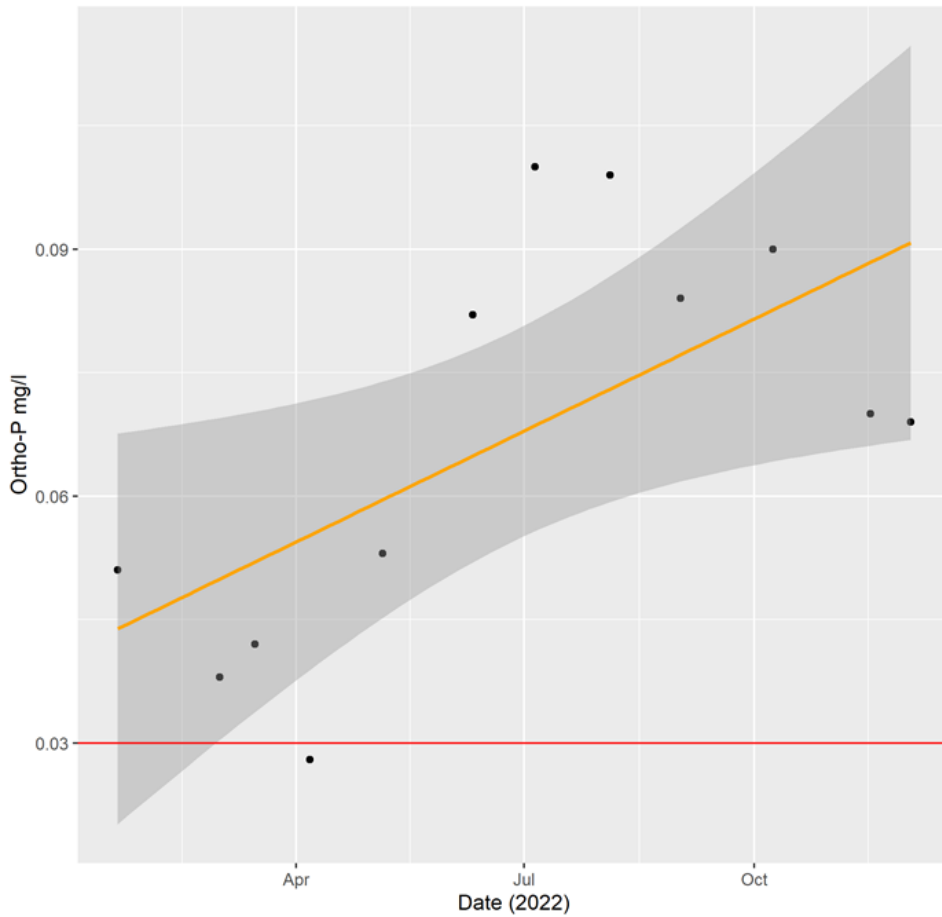
River Lugg - Ford Bridge Orthophosphate Concentration



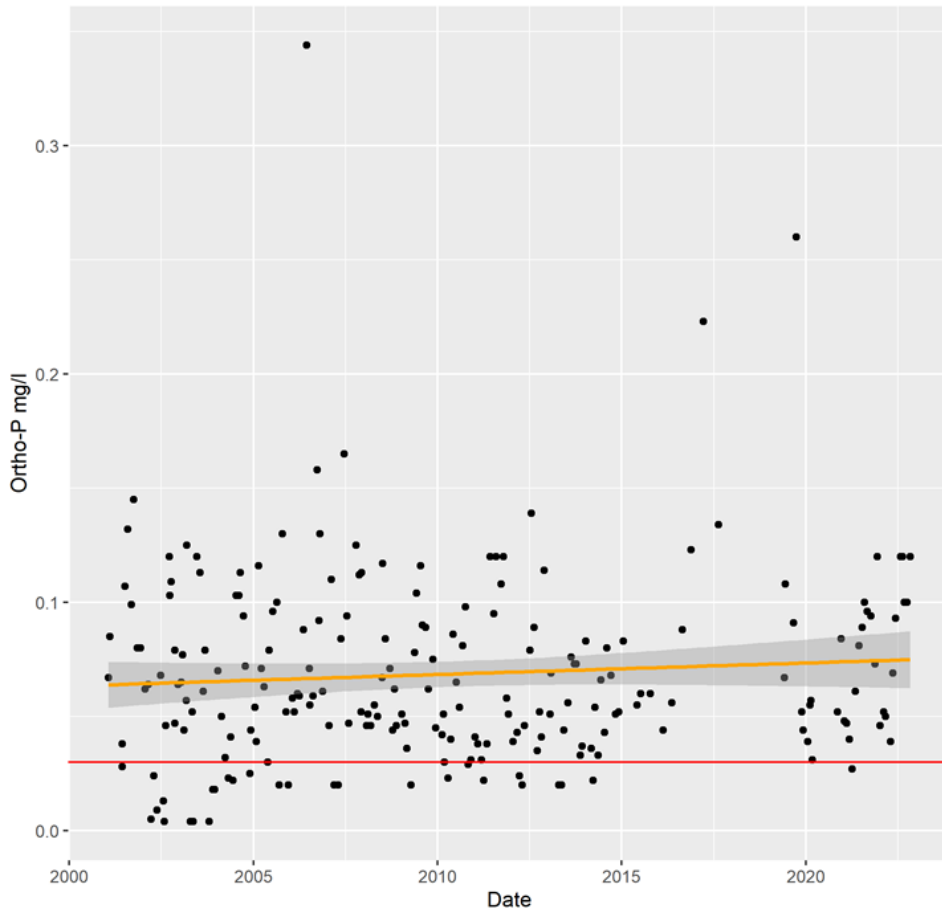
River Lugg - Hampton Orthophosphate Concentration



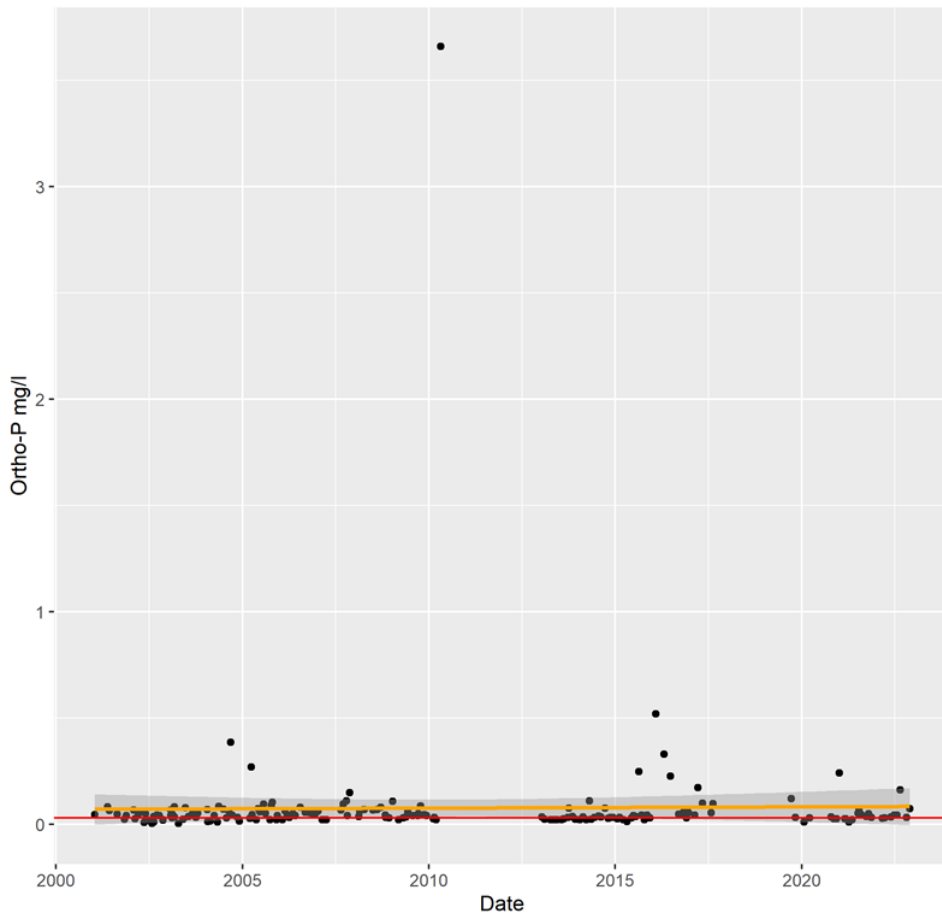
River Lugg - Marden Orthophosphate Concentration



