

Partnership Meeting

Agenda

Wye Catchment Nutrient Management Board

Date: **Wednesday 11 October 2023**

Time: **2.00 pm**

Place:

Notes: For any further information please contact:

Henry Merricks-Murgatroyd

Tel: 01432 260667

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If you would like help to understand this document, or would like it in another format, please call Henry Merricks-Murgatroyd on 01432 260667 or e-mail NutrientManagementBoard@herefordshire.gov.uk in advance of the meeting.

Agenda for the meeting of the Wye Catchment Nutrient Management Board

Membership:

Chairperson

Councillor Elissa Swinglehurst (ES)

Herefordshire Council

Voting Members

Merry Albright (MA)

Jamie Audsley (JA)

Liz Bickerton (LB)

Cllr Jackie Charlton (JC)

Helen Dale (HD)

Simon Evans (SE)

Jenny Grubb (JG)

Georgie Hyde (GH)

Cllr Catrin Maby (CCM)

Claire Minett (CM)

Councillor Sid Phelps (SP)

Martin Quine (MQ)

Ann Weedy (AW)

Martin Williams (MW)

Herefordshire Construction Industry Lobby Group

Herefordshire Wildlife Trust

Bannau Brycheiniog

Powys Council

Country Land and Business Association

The Wye and Usk Foundation

Dwr Cymru/Welsh Water

National Farmers Union

Monmouthshire Council

Natural England

Forest of Dean District Council

Environment Agency

Natural Resources Wales

Farm Herefordshire

Statutory Advisors

Mark Averill (MA)

Gavin Bown (GB)

Nigel Brinn (NB)

Clare Dinnis (CD)

Elizabeth Duberley (ED)

Vyvyan Evans (VE)

Sarah Faulkner (SF)

Hayley Fleming (HF)

Andrew Grant (AG)

Ethan Hamer (EH)

Mark Hand (MH)

Emma Johnson (EJ)

Rachael Joy (RJ)

David Lee (DL)

Helen Lucocq (HL)

Peter Morris (PM)

Frances Catherine O'BRIEN (FC)

Fergus O'Brien (FOB)

Paul Walker (PW)

Economy and Environment

Natural Resources Wales

Forest of Dean District Council

Environment Agency

Herefordshire Council

Dwr Cymru Welsh Water

National Farmers Union

Natural England

Forest of Dean District Council

Powys County Council

Monmouthshire County Council

Natural England

Herefordshire Council

Natural Resources Wales

Bannau Brycheiniog

Powys County Council

Monmouthshire County Council

Dwr Cymru Welsh Water

Herefordshire Council

Agenda

		Pages
	WELCOME AND APOLOGIES	
1.	MINUTES AND MATTERS ARISING FROM LAST TIME	7 - 10
	Approval of the minutes and updates on actions and recommendations from the meeting of 12 July 2023.	
	Led by: Chair	
2.	PUBLIC QUESTIONS	
	To provide the opportunity to 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 6 October 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 11 October. A supplementary question must arise directly out of the original question or the reply given.	
	Led by: All	
3.	UPDATE ON ACTIVITY SINCE LAST MEETING	
	To receive updates on activity from Nutrient Management Board members (papers to follow where applicable).	
	Led by: All	
4.	NMB VOTING MEMBERSHIP	11 - 12
	To confirm the present voting membership of the board.	
	Led by: All	
5.	RIVER WYE GOVERNANCE PROPOSALS	13 - 22
	To consider an update report following internal NMB discussions concerning future governance.	
	Led by: All	
6.	DATE OF NEXT MEETING	
	The date of the next scheduled meeting is 17 th January 2024, 2-4pm.	