River Lugg - Wergins Bridge Orthophosphate Concentration

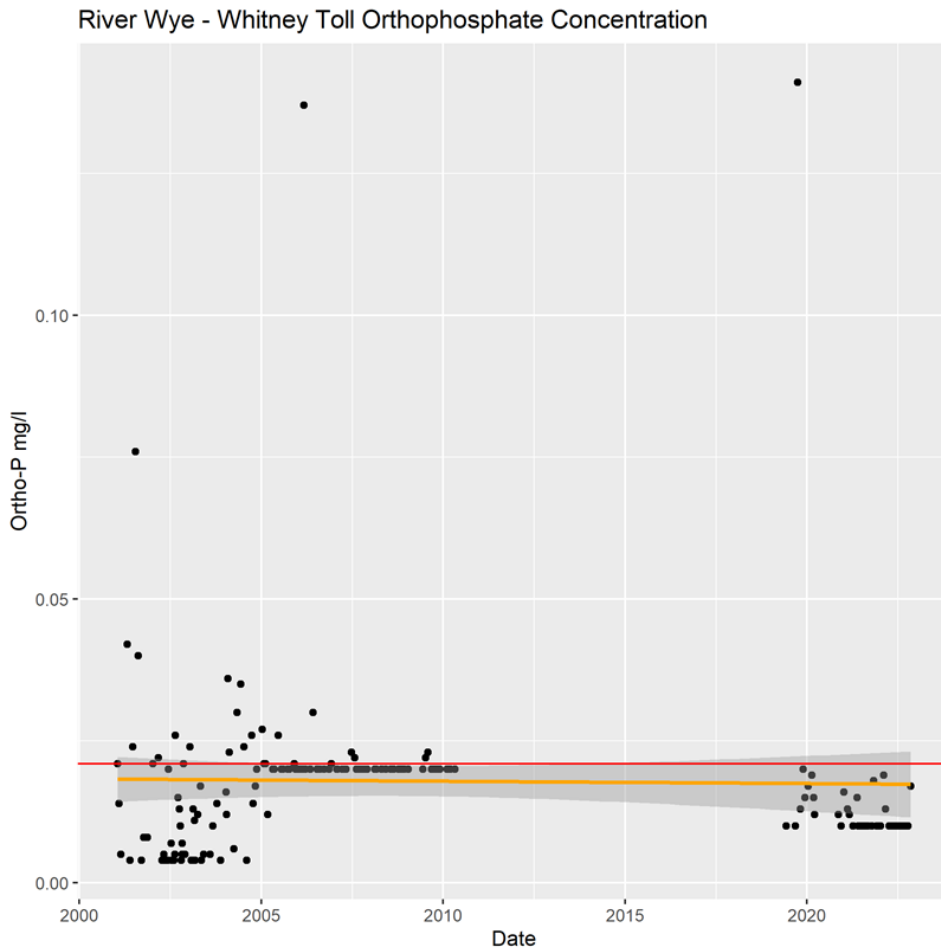


River Lugg - c.w. River Arrow Orthophosphate Concentration

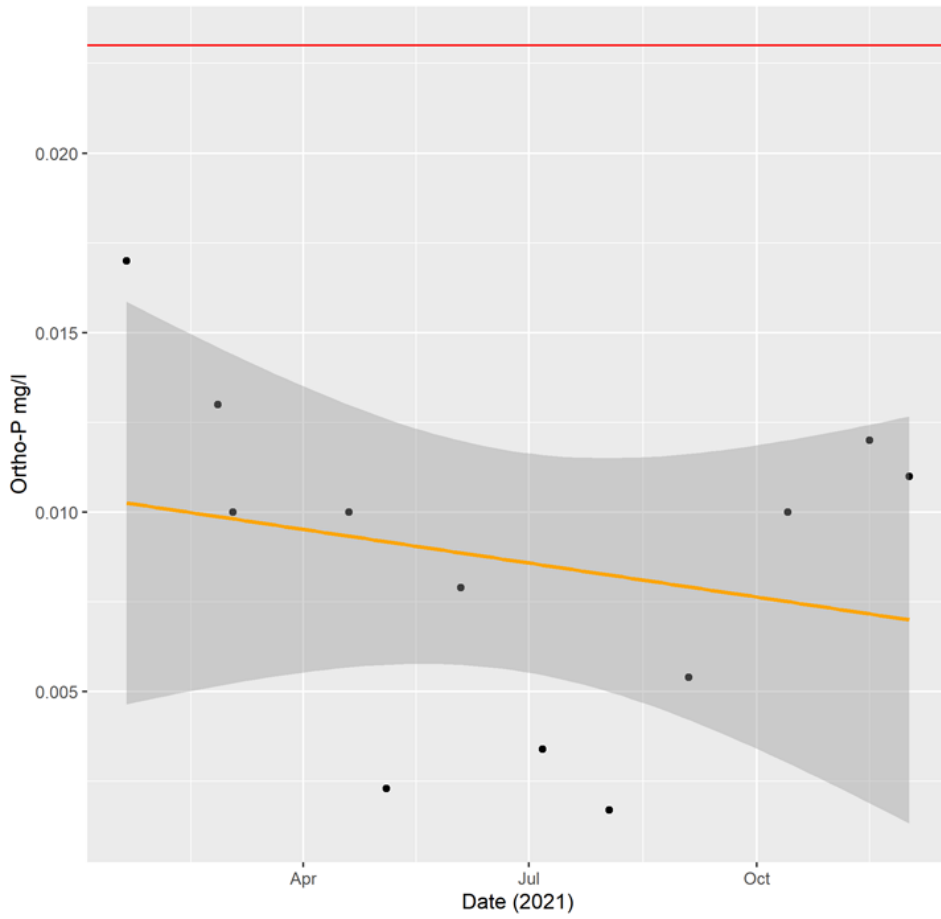


River Wye

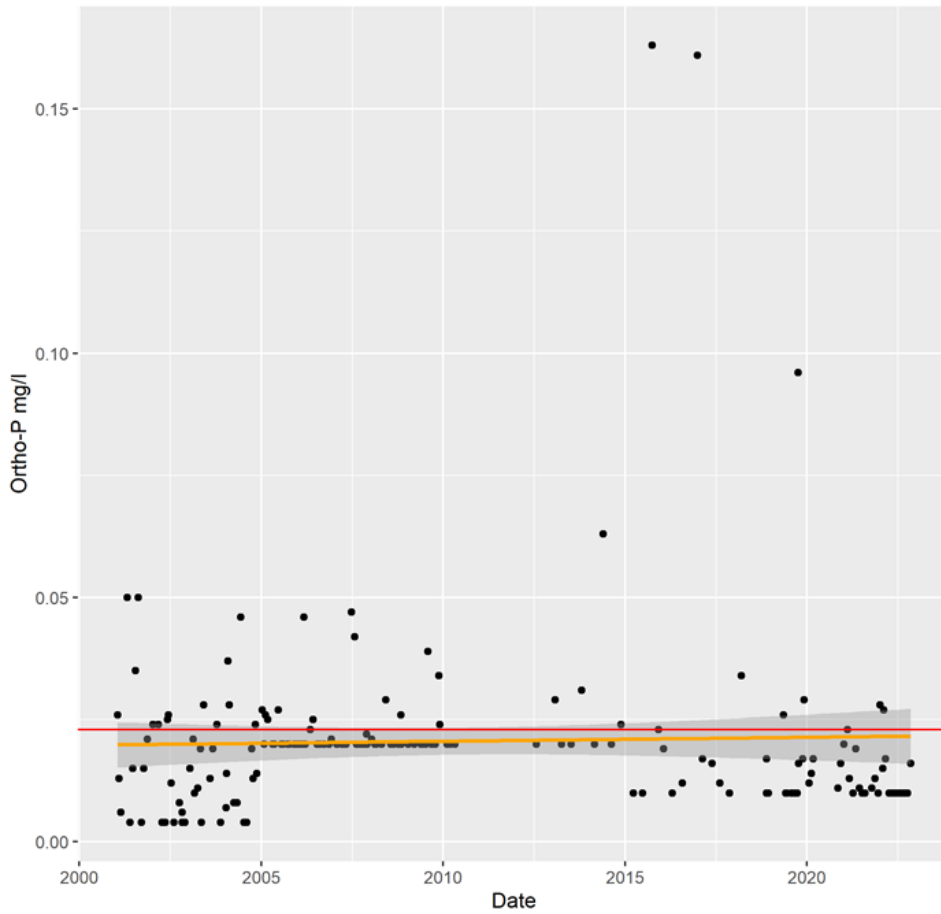
Each of the plots for the monitoring locations along the River Wye (u/s à d/s) show Ortho-P concentrations generally either stable or slightly declining over the past 20+ years – demonstrated by the neutral or negative linear regression lines.



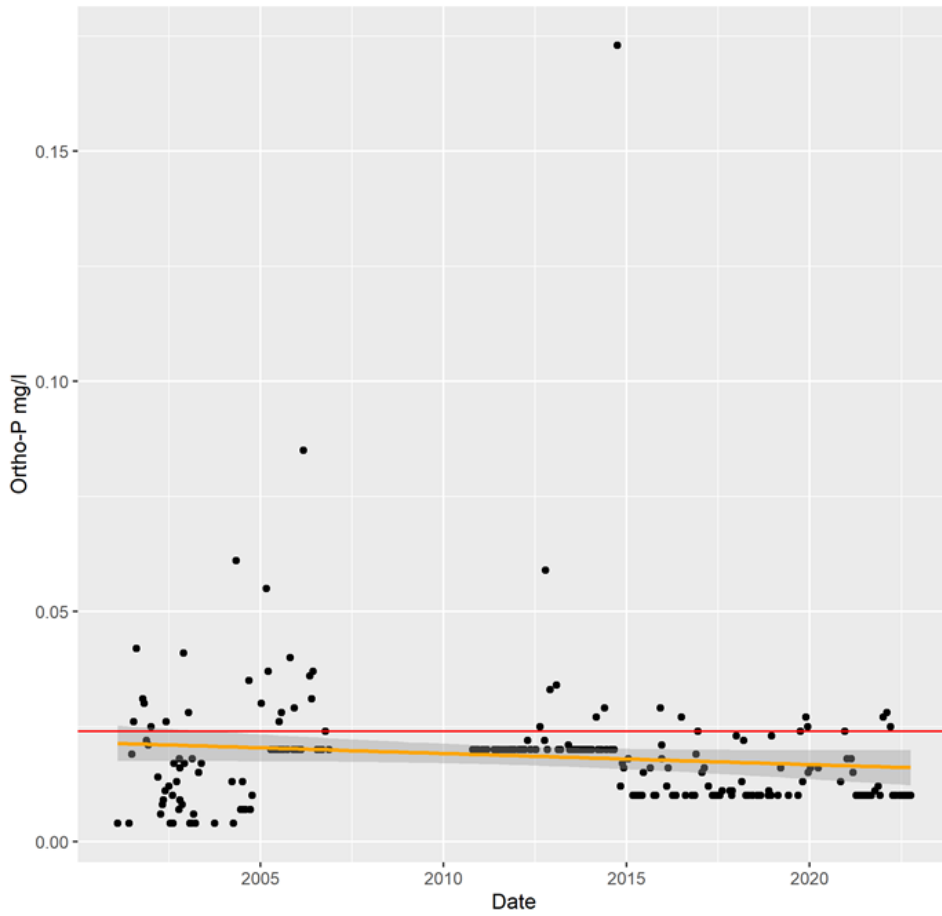
River Wye - Crowe Farm Orthophosphate Concentration



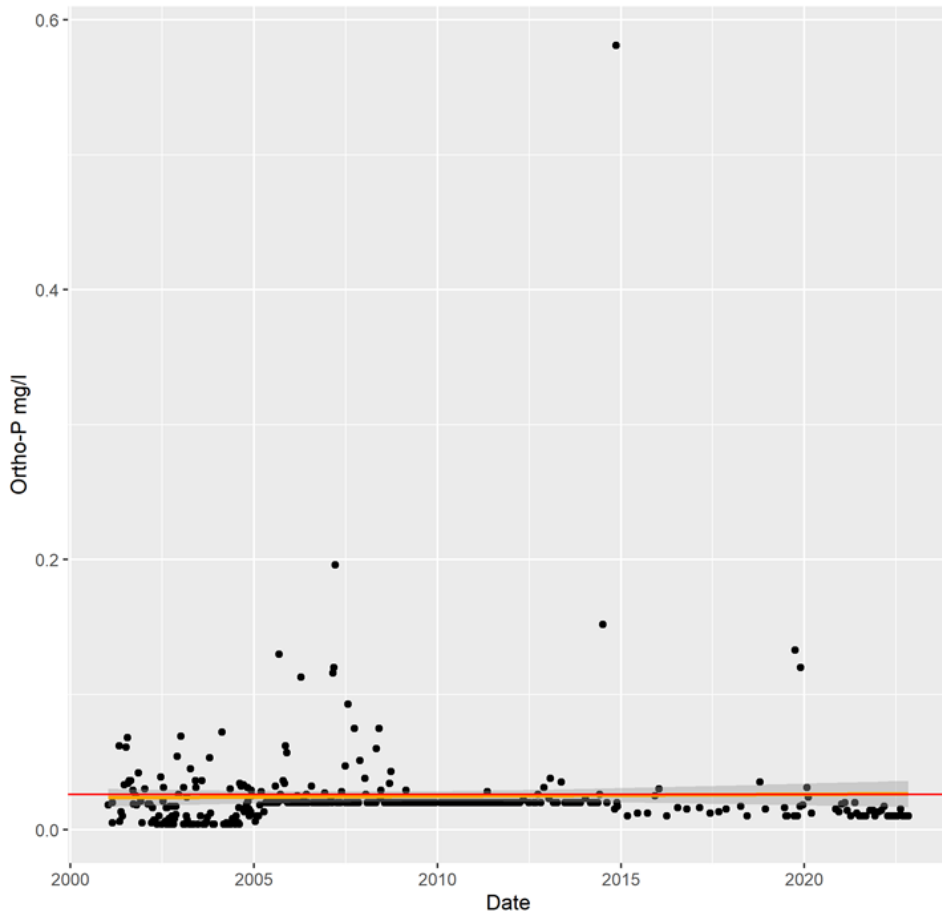
River Wye Bredwardine Bridge Orthophosphate Concentration



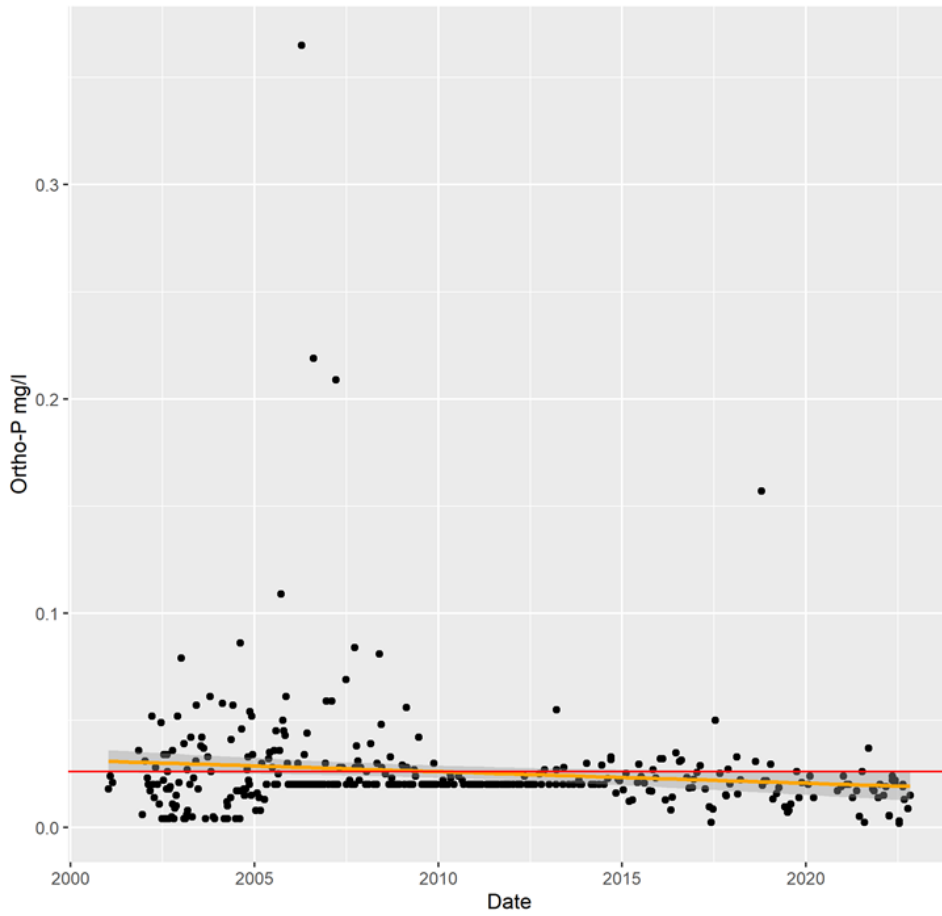
River Wye - Sollars Bridge Orthophosphate Concentration



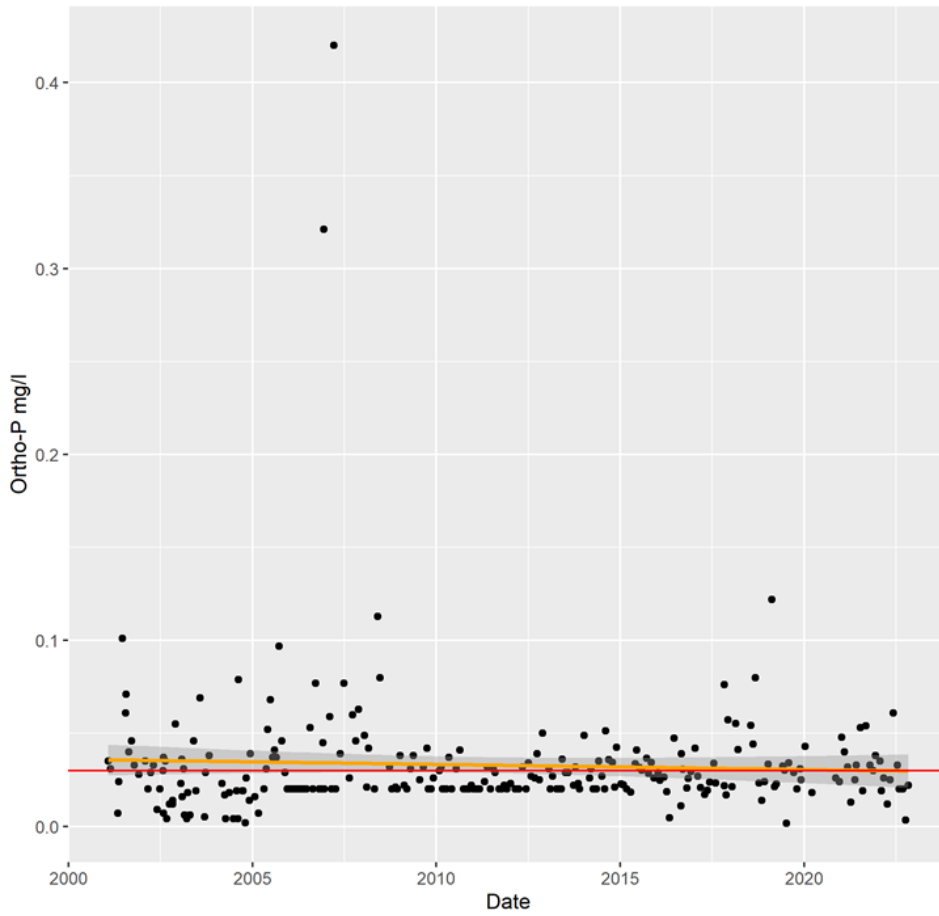
River Wye Victoria Bridge Orthophosphate Concentration



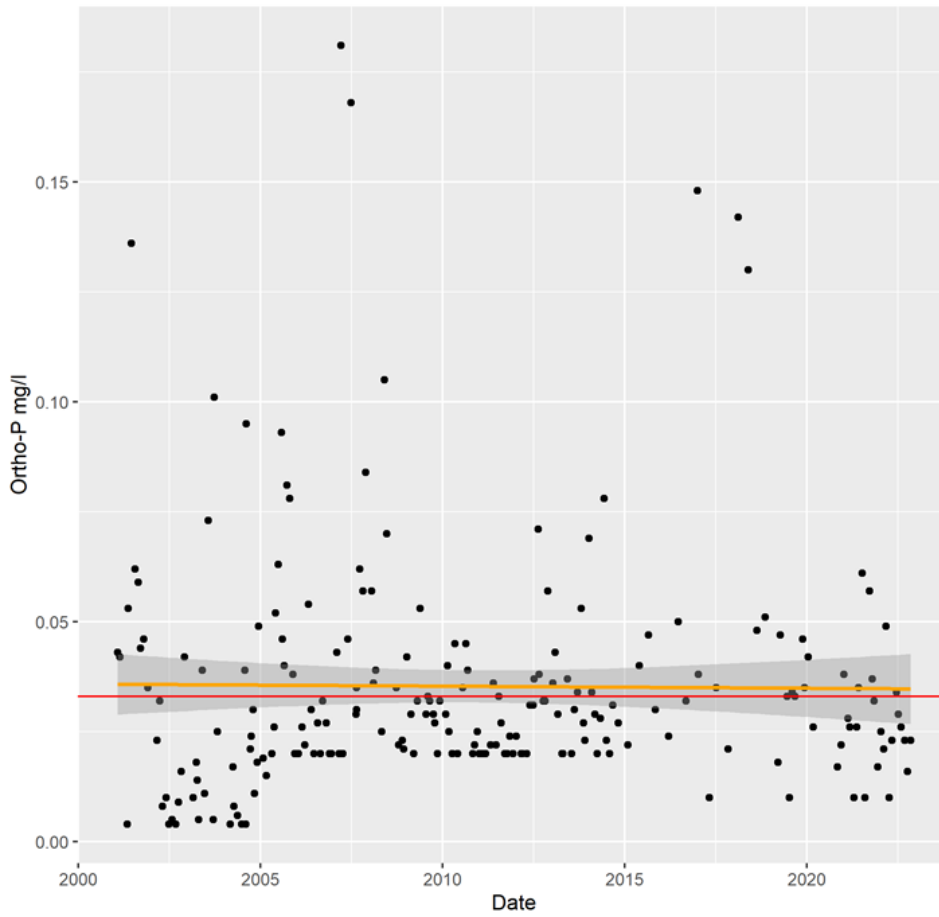
River Wye - Carrots Pool Orthophosphate Concentration



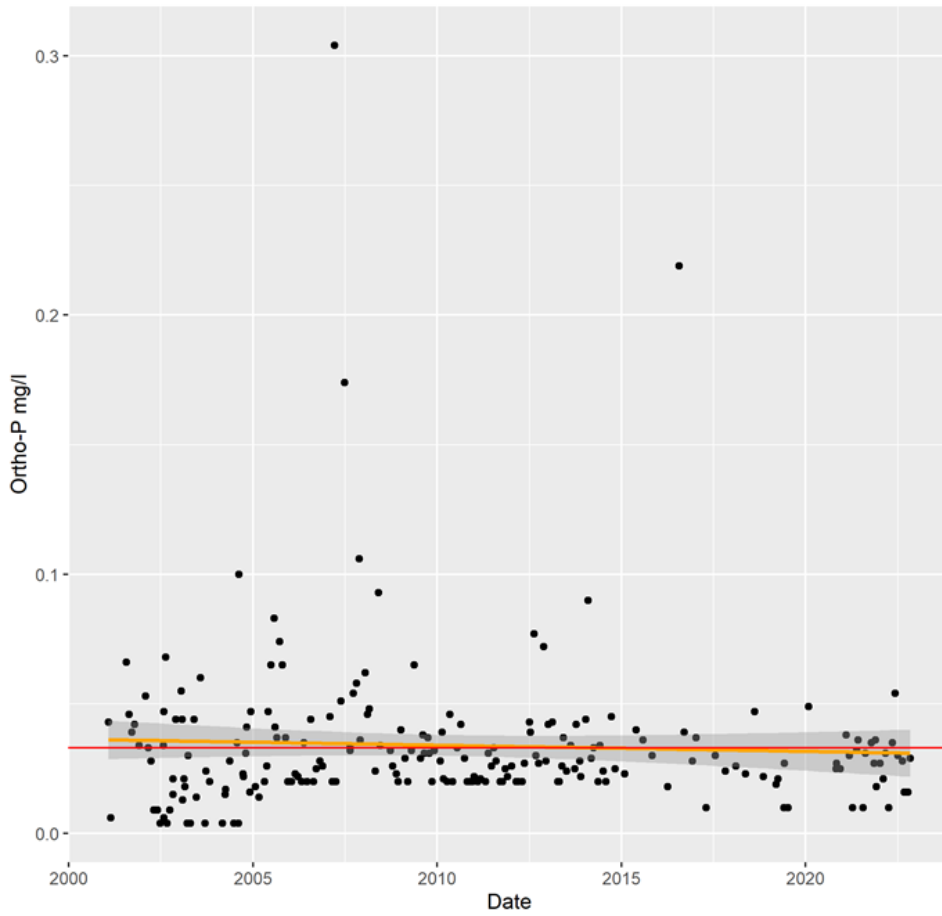
River Wye - Holme Lacy Orthophosphate Concentration



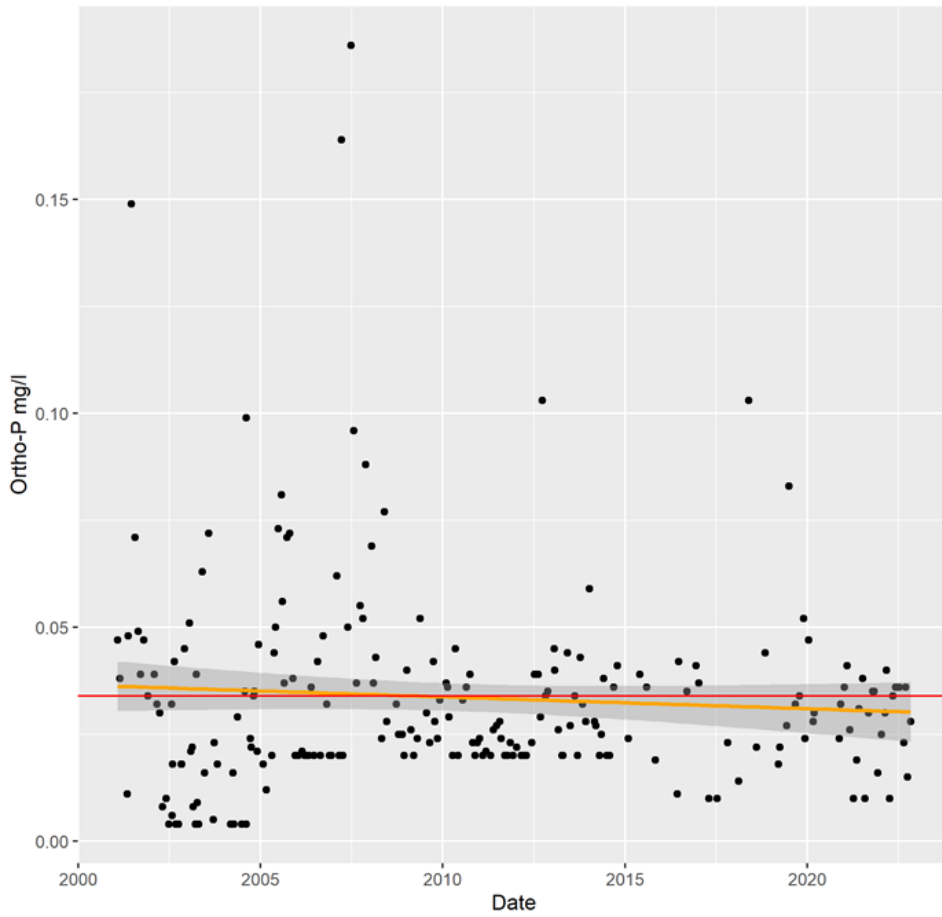
River Wye - Hoarwithy Bridge Orthophosphate Concentration



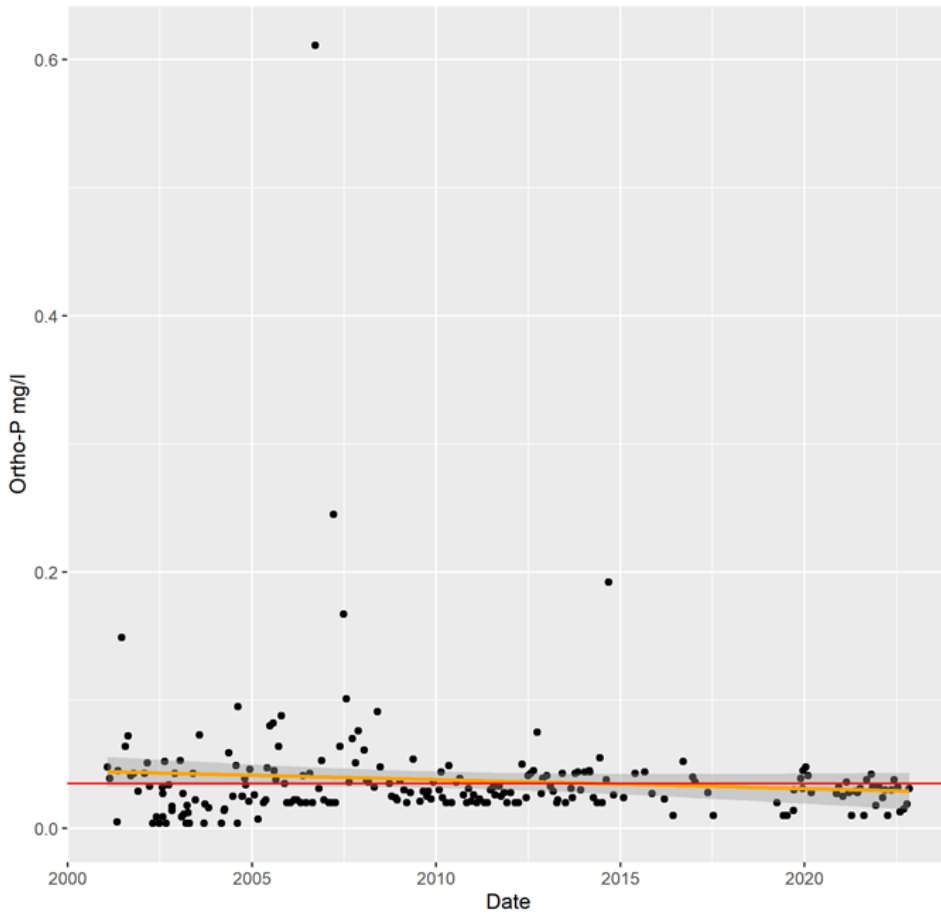
River Wye - Hole in the wall Orthophosphate Concentration



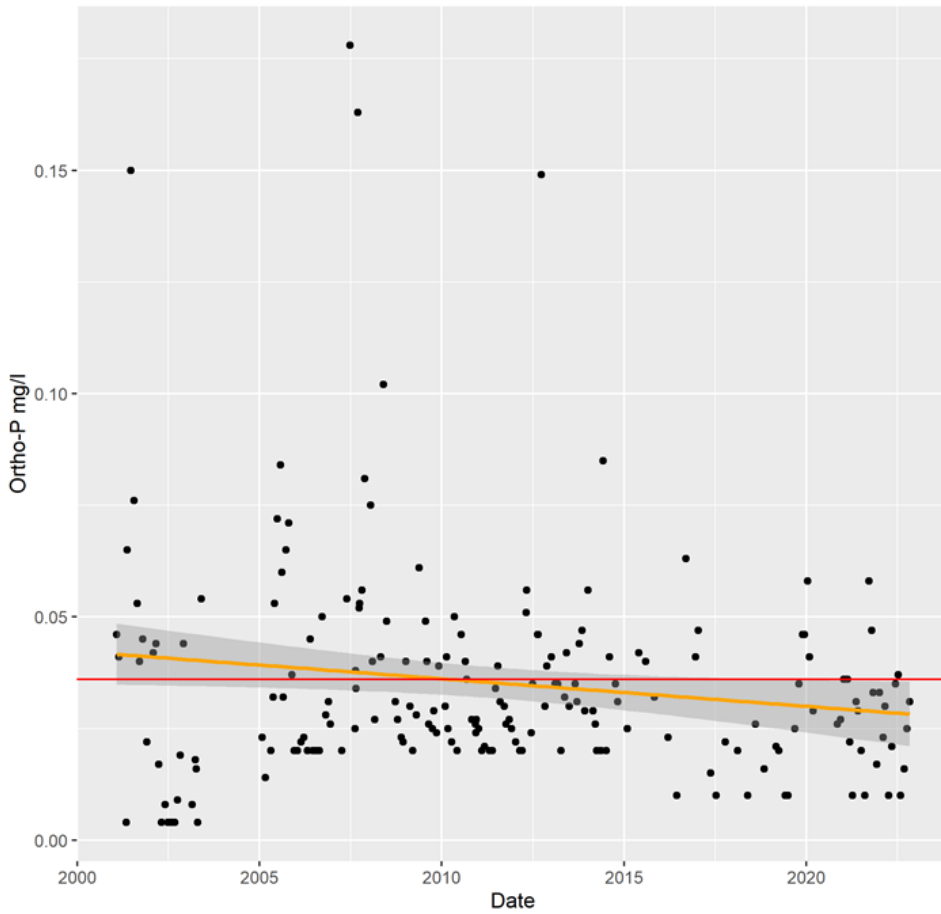
River Wye - Wilton Bridge Orthophosphate Concentration