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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 12 July 2023 at 2.00 pm

Attendees:

Voting Members present

Councillor Elissa Swinglehurst	Herefordshire Council
Merry Albright (MA)	Herefordshire Construction Industry Lobby
Mark Averill (MA)	Herefordshire Council
Cllr Jackie Charlton	Powys Council
Helen Dale	Countryside Landowners Association
Simon Evans	The Wye and Usk Foundation
Jenny Grubb	Dwr Cymru Welsh Water
Georgie Hyde	National Farmers Union
David Lee (DL)	Natural Resources Wales (for Ann Weedy)
Clare Dinnis	Environment Agency (for Martin Quine)
Claire Minett	Natural England
Councillor Sid Phelps (SP)	Forest of Dean District Council
Martin Williams (MW)	Farm Herefordshire
Jamie Audsley	Herefordshire Wildlife Trust
Tom Johnstone	Bannau Brycheiniog (not mandated to vote)

Welcome and apologies

The Chair welcomed attendees to the meeting.

44. CHANGES TO MEMBERSHIP

Jennifer Grubb has taken over from Fergus O'Brien as a member of the board, representing Dŵr Cymru/Welsh Water.

45. MINUTES AND MATTERS ARISING FROM LAST TIME

1. The minutes of the previous meeting, dated 21 December 2022, were approved subject to minor corrections.
2. Actions from the previous meeting were reviewed, including:
 - a. The request for board members to propose ideas for securing funding for the development of a phosphate calculator. Martin Quine from the Environment Agency (EA) provided an update, indicating that the EA is actively working on phosphate loss and collaborating with partners from Herefordshire Council and other stakeholders. Further updates are expected in the October meeting.
 - b. An update on the protocols in place when pollution from another source impacts a target in a different country or county. Claire Minett from Natural England clarified that there is a statutory duty for consultation between Natural England and Natural Resources Wales (NRW) when such impacts occur. Claire highlighted the importance of these consultations in addressing downstream effects.
 - c. Martin Quine to provide details about whether 93 compliance assessments were conducted before or after a drought, with an update expected in the report, to provide an update on Project TARA, including relevant regulations and waste classification details. It was explained that this update would be presented in the October meeting as the project is ongoing.

- d. The Technical Advisory Group (TAG) was assigned to draft a proposal for cases where partners and working groups exhaust their avenues and seek collective action from the board. No specific proposals were brought forth in this meeting.
 - i. A discussion on whether Welsh Water investment program funding could be used not only for river improvement and pollution reduction but also for phosphate mitigation. Hayley Fleming from Natural England noted that this discussion is still pending. Hayley Fleming and TAG were tasked with updating the plan, with this being discussed in Item 5 of the agenda.
- e. The board planned to create a ready-made bid database, which may be integrated into the Wye Catchment Partnership website, according to Simon Evans' suggestion.

46. PUBLIC QUESTIONS

Responses were taken as tabled the following:

1. It was asked how the TAG or NMB were going to raise the resourcing and commitment to the various working groups.
 - a. It was noted that this would form part of a wider governance discussion which was on the agenda.
2. An update was asked regarding the poultry working group.
 - a. Simon Evans provided an update on the poultry working group's activities within the Wye Agri supply chain which includes suppliers, buyers, and supermarkets. It has generated actions in terms of seeking clarification on legal requirements around permitted sites which are being developed by statutory bodies and is being shared with the suppliers. There is a visiting programme which is being developed to ensure that these are being followed.
 - b. Rachael Joy mentioned the Wye Agri partnership group, which operates under Chatham House principles whilst it is developing its plan and has intentions to publish once commercial issues are worked through.
3. It was asked who had been appointed as citizen science coordinator.
 - a. Andrew McRobb confirmed his role as citizen science coordinator.
4. A supplementary question inquired about whether there is recognition that water abstraction is a problem and if it is being addressed.
 - a. Martin Quine responded that the Harris review is under the purview of the Environment Agency's legal team, and they will review it based on received advice. He further explained that the discussion around the current water resources regime in the Wye Catchment, including who extracts water and its potential impact on the river's conservation status, has been ongoing for the past 18 months to 2 years. This process includes the introduction of new authorizations for previously exempt activities.

5. A supplementary question inquired about the status of advisory roles and the significant disparity in the number of advisors between the English and Welsh sides of the border.
 - a. Rachael Joy clarified that the board requires statutory roles and professional advice due to the complex nature of the issues it deals with, which often span multiple organizations. She explained that it's up to each organization to determine the necessary resources. Additionally, she mentioned that Welsh colleagues are actively working to increase their support for the board.
6. Rachael Joy noted a late response from Monmouthshire Council regarding Question 11, to be included in the minutes.