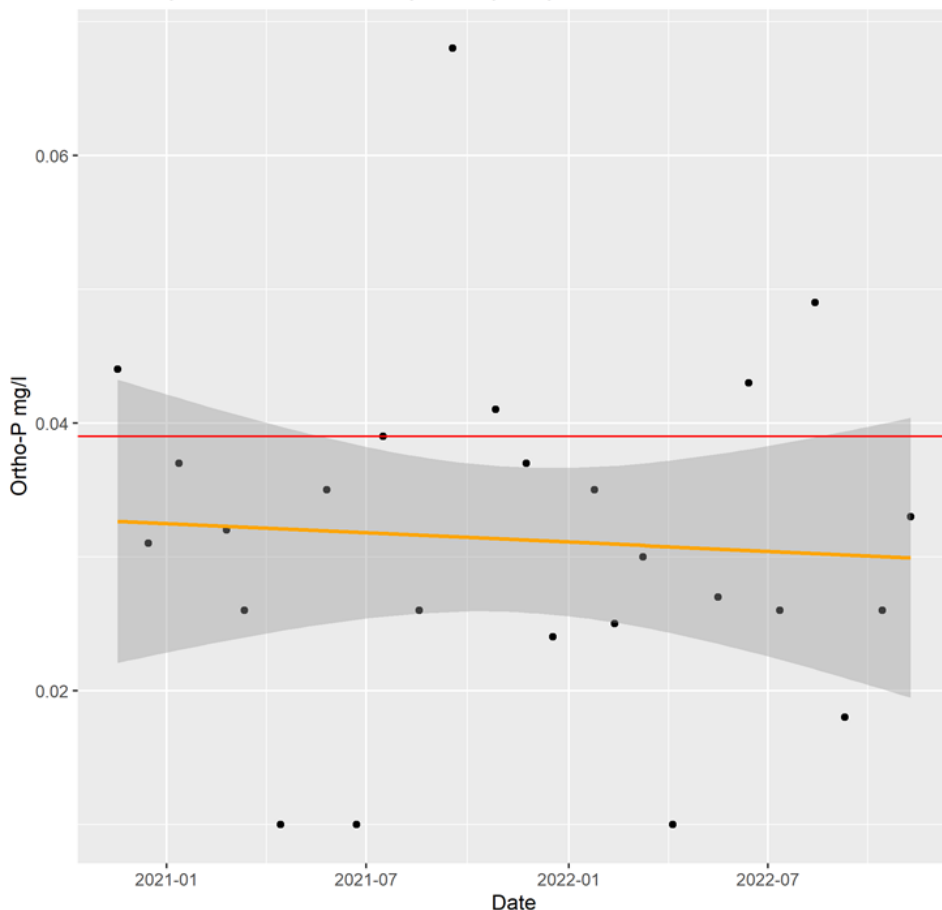
River Wye - Kerne Bridge Orthophosphate Concentration



River Wye - Huntsham Bridge Orthophosphate Concentration



River Wye - Redbrook Railway Orthophosphate Concentration



Consideration of changes to site condition.

There is evidence of failing condition on every unit of the River Wye and River Lugg (see table 4 and 5 below). Phosphate targets are exceeded on every unit of the river Lugg and the evidence shows phosphate levels to be increasing, demonstrating declining water quality. The River Wye is meeting its phosphate targets but is showing clear symptoms of eutrophication, despite stable phosphate levels, exacerbated by elevated water temperatures. This is supported by the moderate status of macrophytes & phytobenthos (this also encompasses algae trends).

White Clawed Crayfish have declined in both the Wye and Lugg.

The evidence from the assessment of Wye catchment salmon stocks (including the Lugg) suggests the number of Atlantic salmon returning to the catchment is in decline such that they are below the Conservation Limit and as a result Bylaws have been introduced.

Although there is much being done to try and address declines in both salmon and white clawed crayfish, there remains some uncertainty around the causes of the declines and therefore we cannot be assured that all necessary management is currently in place to deem the site to be recovering.

Regarding the decline in water quality on the Lugg, again despite significant efforts to address the issue by multiple stakeholders, given the continued declines we cannot be certain that the current measures in place will reverse this decline and further investigation is required.

Based on the evidence above, the site condition has been changed from Unfavourable Recovering to Unfavourable Declining based on CSMG as per the table below:

Table 5: Change in Condition for River Wye and River Lugg SSSIs monitoring units

Unit	SSSI	Reach	Condition prior to 30 May 2023	Updated condition from May 2023
1	River Wye	Tidal river - Estuary to Brockweir Bridge	Favourable	Unfavourable - Declining
2	River Wye	Brockweir Bridge to Monmouth	Unfavourable - Recovering	Unfavourable - Declining
3	River Wye	Monmouth to Ross	Unfavourable - Recovering	Unfavourable - Declining
4	River Wye	Ross to Hereford	Unfavourable - Recovering	Unfavourable - Declining
5	River Wye	Hereford to Bredwardine Bridge	Unfavourable - Recovering	Unfavourable - Declining
6	River Wye	Bredwardine Bridge to Whitney Toll	Unfavourable - Recovering	Unfavourable - Declining
7	River Wye	Whitney Toll to Hay	Unfavourable - Recovering	Unfavourable - Declining
1	River Lugg	Bodenham Weir to Confluence with Wye	Unfavourable - Recovering	Unfavourable - Declining
2	River Lugg	Bodenham Weir to Leominster	Unfavourable - Recovering	Unfavourable - Declining
3	River Lugg	Leominster to Mortimers Cross	Unfavourable - Declining	Unfavourable - Declining
4	River Lugg	Mortimers Cross to Presteigne	Unfavourable - Recovering	Unfavourable - Declining

Table 6. Summary of evidence and changes to condition by feature for the Wye SSSI

The following tables show a summary of the features assessed, condition and evidence used.

SSSI Notified Feature #	Monitored (Reportable) Feature	Designation (SSSI/SAC)	Unit No							Evidence
			1	2	3	4	5	6	7	
Atlantic stream crayfish	S1092 White-clawed (or Atlantic stream) crayfish <i>Austropotamobius pallipes</i>	SSSI, SAC								Crayfish survey (2013).
Sea lamprey	S1095 Sea lamprey, <i>Petromyzon marinus</i>	SSSI, SAC	*	*	*	*	*	*	*	
Brook lamprey	S1096 Brook lamprey, <i>Lampetra planeri</i>	SSSI, SAC	*	*	*	*	*	*	*	
River lamprey	S1099 River lamprey, <i>Lampetra fluviatilis</i>	SSSI, SAC	*	*	*	*	*	*	*	
Allis shad	S1102 Allis shad, <i>Alosa alosa</i>	SSSI, SAC	*	*	*	*	*	*	*	
Twaite shad	S1103 Twaite shad, <i>Alosa fallax</i>	SSSI, SAC	*	*	*	*	*	*	*	
Atlantic salmon	S1106 Atlantic salmon, <i>Salmo salar</i>	SSSI, SAC								Not achieving conservation limits, 2019 showed declining figures & overall declining trend.
Bullhead	S1163 Bullhead, <i>Cottus gobio</i>	SSSI, SAC		*		*	*	*	*	
Common otter	S1355 Otter, <i>Lutra lutra</i>	SSSI, SAC		*	*	*	*	*	*	
Invertebrates associated with riffles, river shingles and saltmarsh	Invert. assemblage W111 shingle bank	SSSI	*	*	*	*	*	*	*	
Invertebrates associated with river deadwood	Invert. assemblage W114 stream & river margin	SSSI	*	*	*	*	*	*	*	
Invertebrates associated with bankside vegetation.	Invert. assemblage W122 riparian sand	SSSI	*	*	*	*	*	*	*	

Aquatic plant communities - rivers on sandstone, mudstone and hard limestone	Rivers and Streams	SSSI	*								Evidence base used WFD macrophyte, phytobenthos & invertebrate classification data
Aquatic plant communities - clay rivers											
Aquatic plant communities - lowland rivers with minimal gradient	H3260 Water courses of plain to montane levels with <i>R. fluitantis</i>	SAC			*	*	*	*	*		
Certain flowering plants and bryophytes											
Beds of water crowfoot (<i>Ranunculus</i> spp.)											


Table 7. Summary of evidence and changes to condition by feature for the Lugg SSSI

SSSI Notified Feature #	Monitored (Reportable) Feature	Designation (SSSI/SAC)	Unit No				Evidence
			1	2	3	4	
Clay river displaying a transition from nutrient poor to naturally nutrient rich water chemistry	Rivers and streams	SSSI					Evidence base used EA water quality monitoring data (reactive phosphorus – WFD no deterioration – failure report) & WFD macrophyte reporting.
River plant communities	H3260 Water courses of plain to montane levels with <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation	SAC					Evidence base used EA water quality monitoring data (reactive phosphorus – WFD no deterioration – failure report). & WFD macrophyte reporting
Clay river displaying a transition from nutrient poor to naturally nutrient rich water chemistry	River Lamprey	SAC	*				
	Sea Lamprey	SAC	*				
	Brook Lamprey	SAC	*	*	*	*	
	Allis Shad	SAC	*				

	Twaite Shad	SAC	*	*	*	*	
	Atlantic Salmon	SAC					Not achieving conservation limits, 2019 showed declining figures & overall declining trend.
	Bullhead	SAC	*	*	*	*	
	Invertebrate assemblage W1 flowing water	SAC	*	*	*	*	
	White Clawed Crayfish	SAC					Crayfish survey (2013).
Common otter	Otter	SSSI/SAC	*	*	*	*	

List of notified features as confirmed by Natural England's Citation Review project in May 2023. This project establishes a robust and consistent approach to interpreting the notified features described on every SSSI Citation. Work is ongoing to update Monitoring Specifications (formerly SSSI Favourable Condition Tables) and the information on Designated Site Viewer to reflect the refined list of notified features and how these relate to what is monitored 'in the field' (monitored (reportable) features). These changes do not impact the evidence and conclusions reached in November 2022 and captured in this document.

* Not assessed

 = Declining condition

When undertaking a condition assessment, the unit status should reflect the status of the feature with the lowest condition score.

Vicki Howden - West Midlands Senior Freshwater advisor (June 2022)

Daisy Burris - West Midlands Freshwater Adviser (November 2022)

Claire Minett – Operations Manager (November 2022)

Jonathan Blowers – Operations Manager (updated May 2023) to reflect Natural England's revised approach to interpreting and naming notified features resulting from an ongoing review of SSSI Citations.

Appendix 2: Understanding the terminology of the condition of a SAC river- using the example of the River Wye and Lugg SAC

Natural England May 2023

The terminology and meaning of describing and understanding the condition of a river and what certain phrases mean can be very confusing, especially when discussing alongside Nutrient Neutrality, which is itself complex. This note is a simple guide to understanding the current condition of a river using the Wye and Lugg as an example.

The different designations involved

The [River Wye](#) and the [River Lugg](#) are designated as two separate Sites of Special Scientific Interest (SSSI). They are the two component SSSIs that underpin the River Wye Special Area of Conservation (SAC) in England. Although only the stretch of the River Lugg SSSI between Leominster and its confluence with the Wye is part of the River Wye SAC. The biological features that make the River Wye SAC important, also form part of the underpinning SSSI designations. The River Wye SAC, also known as the Afon Gwy SAC, extends into Wales. Natural Resources Wales provide advice for the Welsh stretch.



SSSI monitoring specifications

When assessing the condition of a SAC, it is the biological features of the underpinning SSSIs that Natural England assess and record. Condition is 'judged' against each SSSI's monitoring specification, known as the site's Monitoring Specification. Monitoring Specifications are based on UK [Common Standards Monitoring guidance](#) published by the Joint Nature Conservation Committee. To request a copy of the monitoring specification please e-mail west.midlands.enquiries@naturalengland.org.uk.

SAC Conservation Objectives

Every SAC has [Conservation Objectives](#) identifying the site's designated features. This is supported by detailed [Supplementary Advice on conserving and restoring site's features](#). Together these documents, and any case specific advice given by Natural England, should be used when developing, proposing, or assessing an activity, plan or project that may affect the site.

The SAC documents capture what is necessary to ensure the integrity of the site is maintained or restored so that it contributes to achieving the Favourable Conservation Status of its designated (qualifying) features. Specific targets or characteristics to achieve this, such as targets for phosphate levels for the River Wye SAC, are described in the underpinning SSSI's FCT as well as the SAC's Conservation Objective. This cross referencing provides a link between assessing the condition of SSSI features and the favourable conservation status of the SAC features.

Phosphate targets and levels in the Lugg and Wye

The River Lugg section of the SAC is currently exceeding the phosphate target for the river habitat feature identified in both the Wye SAC's Conservation Objectives and the underpinning River Lugg SSSI's FCT. This means the river habitat feature in this stretch is in unfavourable condition and failing its Conservation Objectives. This also means that this stretch is not contributing to achieving Favourable Conservation Status for this river habitat, and that other designated (qualifying) features in the SAC dependent on the river habitat are also unlikely to contribute to their Favourable Conservation Status.

The River Wye (between Hay -on -Wye and the River Lugg confluence) is currently just meeting its phosphate target in some monitoring locations and is, therefore, at risk of also failing the SAC's Conservation Objectives if phosphate levels increase.

The Phosphate target is just one element of the River Wye SAC's Conservation Objectives, but a very important one in terms of health of the river. In relation to Nutrient Neutrality the fact the Lugg stretch is exceeding the water quality targets has specific implications with regards how the Habitat Regulations are applied due to the Dutch Judgement.

River Lugg and River Wye SSSI Condition

The River Wye and Lugg designated site has a relatively complex set of interest features (those features for which the river is designated) and as such undertaking a full condition assessment is a significant undertaking. Natural England is seeking to undertake a full assessment in 2023/4 In the interim, the Area Team has reviewed a number of specific components of the interest features using Common Standard Monitoring Guidance (CSMG) to review the current condition stat. us. For full details of the features assessed please see Appendix 1.

Natural England's assessment is that the River Wye SSSI and the River Lugg SSSI are in unfavourable declining condition. Our interim assessment focused on Macrophytes, , Salmon and White-Clawed Crayfish.

SSSIs are divided into monitoring units (as per Table 1). A unit's condition reflects the lowest condition category of any designated feature present in that unit. If a unit is in unfavourable condition, then at least one feature present in that unit is assessed as unfavourable.

The recent assessment demonstrated that in every unit at least one of the assessed components of the interest features (Macrophytes, Salmon and White-Clawed Crayfish) was in unfavourable condition and was declining. Therefore the current condition is detailed below. This does not impact on the water quality target, and therefore makes no change to the "Nutrient Neutrality" status of both rivers, as this is based solely on water quality. The Lugg is failing its water quality targets, the Wye is not failing its water quality targets.

Table 1. Revised condition of River Wye and Lugg SSSI/SAC

Unit	River	Reach	Designation	Suggested Condition on CMSi
1	River Wye	Tidal river - Estuary to Brockweir Bridge	SSSI/SAC	Unfavourable - Declining
2	River Wye	Brockweir Bridge to Monmouth	SSSI/SAC	Unfavourable - Declining
3	River Wye	Monmouth to Ross	SSSI/SAC	Unfavourable - Declining
4a	River Wye	Ross to Lugg Confluence	SSSI/SAC	Unfavourable - Declining
4b	River Wye	Lugg Confluence to Hereford	SSSI/SAC	Unfavourable - Declining
5	River Wye	Hereford to Bredwardine Bridge	SSSI/SAC	Unfavourable - Declining
6	River Wye	Bredwardine Bridge to Whitney Toll	SSSI/SAC	Unfavourable - Declining
7	River Wye	Whitney Toll to Hay	SSSI/SAC	Unfavourable - Declining
1	River Lugg	Bodenham Weir to Confluence with Wye	SSSI/SAC	Unfavourable - Declining
2	River Lugg	Bodenham Weir to Leominster	SSSI	Unfavourable - Declining
3	River Lugg	Leominster to Mortimers Cross	SSSI	Unfavourable - Declining
4	River Lugg	Mortimers Cross to Presteigne	SSSI	Unfavourable - Declining

Table 2: The following table explains the condition categories.

SSSI Condition categories	
Condition status	Explanation
Favourable condition	The designated feature is being adequately conserved and the results from monitoring demonstrate that the feature is meeting all the mandatory site-specific monitoring targets set out in the Favourable Condition Tables (FCT). The FCT sets the minimum standard for favourable condition for the designated feature and there may be scope for the further (voluntary) enhancement of the feature.
Unfavourable recovering condition	Often known simply as 'recovering'. The Feature is not yet fully conserved, but all the necessary management measures are in place. Provided that the recovery work is sustained, the feature will reach favourable condition in time. At least one of the designated features mandatory attributes is not meeting their targets (as set out in the site specific FCT).

Unfavourable no-change condition	The feature is not being conserved, and will not reach favourable condition, unless there are changes to the management or external pressures and this is reflected in the results of monitoring over time; with at least one of the mandatory attributes not meeting its target (as set out in the site specific FCT) with the results not moving towards the desired state. The longer the feature remains in this poor condition, the more difficult it will be, in general, to achieve recovery.
Unfavourable declining condition	The feature is not being conserved and will not reach favourable condition unless there are changes to management or external pressures. The feature condition is becoming progressively worse, and this is reflected in the results of monitoring over time, with at least one of the designated features mandatory attributes not meeting its target (as set out in the site specific FCT) with the results moving further away from the desired state. The longer the feature remains in this poor condition, the more difficult it will be, in general, to achieve recovery.
Part destroyed condition	Lasting damage has occurred to part of a designated feature, such that it has been irretrievably lost and will never recover (no amount of management will allow the feature to ever reach favourable condition).
Destroyed condition	Lasting damage has occurred to an entire designated feature such that the feature has been irretrievably lost (no amount of management will bring this feature back). This feature will never recover e.g., a finite mineralogical feature has been totally removed from its surroundings without consent and is therefore lost forever.

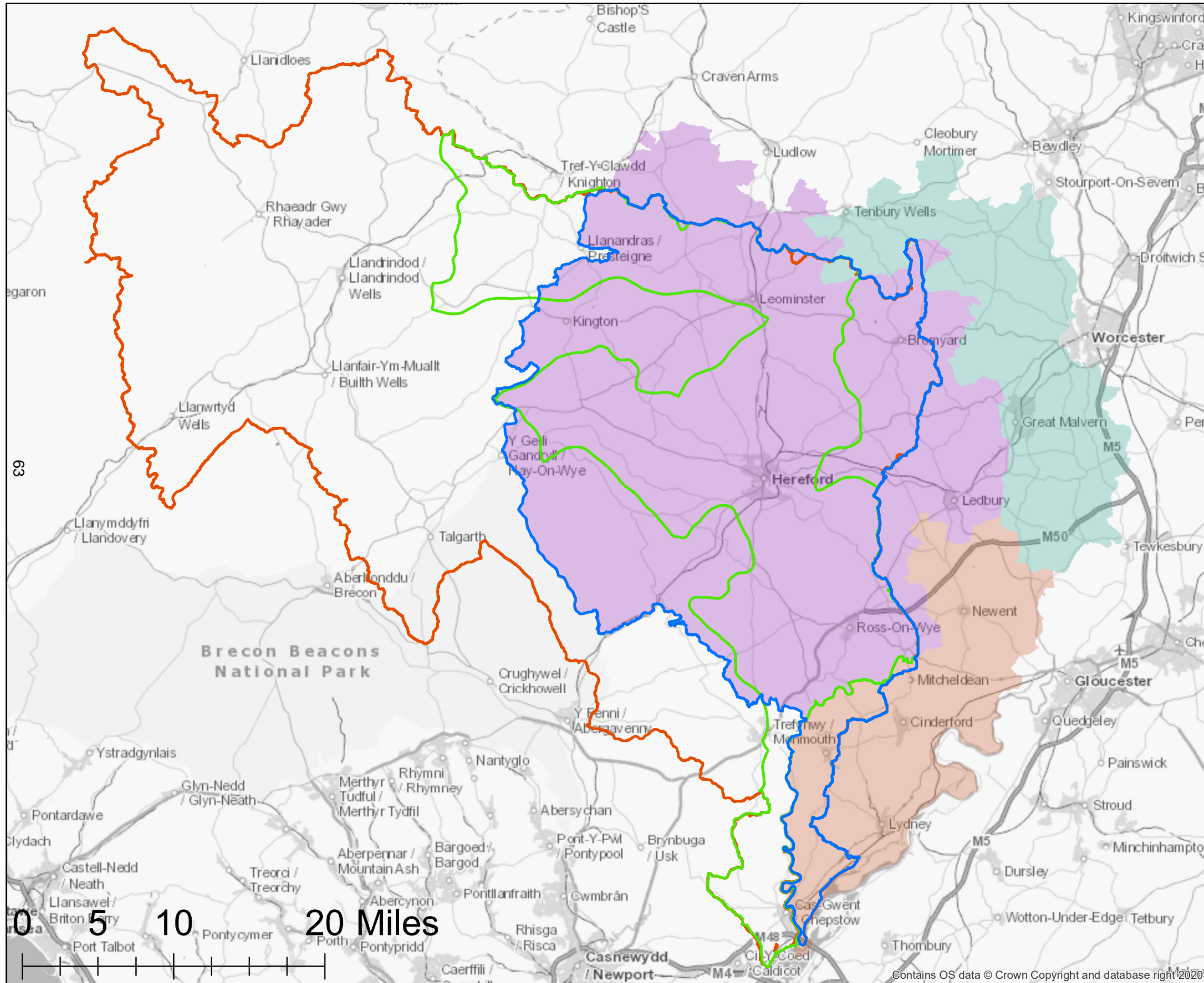
What does Unfavourable-declining condition mean on the Wye & Lugg?

Where a feature/unit is recorded as unfavourable-declining, it is Natural England's judgement that there is evidence of continued decline against the feature's monitoring targets, and the management measures in place are insufficient to allow the feature to attain its monitoring targets in the future. Changes in site management and/or changes to external pressures are required to achieve favourable condition.

There is a significant amount of effort on both the Wye and Lugg to improve this situation, including a Nutrient Management Plan which outlines the actions required with regard to phosphates. Some of the reasons for decline may be outside the catchment, and further work is required to fully understand the reasons.

For details of pressures affecting the condition of the Wye and Lugg SSSIs (River Wye) please visit the [Designated Site Viewer](#). search for the site.

River Wye Impact Risk Zone (IRZ) amendments August 2023



Legend

- Revised Wye IRZ Jul23 © NE
- Old Wye IRZ © NE
- Wye Catchment Boundary © NE

Local Planning Authorities © NE

- Herefordshire
- Gloucestershire & Forest of Dean
- Worcestershire, Malvern Hills



Scale (at A3): 1:423,529

Map produced on 03/07/2023 by Donna Cavill Natural England.

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1 centimeter = 4.24 kilometers

Environment Agency (EA) Actions in the Wye Catchment

Monitoring, Evidence and Modelling

- We continue to update our River Wye webpage, [Engagement HQ](#). This includes our latest bi-annual River Wye Data Analysis Report.
- We will be deploying 10 sondes and 4 autosamplers in the Wye, Frome and Lugg catchments to provide continuous water quality monitoring data and help with phosphate analysis. There are currently 7 sondes deployed in the Wye and 1 in the River Lugg. Members of the public can access information on the sondes [here](#).
- We will continue to review the data from the sondes and update the [Algal Bloom and High Temperature](#) page.
- We will carry out monthly water quality monitoring and identify sources of organic pollution in Hereford as identified in our River Wye Data Analysis Report, which can be viewed at the following link: <https://engageenvironmentagency.uk.engagementhq.com/integrated-data-analysis-reports>
- We will carry out surveys known as Rapid Assessment of PeriPhyton Ecology (RAPPER) in rivers from May to October, plus reactive surveys when algal blooms are present. The RAPPER method involves identifying macroalgae (algae that can be recognised with the naked eye) growing on the substrate in a 10m section of river. This will give us an overall assessment of nutrient enrichment within the waterbody.
- We will be trialling new methods for sediment sampling over the summer as we suspect that sediment in the substrate is a source of phosphate that is possible driving the algal growth in the Wye.

Potential Nutrient Management Schemes & Tools

We are working with key organisations within the Wye NMB to develop options for agricultural nutrient management and associated tools, which we will present at the September NMB.

Agriculture

- We have increased our farm inspections in the West Midlands (WMD). We carried out 536 in total from March 2022 – 2023, with 291 taking place in the Wye catchment. This is a 54% increase of farm inspections being targeted to the Wye Catchment.
- In January 2023, we undertook a two-day project in the Wye catchment, focusing on 3 high-priority waterbodies. We completed 22 farm inspections and identified 15 non-compliant sites. The areas of non-compliance related to Farming Rules for Water (FRfW), in particular soil testing & planning of applications of organic manures and manufactured fertilisers.
- We continue to increase awareness for FRfW, working closely with the National Farmers Union (NFU) and the Herefordshire Rural Hub.
- In January we worked with the NFU on an article about farm inspections for their farming magazine, British Farmer and Grower. In addition, we have issued an advice and guidance letter to all farms within the catchment to help reduce the impact of agricultural pollution on water quality.

- We have worked with Herefordshire Rural Hub to produce a quick guide for farmers on FRfW. A copy of this leaflet can be found at the top right hand of the '[EA Actions in the Wye Catchment](#)' section.

Project TARA

We started project TARA (Testing Approaches to Regulation of Agriculture) within the Wye catchment, which aims to assess whether the increase in poultry farming and Anaerobic Digester (AD) sites could be having a negative effect on the phosphate loading on land. The summary of findings for this project will be available within the next couple of months.

Agricultural Supply Chain

- We are working with Avara foods and various organisations within the food supply chain to find opportunities for nutrient reduction (primarily phosphate). We will develop, deliver, and share best practice working across various sectors to put in place measures for reducing nutrients.
- A key priority is to develop appropriate guidance and standards for the management of manure, including site drainage.
- We are engaging with the Courtauld 2030 / Wye Agri Food Partnership. This is a voluntary initiative, bringing together organisations within the food supply chain including major supermarkets. The Courtauld 2030 commitment, led by WRAP identifies three priority areas for reducing food waste, reducing greenhouse gas emissions and sustainable water management. More information can be found here: [Courtauld 2030 Water Roadmap | WRAP](#)

Water Resources

- From January to December 2022 a total of 94 compliance inspections were carried in the Wye Catchment and these inspections identified 20 non-compliances. In total 343 inspections have been completed across West Midlands Area.
- We have completed the New Authorisations programme in the Wye Catchment, which means that most previously exempt water resources activity is now licensed.