The response from Monmouthshire is as follows: 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/businesssectors/planning-and-development/our-role-in-planning-and-development/advice-to-planning-authorities-for-planning-applications-affecting-phosphorus-sensitive-rivers-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-protectingeuropean-site.html>".

47. UPDATE ON ACTIVITY SINCE LAST MEETING

1. The key updates from Nutrient Management Board members included:
 - a. The Cabinet Commission on which Herefordshire had reported in March.
 - b. Environment Agency developing the Wye Engagement HQ webpage.
 - c. Natural England regarding relative stability on the phosphate in the Wye over the past ten years.
 - d. Natural England - downgrading of conditions designation, only applies to England.
 - e. Herefordshire had been successful in an approach with Welsh Government as the accountable body for NMB and has secured £40,000 to part fund a permanent person to undertake support to the TAG for this year.

48. RESHAPING THE BOARD AND FUTURE STRATEGY

1. Rachael Joy raised a point of order and indicated that should the board decide upon an independent chair, which would likely be an open and transparent public appointment, that she might potentially wish to be a candidate and would not therefore participate or advise on that part of the debate.
2. A motion to discuss the governance, structure, and future direction of the Nutrient Management Board privately was passed.
3. Due to technological issues and lack of time, the Chair requested that the session be rescheduled for July 25, 2023, as a private session.

49. AOB

1. No additional items were raised for discussion.

50. DATE OF NEXT MEETING

1. The next meeting is scheduled for 11 October 2023, from 2-4 pm.

The meeting ended at 4.00 pm

Chairperson



Nutrient Management Board – voting membership

Ann Weedy – Natural Resources Wales (Subs Dave Lee and Gavin Bown)
Claire Minett – Natural England (Sub Emma Johnson)
Cllr Catrin Maby – Monmouthshire Council
Cllr Elissa Swinglehurst – Herefordshire Council
Cllr Jackie Charlton – Powys Council
Cllr Sid Phelps – Forest of Dean District Council
Dr Liz Bickerton – Bannau Brycheiniog National Park Authority
Georgie Hyde – National Farmers Union
Helen Dale – Country Land and Business Association
Jamie Audsley – Herefordshire Wildlife Trust
Jenny Grubb – Dŵr Cymru/Welsh Water
Martin Quine – Environment Agency (Sub Clare Dennis)
Martin Williams – Farm Herefordshire
Merry Albright – Herefordshire Construction Industry Lobby Group
Simon Evans – The Wye and Usk Foundation

River Wye governance proposals

October 2023

Produced jointly through meetings between Nutrient Management
Board members for discussion at the full Board

What problem are we trying to fix?

- The Wye Nutrient Management Board (NMB) in its current form isn't working
 - Everyone wants the same outcome but has different views on how to achieve this
 - Members remits, and for some our legal duties, don't always align and are sometimes misunderstood – all of which has caused tension
 - The Board isn't reaching consensus and there is no one clear direction or set of priorities
 - This situation, and the challenge of reaching agreement, is distracting from the progress being made as well as delaying other necessary work
- There are unrealistic expectations on the NMB
 - It is a voluntary group of organisations, who come together to collaborate, it has no statutory basis or power
 - It does not have resources, nor can it instruct others in how to use theirs
 - Continuing is unfair on the public and partners

How do we want to work?