Water Industry

- In 2020, the Department for Environment, Food and Rural Affairs (Defra), the EA and Ofwat led a review of the Water Industry National Environment Programme (WINEP) ahead of the next price review (PR24). This is to make sure the next round of WINEP actions achieves greater environmental benefits for every pound invested by water companies by using a more outcomes-based approach.
- We are working with Dŵr Cymru Welsh Water (DCWW) on the WINEP ahead of PR24.
- DCWW have completed measures to improve flow monitoring of storm and treated effluent and improvements have been made at eight DCWW sewage treatment works. From 2023 & 2025 the schemes include improvements to a further 6 sewage treatment works. The improvements will include more stringent phosphate permit limits on discharges, improvements to storm tank storage volume and measures to improve flow monitoring.
- In 2022, DCWW had no failing sewage treatment works in Herefordshire. There were 12 pollution incidents recorded, all of which were assessed as "Category 4 – no impact events".

- In 2022/23 (April to March) 17 out of 41 large sewage treatment works in Herefordshire Wye catchment were inspected, as well as 20 out of the 54 smaller descriptive sewage treatment works. The inspections showed no significant issues with their operation
- 2020 was the first year that the EA collected Event Duration Monitoring (EDM) data related to the performance of storm overflows.
- 2021 and 2022 EDM data will be reviewed in 2023 and going forward we will use data from the new inlet flow monitors and storm EDM monitors installed to assess compliance with sewage treatment works discharge permits. More information on EDM can be found here: [Environment Agency publishes Event Duration Monitoring data for 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/environment-agency-publishes-event-duration-monitoring-data-for-2022)

EA Funded Projects

During 2022-23 we worked with key stakeholders on various projects aimed at improving water quality in the Wye. We also partner funded several projects that covered research, education, collaboration and delivery across the catchment to improve water quality.

We are now in the final development phase with partners for 2023-24 partnership projects. Below are the projects we have been working on:

- Wye P (Agri P) with the Wye and Usk Foundation - Focusing on several interventions considering diffuse pollution and its effects on the water environment. More information can be found here: <https://www.wyeuskfoundation.org/the-wye-agri-food-partnership>
- 'Resilient Wye Water' with Wye Valley Area of Outstanding Natural Beauty (AONB) - Focusing on water resources. More information can be found here: <https://www.wyevalleyaonb.org.uk/lower-wye-catchments-project/>
- Wye SASS 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 Special Area of Conservation (SAC) with Herefordshire Rural Hub CIC - Focusing on delivering a project promoting soil testing and compliance with the regulations.
- 'Restoring our Amazing Rivers' with Herefordshire Wildlife Trust (HWT) - The project has been to upskill and support development of capacity in HWT looking at farm advice, surveying and GIS skills on land app. More information can be found here: <https://www.herefordshirewt.org/blog/claire-spicer/restoring-our-amazing-rivers>
- FCRM Natural Flood Management (NFM) project (until 2027) Delivered by Herefordshire Council. More information can be found here: <https://www.herefordshire.gov.uk/flooding-2/flood-management/5>

Citizen Science (CS)

The EA, NRW and DCWW continue to support CS and their monitoring across the Wye catchment. The data is being shared across the monitoring groups and helps us to plan our future work and target our regulatory effort. Their data has also been used in our recent River Wye Data Analysis report.

Further information on Citizen Science can be found at the top right hand of the ['EA Actions in the Wye Catchment'](#) section.

Actions from the NMB meeting held in December 2022

Fair share & Polluter Pays

The concept that polluters are responsible for removing or reducing their impact on the environment is a well-established principle in environmental management. This principle is commonly known as the 'Polluter Pays' principle (PPP). Pollution into the water environment originates from many sources. These are generically classified as point or diffuse, indicating their physical origin, and by the sector from which they originate. Water Industry, Agriculture and atmospheric deposition are examples of sectors.

Where the current pollution is above Environmental Quality Standard (EQS), then steps to reduce pollution must be considered. This revised PPP procedure adopts a more holistic approach by reviewing the improvement actions required across all sectors rather than looking at each one separately. This is essential for improving compliance with water quality standards. To help with this, a couple of new concepts, Planning Assumptions and Gap-Filling have been introduced. We are currently reviewing the approach to gap-filling, and will be having a project running to do this over this financial next year.

You can view a presentation that was given in 2022 that explains the Polluter Pays process: [Polluter Pays update 2022](#)

Harris Judgement

- At the last meeting, the EA were asked for its opinion on a recent court judgement relating to abstraction licences impacting the Norfolk Broads. It was the finding of the court that the review from 2010 which was used to inform the EA's decision was not acceptable. We were asked whether this judgement would change our approach to the Wye. Information on the Norfolk Boards can be found here: <https://www.gov.uk/government/news/habitats-protected-in-norfolk-through-stricter-abstraction-limits>.
- Our response is that each site will be fact specific, and it does not necessarily mean that other Review of Consent (RoC) decisions are incorrect, including the Wye.
- The RoC was a programme undertaken by the EA from 2002-2010. We reviewed all permits, licences and consents issued by us and assessed the effects on the Habitat Regulations, such as the River Wye SAC; affirming or changing those permissions accordingly.
- With regards to the Wye we are still awaiting the inspector's decision on the abstraction license appeal.
- Each case is considered on its own merits, and we did not believe it was appropriate to delay decisions on New Authorisation abstraction licenses in the Wye.

River Wye Technical Advisory Group update to Nutrient Management Board 12/07/23

Record of TAG meetings	
22/03/23	The TAG meeting had low attendance, so ran as an informal discussion to keep up collaboration.
16/06/23	<ol style="list-style-type: none"> 1) Update on Farmscoper project and draft outputs to date – NE 2) Update on WFD classifications work and outputs to date – EA 3) Updates from working groups (see below) 4) Discussion item on Defra roundtable, Wye Catchment Partnership and Wye Transition lab. <p>Next meeting 23 August.</p>
Recommendations to board:	<ol style="list-style-type: none"> 1. TAG recommends employing a project officer to drive this work. 2. Resourcing and commitment to working groups is low. Increased organisational commitment and resourcing to undertake active work is required to make this format a success.
Evidence working group	
Chair	Jason Doe, EA – Jason has very recently taken this role on
Scope	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
Updates:	<ol style="list-style-type: none"> 1) Jason Doe, EA, has recently agreed to chair the evidence working group. 2) The EA are also appointing a citizen science coordinator, to start in July. 3) Evidence updates formed the main part of TAG’s agenda 16/06/23. 4) Farmscoper – NE commissioned an update to Farmscoper in the Wye catchment. This included updating Farmscoper to use latest agri-census data and modifying the default soil P data to reflect the RePhoKus study findings. A first draft was produced but poultry and livestock numbers need amending and modelling to be re-run. 5) WFD Classifications in England – EA is undertaking this work and will publish shortly. 6) RePHoKUS Phase 2 – Report commissioned by EA is expected soon. 7) TAG discussed the value of generic ‘no regrets’ measures to improve the situation in the catchment versus the learning from specific studies e.g. RePHoKUs. Agreed on the potential for joint working trial projects in defined areas, with an action to start up.
Items to board:	None.

Regulation working group	
Chair	David Lee NRW and Jenny Gamble EA
Scope	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.
Updates:	None.
Items to board:	None.
Farm advice working group	
Chair	Martin Williams, Farm Herefordshire
Scope	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.
Updates:	<ol style="list-style-type: none"> 1) Work is continuing to develop a farm P loss tool. 2) Research is being commissioned into P loss in solution through land drains and the variables that effect how P behaves in our soils. Meeting with Defra and Welsh Government regarding funding a 3-5yr study. 3) Farm Herefordshire is conducting a survey of landholdings in the Wye catchment.
Items to board:	None.
Poultry working group	
Chair	Currently does not have a chair.
Scope	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.
Updates:	Work is underway but under mechanisms outside the working group.
Items to board:	None.
Projects & innovation working group	
Chair	Elizabeth Duberley, Herefordshire Council
Scope	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.
Updates:	<ol style="list-style-type: none"> 1) HC is proposing to set up a joint advisory service with regulatory bodies and competent authorities for developers who wish to receive feedback on private nutrient mitigation schemes. Awaiting feedback from statutory agencies on this proposal. 2) A discussion at TAG took place as to how river restoration projects need to be reviewed and recorded for the phosphate action plan and whether this should be through the project group.
Items to board:	None.

To: Wye Nutrient Management Board C/o Chair Elissa Swinglehurst
From: Wye Catchment Partnership Steering Group
Subject: Public Engagement and Technical Advisory Group working groups

Type of paper: Decision and funding

Executive Summary

The Wye Catchment Partnership Steering Group proposes to the Nutrient Management Board that the Wye Catchment Partnership takes on the following responsibilities:

- a) Education and information sharing
- b) Providing a forum for collaboration between stakeholder groups
- c) Public engagement and citizen science liaison
- d) Oversight and management of the Technical Advisory Group's working groups.

To fulfil these responsibilities, the Wye Catchment Partnership (WCP) would require adequate resourcing and funding.

The adoption of these responsibilities by the WCP would allow the Nutrient Management Board to streamline its functions and to focus on the delivery of the Nutrient Management Plan. In addition, it would provide a platform for consultation on new plans and forum for dissemination of new findings and progress to date.

Introduction

The Wye Catchment Partnership (WCP) has recently relaunched with direction being provided by a re-formed steering group. The WCP is hosted by the Wye and Usk Foundation (WUF) and brings together stakeholder groups operating within the Wye catchment to deliver environmental and societal improvement. Further details on the Wye Catchment Partnership can be seen in the Terms of Reference, which are appended. It should be noted that these are currently being revised. It is important to note that the WCP does not focus solely on nutrients/phosphorus but this has become an important topic of work for many of the partners.

The WCP Steering Group is attended by members of the Environment Agency, Wye and Usk Foundation, Natural Resources Wales, Dwr Cymru Welsh Water, Natural England, Wye Valley Area of Outstanding Natural Beauty, the Wildlife Trusts, Farm Herefordshire and Farming Connect (Wales).

The Environment Agency, Natural England and Natural Resources Wales are working with Herefordshire Council to form a revised Wye Nutrient Management Board (NMB). A key consideration is the role of the Technical Advisory Group (TAG) and how we support improved engagement.

The Wye Catchment Partnerships proposition

The WCP steering group proposes that from Q3 2023, the WCP would become the umbrella organisation to oversee:

- a) Education and information sharing
- b) Providing a forum for collaboration between stakeholder groups
- c) Public engagement and citizen science liaison
- d) Oversight and management of the Technical Advisory Group's working groups.

The Catchment Partnership already has responsibility for points a) and b) above.

The adoption of functions c) and d) would require additional funding and resourcing.

C) Public engagement and citizen science liaison

The WCP proposes to hold two public engagement events per year to create a space for improved collaboration and engagement, to provide:

- updates on projects and delivery within the catchment,
- discuss and explain new research findings, and
- the provision of a platform for citizen science groups to engage, recruit and resource.

The WCP would intend staging public events in a conference/seminar style, with registration required, guest speakers, research stands and Q&A/Panel sessions.

The public engagement section of the Wye Catchment Partnership would provide a new platform to ask many of the public questions currently raised at the Nutrient Management Board. Key themes or topics would be escalated to the NMB through the formal route. The WCP would provide information proactively and from a number of different stakeholder bodies.

D) TAG working groups

The WCP proposes taking on responsibility for the working groups that currently sit under the NMB Technical Advisory Group (TAG). The current list of working groups is:

- Evidence
- Regulation
- Farm advice
- Poultry
- Projects.

The WCP proposes to:

- Review the working groups, whether they are correct, necessary etc.
- Establish the working groups, populating them and agreeing work plans,
- Coordinate the working groups, ensuring they complement each other,
- Assist working groups with reporting, against an Action Plan and to the NMB.

If this proposition is accepted in principle, then further discussions will be required. This would include the role and relationship with TAG and the that of the working group chairs.

Bringing the working groups under the umbrella of the Wye Catchment Partnership would enable a closer relationship between the working groups, stakeholders and the public. This would provide greater transparency and structure for reporting into the Nutrient Management Board. The WCP has the connections needed to make the working groups a success.

Recommendations

The Wye Catchment Partnership submits this paper to the Nutrient Management Board for its consideration.

If this proposition is accepted in principle, then further discussions will be required. However, we consider that the work programme outlined could potentially necessitate a full-time role, on top of the existing secretariat provided to the Wye Catchment Partnership by the Wye and Usk Foundation.

END

Appendices: WCP Terms of Reference (Annex 1)

WCP Terms of Reference Annex 1 2020

Wye Catchment Partnership

Terms of Reference

The aim of the Wye Catchment Partnership is to bring together a wide range of stakeholders to secure better outcomes for the environment throughout the group of river catchments.

The Host Partners

1. The Wye Catchment Partnership will be hosted jointly by the Wye and Usk Foundation and National Resources Wales and supported by a steering group which includes the Environment Agency, Farming Connect, Herefordshire Rural Hub, Herefordshire Wildlife Trust, Wye Valley AONB, DCWW and Natural England.

The Partnership can co-opt stakeholders on a long term or short-term basis that are not part of the regular Partnership but have experience or resources to contribute to the objectives of the working group.

The Geographical Scope

- The Wye Catchment Group will cover the hydrological catchment of the river Wye.

Project “drivers”

- The primary driver for the Catchment Based Approach is the need for the UK to meet its water quality obligations under the Water Framework Directive.
- The programme is also driven by Defra’s *Catchment Based Approach Policy Framework* (May 2013), the *Guide to Collaborative Catchment Management* (August 2013) and the pressing need to develop further opportunities and markets for paid ecosystem services.

The Thematic Scope

- Water quality improvement will be the principle thematic focus. However, the Partnership’s scope will also embrace the whole range of benefits derived from the river catchments including: Food production, Drinking water, Waste disposal, Wildlife habitats, Flood regulation, Recreation & sport, Culture & heritage.
- The group will provide some central internal communication and coordination role for catchment related projects in the Wye.

Host Partners: Operating Principles

- **“Subsidiarity”**. We will commit to supporting local initiatives, actions and collaboration operating at the lowest appropriate level, and only address issues at a river catchment or operational catchment scale where this is needed to secure better outcomes.
- **Integrity, honesty and openness**. We commit to building trust and confidence between the partners and the wider community and stakeholders, through openness and honesty in our dealings.
- **Inclusiveness**. We will work in a way that is community-led, and promotes a “bottom up” approach to identifying issues and solutions.
- **Managing expectations**. We commit to make clear what we can and cannot do, both within the partnership and in our external relationships, in order to avoid raising expectations that cannot be fulfilled.
- **Fairness and balance**. We will act impartially, as an “honest broker” when seeking solutions to problems and conflicts.
- **A “learning community”**. We will promote the exchange of learning and good practice both at a local level and with other catchment partnerships.
- **Effectiveness**. We will avoid creating duplication and bureaucracy and strive to promote tangible benefits for the environment.

Host Partners: Organisational Arrangements

- **Host Partners Partnership Agreement**. We will maintain a host partnership agreement and review it annually.
- **Lead contacts**. We will each nominate a principal contact for project management purposes. These will initially be:
 - Wye and Usk Foundation: Simon Evans
 - National Resource Wales: Chris Rees
 - Environment Agency: Dane Broomfield
- **Host Partner Co-ordination Meetings**. We will meet initially every month to review progress and to plan and co-ordinate future work.
- **Steering Group**. We will aim to recruit a small steering group of key players who will form the project team to guide the development and actions of the Partnership.

- **Internal communications.** We will use a range of communications media to keep each other in touch to ensure that each lead partner is aware of the actions and activities of the others.
- **Work programme.** We will agree an annual work programme, and review and amend it as required.

Communications – external

- We will agree and adopt a set of agreed communications “scripts” to be used in external communications such as publications, leaflets, press releases, website content etc. This will ensure that we present a consistent and coherent message about the Catchment Partnership and its work.
- Press releases will be subject to prior agreement between the Host Partners before release.

Finances

- We will agree and adopt an annual programme budget, setting out the resources (staff and money) that each Host Partner will contribute to the work and how any external funding will be distributed and used.
- Where an arrangement is made to transfer funding between us, this will be formally set out in writing as a separate binding contractual agreement.

Duration

- It is a clear aspiration that we seek to maintain the Wye Catchment Partnership for the long term. However, given the rapidly changing financial, legislative and organisational environment we operate in, we will provide a clear framework of phases and review points within which we can give commitments.
- We will therefore agree and communicate a programme of commitments annually.
- We will undertake a review process, with any further action or progress beyond the current financial year subject to securing additional resources.

Termination

- Any Host Partner may withdraw from the Partnership subject to two months’ notice in writing to the other Host Partner. It will then be for the remaining Host Partner to decide whether and how to progress the Catchment programme.
- Alternatively, the Host Partners may resolve at any time to dissolve the Partnership by mutual agreement.
- Any financial or contractual agreements still outstanding at the time of withdrawal or dissolution of the Host Partnership will be honoured where possible but failing that, any funds received in advance and not used for the agreed purposes will be returned to the funding body.

Succession Strategy

- In order to maximise the durability of the Catchment Partnership, and to minimise its vulnerability to loss of external funding, we will aim to build the skills, knowledge and capacity within the communities and stakeholder groups we engage with, to help to sustain the catchment-based approach in the long term.

Limitations

- This Agreement does not create a legally binding contract or legal Partnership.
- The Host Partners will not seek to impose obligations on each other except where these are mutually agreed.

- The Host Partners will not seek to represent each other except where this is clearly set out as an agreed position for the purposes of the Wye Catchment Partnership.
- Any financial arrangements will be subject to separate written agreement.

Risk Management

There are significant risks involved in this programme as set out in the table below and we will work together to manage and control these risks.

Nature of risk	Level of Impact	Likelihood	Overall seriousness	Control measures
Lack of resources to sustain the Partnership	High	High	High	Manage the programme in clear deliverable phases with review points. Promote the “succession strategy” to build skills, knowledge and capacity within the Partnership.
Reputational damage arising from controversy with external stakeholders	Medium	High	High	Adopt a clear communications framework that sets out expectations, roles and limitations. Prepare for external meetings and events to ensure good facilitation. Host Partners to give early notice of any impending problems.
Breakdown of Host Partnership	Medium	Low	Medium	Host Partners will need to work closely to manage the project and build a lasting and positive relationship.
Stakeholder fatigue and unwillingness to engage	High	High	High	Initiate action through Partnership at earliest stage Engagement will need to be very carefully targeted to make best use of the stakeholders’ time and input.

Principle activity strands

- **Co-ordination:** Reinforce and engage the current catchment-based activities across the area to establish the linkages between groups and undertake an “audit” of:
 - Stakeholders – what groups are affected by or can affect catchment management;
 - Current Projects – what projects are currently being delivered to improve catchment management;
 - Data – what data exists on the catchments (biodiversity, soil, topography, land use, water quality, water levels, tourism, etc); and

- Plans – what past and current plans are in existence over the area.
- **Mapping and data:** Map the goods and services we derive from our catchments. These maps can then be used to show where there is overlapping interest, conflicts and synergies. From this, future projects and activity plans can be developed.
- **Public engagement:** Engage not only with the stakeholders and interest groups in the area, encouraging them to become involved in this process, but also with the wider community.
- **Deliver change:** Deliver environmental and economically sustainable improvements to the Wye catchment and the quality of life of the people that rely on it. Establish the catchment-based approach as a method for delivering this change and improve linkage between organisations and sectors and so by stimulate and facilitate delivery of identified and agreed improvements.

Herefordshire Response to the Agencies Proposals on Governance

We note the proposals from the NE and EA for new governance arrangements comprising an

- Executive Leadership Group
- A Nutrient Management Board
- Joining TAG with Caba

We publish this response to be considered by NMB alongside the proposals set out by the agencies.

The acid test for any governance arrangements is that they

- a) Allow the agencies to enable the relevant Secretary of State and Welsh Minister to discharge their statutory responsibility to prevent the further deterioration of the SAC.
- b) Enable the agencies to discharge their own responsibilities
- c) Enable local planning authorities to meet their duties as competent authorities
- d) Enable local Council's to meet their statutory duties for Local Nature Recovery which extend to water as well as land
- e) Provide a safe and confidential forum in which to exercise the relevant duty to cooperate
- f) Provide an effective driver for delivery for each stage from problem diagnosis, solution design and solution delivery

They must also

- Respond to the recent call by the SOS for radical action
- Take the necessary further steps to put in place measure to deal with the recently changed status of the river Wye to unfavourable and deteriorating. The present voluntary NMP has failed to achieve that.

The proposals as set out by Natural England and the Environment Agency do not meet these tests, they fail to set out how statutory responsibilities will be met, they do not respond to the changed status of the river, and risk perpetuating the present inertia and confusion through a different mechanism. In particular, we are concerned about a number of issues

- 1) Resource to drive things forward Infrequency of meetings, in particular an Executive Leadership Group really needs to be meeting fortnightly as does TAG rather than every two or three months if it is to make progress and deliver
- 2) Getting to a coherent strategic plan rather than the present adhoc basket full of unrelated measures
- 3) Over delegation of strategic thinking to junior managers
- 4) The confusion of roles – for example putting TAG in Caba when TAG is meant to provide strategic statutory advice.
- 5) A lack of clarity over purpose- river restoration and the meeting of statutory duties

We fear that this will cause further dismay to the Environmental lobby who have little confidence in the agencies, councils and other actors and these proposals will further increase community tension

In response, Herefordshire has proposed an alternative way forward set out in our recent letter to the Secretary of State which provides a template for clear strategic leadership and an outline terms

of reference focussed on joint problem solving, solution and delivery. Which we set out below in Appendix 1, and this remains Herefordshire position as the best chance of delivering a solution.

Appendix 1.

The Rt Hon. Dr Thérèse Coffey MP
Department for Environment, Food & Rural Affairs
House of Commons
London
SW1A 0AA

Your Ref:
Our Ref:
Please ask for: Paul Walker
Direct line / Extension: paul.walker@herefordshire.gov.uk
E-mail:

Sent via email

14th June 2023

Dear Secretary of State,

Wye Catchment Roundtable Follow Up

Thank you for visiting Herefordshire at the end of last month, for drawing together an important roundtable event, and showing personal interest in the restoration of the river Wye to add renewed impetus to all our efforts to improve water quality and see the restoration of the River Wye.

We share your enthusiasm to make progress working with all partners across the catchment area to build on the work from this point. The change in status of the Wye, announced on the day by Natural England is disappointing to all concerned and we hope to see Natural Resources Wales review their condition assessment also.

As you will have observed at the roundtable, there are some immediate things that can be done as an interim aid but overall there is no quick fix. No one solution will deliver a favourable recovery. Many solutions integrated together will be needed for a long period. Identifying the right set of measures is a complex task, integrating the right measures at a catchment scale. We also know that no one organisation can deliver a solution on its own. Solving the challenge our river faces will require concerted effort over several years to come from across multiple partners and rural businesses and indeed the wider supply chain.

The Wye is in the constant national spotlight and a plethora of solutions have been proposed some have good potential others less so. At present, not all agencies, councils, delivery partners, rural businesses or indeed the environmental lobby are agreed on either the evidence, or the best solutions to tackle the challenge. The lack of agreement is impeding progress with the constant need to revisit options already disregarded. The public simply do not accept why this should be the case, or the limits to the work each agency can deliver from within their remit and I don't think you would

accept that that should be a barrier to progress too and neither do I. Therefore, a well led, transparent process, to reach a jointly agreed set of measures backed with a resourced delivery timetable that command public acceptance is essential.

We have reached an inflection point where it is now necessary to move beyond the present plan overseen by the Nutrient Management Board which does not meet an acceptable statutory threshold. The present Nutrient Management Board is ill equipped to meet the requirements. Presently the Board is supported by a part time group of junior staff who, through no fault of their own, lack the resource, skill, or authority to make progress and more senior involvement is now needed on a sustained basis.

We agree with the comments made by Jesse Norman MP and Faye Jones MP and Lee Waters AM, at the round table, in that an overarching Cross Border Task Force could be the instrument to deliver the necessary direction, clarity and purpose to reach the goals required. Ensuring that the necessary further steps and measures are effectively in place to prevent any further deterioration of the protected site and that all the agencies, councils and local delivery partners are playing their part in fully discharging their responsibilities. I am sure you will want to satisfy yourself that your own statutory responsibilities under the Habitats Directive are being fully met, and such a move would give benefit of allowing direct reporting to your office, with delivery partners under DEFRA control.

Thanks to your recent involvement, we believe further progress is now possible. I believe such a task force would be an essential next step in ensuring the right measures are put in place across the catchment. Areas such a group could potentially explore could be

- 1) Providing the necessary very senior political and community leadership to tackle the problem together on both sides of the border.
- 2) Seeking to get to a shared understanding of the scientific evidence from competing theories.
- 3) Identifying any evidential gaps in the data or science and preparing proposals on those that are essential to plug.
- 4) Identifying an agreed, publicly shared, set of criteria to assess solutions against, river benefit, cost, deliverability, social or business impact etc.
- 5) Undertaking an options appraisal of the measures available to partners to secure a coherent solution.
- 6) Working with senior representatives of the farming, supply chain and retail community to secure their role in delivering the solution.
- 7) Agreeing the minimum necessary, appropriate regulatory floor, in both England and Wales to secure progress.
- 8) Exploring how existing regulation, advice, support and schemes could be better targeted in the catchment and recommending any adaptations to national criteria to meet the local need of the protected site. Minimising the need for additional scarce public resource during the cost-of-living crisis and maximising its impact.
- 9) The right programme and project structure to ensure an effective role out of solutions.
- 10) Providing public messaging creating public confidence that the rivers challenges are recognized and being tackled seriously.
- 11) Providing assurance and creating capacity so that those small rural businesses impacted by the need to make changes that they will need to make to their farming practices.
- 12) Agreeing a memorandum on joint working arrangements for example planning, enforcement and permitting.

- 13) Considering the impact that water extraction and water provision to urban conurbations has on reducing flow and concentrating pollution.
- 14) Most importantly, identifying and driving forward immediate actions that can begin to bring benefit to the river whilst long term solutions are rolled out and bed in.

This letter has been about the processes that are needed to get to a solution rather than the solution itself. At the end of the day, people lead processes. We would welcome staunch support from Government, to act as a convenor and sponsor using its resources and powers. I would suggest formal reporting back on progress to yourself and the relevant Welsh Minister given your statutory remit in each jurisdiction.

You called for radical ideas, to us, the radical solution would be to create a task force to oversee a process to get to an agreed solution. I hope you will want to convene the relevant partners in England and Wales to explore and develop this proposal further.