- Open collaboration that informs and builds consensus
- Clear decisions on priorities, actions and timescales – including ownership – with transparency
- A single joined-up cross-border approach at an operational level with ⁵¹ influence to ensure the same at a political level
- Clear route to influence that can call for changes that need political, industry and societal buy-in
- A constructive, impartial ‘board’ which can:
 - Influence – government, industry, communities etc
 - Advise – decision makers on their proposals, plans and decisions/actions
 - Challenge – decision makers on their proposals, plans and decisions/actions
- Sharing achievements / progress being made

Wider framework for the Wye

Statutory bodies (English & Welsh environmental bodies, local authorities & DCWW) have formed an Executive Statutory Group (ESG) name tbc

- *Senior officials from the executives of the agencies with statutory responsibility are meeting to discuss and agree collective decisions (to be ratified by their own organisations as necessary) about actions, priorities and resources*
- *It owns the Nutrient Management Plan (NMP) – it will revise the current plan then oversee delivery of and maintain the new plan*
- *It supports and directs the Technical Advisory Group (TAG) working groups*
- *It works collaboratively with the NMB, seeking input on proposals and working jointly on delivery where appropriate*
- *First meeting early October 2023*

Refocussed Technical Advisory Groups (TAG)

- *Will be reshaped and resourced, linked to priorities set by ESG*
- *Membership will be drawn from ESG members with members/volunteers from the wider stakeholder community*
- *Strong link to the Catchment Partnership*

Executive Statutory Group (ESG) 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 group as a whole 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 and Government. The purpose of this group is for members to reach agreement (subject to ratification within their own organisations as necessary) on how they will collectively use their powers and resources to improve the catchment condition. The ESG will share this via a revised Nutrient Management Plan.</p>					
<p>Membership</p>	<p>Voluntary forum made up of officers from the bodies with relevant statutory responsibilities within the catchment.</p> <table border="1" data-bbox="496 511 2435 682"> <tr> <td data-bbox="496 511 1141 682"> <ul style="list-style-type: none"> • Natural England • Natural Resources Wales • Environment Agency • Dwr Cymru Welsh Water </td> <td data-bbox="1141 511 1786 682"> <ul style="list-style-type: none"> • Herefordshire Council • Powys County Council • Forest of Dean District Council </td> <td data-bbox="1786 511 2435 682"> <ul style="list-style-type: none"> • Monmouthshire County Council • Brecon Beacons National Park Bannau Brycheiniog </td> </tr> </table>			<ul style="list-style-type: none"> • Natural England • Natural Resources Wales • Environment Agency • Dwr Cymru Welsh Water 	<ul style="list-style-type: none"> • Herefordshire Council • Powys County Council • Forest of Dean District Council 	<ul style="list-style-type: none"> • Monmouthshire County Council • Brecon Beacons National Park Bannau Brycheiniog
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<p>↷</p> <p>Operating principles</p>	<ul style="list-style-type: none"> • Meetings will be held quarterly (monthly initially) in order to allow the ESG to task work resulting from their discussion. • Meetings will be held privately with updates and progress against the plan being shared publicly. • The group will work openly and collaboratively with the NMB, seeking and taking into account the NMBs views in its decision making. • Individual officers will make decisions on behalf of their organisations in line with delegated powers for specified remits and spend. 					
<p>Terms of reference</p>	<ul style="list-style-type: none"> • The ESG 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 ESG member. • The ESG will produce a publicly available 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 ESG's recommendations or requests. • The ESG will review performance and delivery of agreed actions as a whole and report on progress publicly. • The ESG 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. • The ESG will share its plan and progress with the NMB seeking advice / views in advance of changes and being open to questions / challenge on progress. It will also work collaboratively with NMB members on delivery where appropriate. 					