Yours sincerely,

Paul Walker

CHIEF EXECUTIVE

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Bill Wiggins MP

Mark Harper MP

Faye Jones MP

David TC Davies MP

Julie James MS

Lee Waters MS

Cllr Lister

Cllr Swinglehurst

Cllr Maby – Monmouthshire

Cllr Berriman- Powys

Cllr Jones- Forest of Dean

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Merry Albright HCLG

Jenny Grubb- DCWW

Jamie Audsley – Herefordshire Wildlife Trust

John Reed- Avara

River Wye governance proposals

July 2023

A governance refresh

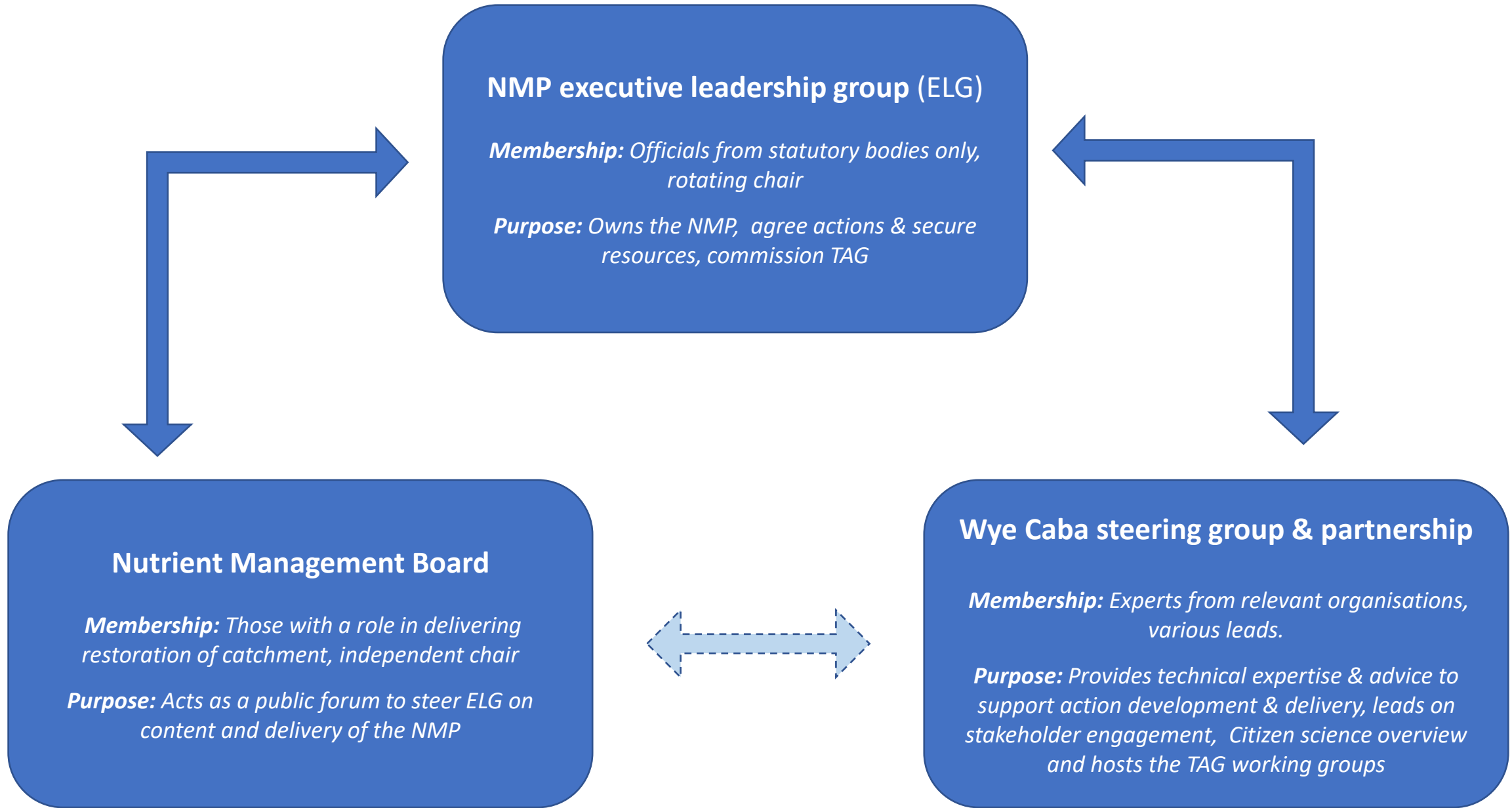
Tackling the issues with phosphate in the River Wye catchment requires extensive and committed partnership working; and there is a long history of this in the catchment. However the challenges are diverse and divisive which makes it hard to reach consensus. This has been exacerbated of late with the level of political and stakeholder challenge brought about by the spotlight on the condition of the river. Progress is being made with delivery of actions, but this is being overshadowed, and potentially stalled, to the detriment of making tangible progress.

All parties involved want the focus to remain on solutions to the issue. We recognise that short-, medium- and long-term actions are required. We recognise that evidence is needed to support these actions. And we recognise that there is no easy answer: compromise is essential and some sectors or groups will be impacted more than others. For this reason we need to refresh our governance and partnerships to make sure we are able to reach consensus and move forward.

This paper proposes a way forward. It comprises three groupings of partners – all closely linked and working together, but with distinct remits:

- An **Executive Leadership Group** (ELG) is a new group made up of senior officials from those organisations with relevant statutory responsibilities within the catchment. Collectively they own the Nutrient Management Plan (NMP) and make decisions about how they will use their respective remits and resources to deliver the actions within it. One of the first actions of the ELG is to review the NMP and ensure the actions within it remain relevant, that new (ongoing or emerging) actions are captured and resourced, and that the plan is both shared and reported against.
- The **Nutrient Management Board** (NMP) is where all partners with an interest in the catchment and a role in delivering improvements to improve its condition. It acts as a public forum to advise the ELG and steer the content of the NMP. It is a group where the widest range of issues and views will come together and so is vital in helping partners to understand the wide range of views across the catchment. Reaching consensus is key so the Board is independently chaired to help ensure impartiality. The Board also has a key role in influencing the wider national debate on issues that affect the catchment.
- The **Caba steering group and partnership** is a combination of the Wye Catchment Partnership and the Technical Advisory Groups (TAGs). It is where all stakeholder groups with a focus on delivery come together. It also plays a critical role in evidence gathering and testing actions. The TAGs are commissioned by, and report (via the Caba) to the ELG. Annex 1 contains a fuller discussion of this proposal.

This proposal to reshape the governance is based on a strong collaboration with honest discussion about how we resolve challenges between the organisations. It draws on partnership across the catchment but also a strong focus on commitment to delivery of a refreshed NMP. It is supported by the Environment Agency, Natural England and Natural Resources Wales. We would expect to review it after 12 months to ensure it is working for all involved, and to make any adjustments as needed.



NMP Executive Leadership Group ToR

<p>Purpose</p>	<p>A collaboration of the statutorily responsible authorities operating within the catchment to restore the Conservation Status for the River Wye Special Area of Conservation.</p> <p>The Board does not have any formal powers or resources and as such cannot make any decisions collectively but it's members can on behalf of their individual organisations. The purpose of this group is to reach agreement on how they will collectively use those powers and resources to improve the catchment condition and share this via it's Nutrient Management Plan.</p>					
<p>Membership</p>	<p>Voluntary forum made up of officers from the bodies with statutory responsibilities relating to the river and impacts of water quality issues within the catchment.</p> <table border="1" data-bbox="509 596 2456 729"> <tr> <td data-bbox="509 596 1156 729"> <ul style="list-style-type: none"> • Natural England • Natural Resources Wales • Environment Agency </td> <td data-bbox="1156 596 1803 729"> <ul style="list-style-type: none"> • Herefordshire County Council • Powys County Council • Monmouthshire County Council </td> <td data-bbox="1803 596 2456 729"> <ul style="list-style-type: none"> • Brecon Beacons Bannau Brycheiniog • Forest of Dean DC </td> </tr> </table>			<ul style="list-style-type: none"> • Natural England • Natural Resources Wales • Environment Agency 	<ul style="list-style-type: none"> • Herefordshire County Council • Powys County Council • Monmouthshire County Council 	<ul style="list-style-type: none"> • Brecon Beacons Bannau Brycheiniog • Forest of Dean DC
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<p>Operating principles</p>	<ul style="list-style-type: none"> • Meetings will be held quarterly following the NMB in order to allow the ELG to task work resulting from that discussion, though there is a recognition that meetings may be needed more regularly in an initial period whilst the new governance is finalised and becomes established. • Meetings will be held privately with any material or discussions that can be shared publicly being done via the NMB. • The group will seek, and take into account, the views of the NMB in its decision making. 					
<p>Terms of reference</p>	<ul style="list-style-type: none"> • The group will work together to review contributions across all bodies, working collaboratively to achieve the objectives and ensuring all members understand the issues and work together to resolve them. • The group may make recommendations or requests of the bodies that make up its membership, via the relevant Board member. • The group will produce a Nutrient Management Plan setting out these actions. It will keep it under review proportionately annually and carry out a fuller review once every 4 years. • Members will be responsible for delivery of the actions their organisation commits to on the basis of the Board's recommendations or requests. • The group will review performance and delivery of agreed actions as a whole and report on progress to the NMB. It will also advise on or seek timely corrective action where identified. • The group will commission the Technical Advisory Groups where additional actions or evidence is required to help inform its formation of views and recommendations / requests. • Where actions are driven by a particular remit or have a particular consequence, no one area or sector has automatic priority. Each organisation remains responsible for decisions on and delivery of its own remit, but it is expected to do this in full understanding of the impact this has on others' ability to discharge their own remit. 					

Nutrient Management Board ToR

<p>Purpose</p>	<p>An independently chaired voluntary Board which brings together all those who have a role (formally or otherwise) in restoring the Conservation Status for the River Wye Special Area of Conservation.</p> <p>The Board does not have any formal powers or resources and as such cannot make any decisions, this lies with the statutory organisations via the ELG. However it does advise the ELG on issues important to those who live and work in the catchment, provides opinion and advice to help form ELG decisions on actions, and as such shape the Nutrient Management Plan. It also acts as a public forum for scrutiny of delivery of the plan.</p>					
<p>Membership</p>	<p>Voluntary forum made up of those who have a role in delivering restoration of the catchment. It includes statutory and non-statutory organisations and is independently chaired to help reach consensus.</p> <table border="1" data-bbox="514 654 2451 865"> <tr> <td data-bbox="514 654 1151 865"> <ul style="list-style-type: none"> • Natural England • Natural Resources Wales • Environment Agency • Herefordshire County Council • Powys County Council </td> <td data-bbox="1151 654 1798 865"> <ul style="list-style-type: none"> • Monmouthshire County Council • Brecon Town Council Bannau Brycheiniog • Dwr Cymru Welsh Water • Countryside Land & Business Association • National Farmers Union </td> <td data-bbox="1798 654 2451 865"> <ul style="list-style-type: none"> • Catchment Partnership member • Chair of the stakeholder group • Other members as Board see appropriate • Herefordshire Construction Industry • Wildlife Trust </td> </tr> </table>			<ul style="list-style-type: none"> • Natural England • Natural Resources Wales • Environment Agency • Herefordshire County Council • Powys County Council 	<ul style="list-style-type: none"> • Monmouthshire County Council • Brecon Town Council Bannau Brycheiniog • Dwr Cymru Welsh Water • Countryside Land & Business Association • National Farmers Union 	<ul style="list-style-type: none"> • Catchment Partnership member • Chair of the stakeholder group • Other members as Board see appropriate • Herefordshire Construction Industry • Wildlife Trust
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<p>Operating principles</p>	<ul style="list-style-type: none"> • The Board will operate in a transparent and open manner, whilst being mindful of the sensitivity around discussing draft evidence, proposals and information. • Meetings will be held quarterly. • Meetings will include an open session, broadcast on YouTube, where all interested individuals can ask questions (in advance) or watch proceedings and a closed session, if needed, to discuss any material that cannot be made public at that time. 					
<p>Terms of reference</p>	<ul style="list-style-type: none"> • The Board will work together to review contributions across all bodies, working collaboratively to achieve the objectives and ensuring all members understand the issues and work together to resolve them. • The Board will help to review the Nutrient Management Plan proportionally on an annual basis with a fuller review every 4 years; it's aim will be to advise the ELG on partner and stakeholder views of what needs to be included, and commitment to helping to deliver actions. • The Board will review performance and delivery of agreed actions as a whole and share views on progress with the ELG. • The Board will agree shared communications to be issued on key issues. Where not all members are in agreement this will be openly shared and discussed amongst the Board members with the aim of reaching consensus on what it can say. 					

Caba Steering Group & partnership ToR

<p>Purpose (proposed not currently resourced)</p>	<p>The WCP is hosted by the Wye and Usk Foundation (WUF) and Natural Resources Wales and brings together stakeholder groups operating within the Wye catchment to deliver environmental and societal improvement.</p> <p>The Wye Catchment Partnership takes on the following responsibilities:</p> <ol style="list-style-type: none"> education and information sharing providing a forum for collaboration between stakeholder group public engagement and citizen science liaison oversight and coordination of the Technical Advisory Group's working groups. 					
<p>Membership</p>	<p>Voluntary forum made up of key members plus a wider partnership group open to all with an interest in the Wye Catchment.</p> <table border="1" data-bbox="509 644 2491 778"> <tr> <td data-bbox="509 644 1195 778"> <ul style="list-style-type: none"> Environment Agency Natural England Natural Resources Wales </td> <td data-bbox="1195 644 1880 778"> <ul style="list-style-type: none"> Wye Valley Area of Outstanding Natural Beauty Wye and Usk Foundation Dwr Cymru Welsh Water </td> <td data-bbox="1880 644 2491 778"> <ul style="list-style-type: none"> Wildlife Trusts, Farm Herefordshire Farming Connect (Wales). </td> </tr> </table>			<ul style="list-style-type: none"> Environment Agency Natural England Natural Resources Wales 	<ul style="list-style-type: none"> Wye Valley Area of Outstanding Natural Beauty Wye and Usk Foundation Dwr Cymru Welsh Water 	<ul style="list-style-type: none"> Wildlife Trusts, Farm Herefordshire Farming Connect (Wales).
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<p>Operating principles</p>	<ul style="list-style-type: none"> Working groups come together under the WCP to enable a close working relationship between working groups, stakeholders and the public. This helps with transparency of actions feeding into the NMB & ELG. Steering group meetings are held Quarterly and Partnership meetings every 6 months. The TAG working groups meet as required with a minimum of every 2 months The Caba receives some funding from the Environment Agency as part of the Catchment Based Approach. 					
<p>Terms of reference</p>	<p>The full Terms of Reference for the Caba Partnership are available on the website. The following Terms of Reference relate only to the TAG's.</p> <ul style="list-style-type: none"> The TAG working groups (currently Evidence, Regulation, Farm Advice, Poultry and Projects) are hosted within the Caba. The Caba provides coordination, supports on developing work plans under the oversight/steer of the ELG. It also assists with reporting to the ELG. The TAGs are technical groups working collaboratively across the relevant bodies involved for their individual remit. They are not decision making bodies and they are responsible but not accountable for their work. The TAGs are responsible for delivering and reporting on progress of NMP actions as commissioned by the ELG. 					