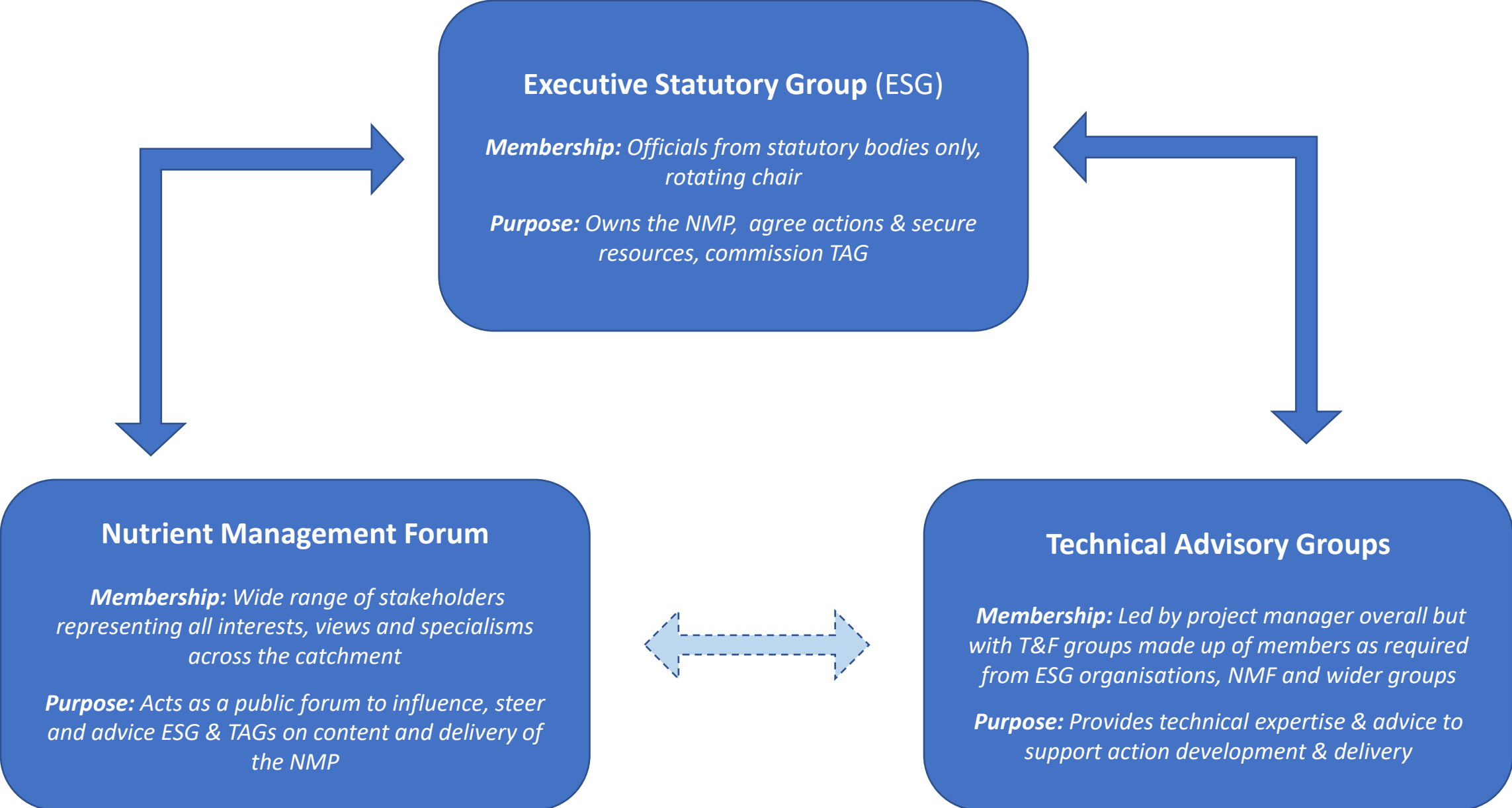
Technical Advisory Groups (TAGs)

<p>Purpose</p>	<p>A collective of task and finish (T&F) groups supporting the ESG by providing technical information and analysis. The role is to identify, develop and analyse options to reduce nutrients, advise the ESG and Forum and, where appropriate, lead or support delivery. This includes providing a technical analysis of progress against the action plan.</p> <p>The group is commissioned by the ESG and focusses on the most immediate and important tasks. Initial main priorities are:</p> <ul style="list-style-type: none"> • Action plan T&F group – a group which updates the action plan, led by a dedicated project officer • Data & Evidence Group- providing the required data and analysis to support the above group as well as a forward look • NMP Tools T&F group – finalising the immediate priority development of P tool 		
<p>Membership</p> <p>18</p>	<p>Action Plan:</p> <ul style="list-style-type: none"> • Environment Agency • Natural England • NRW • Dwr Cymru • Farm Herefordshire • Wye and Usk foundation • Herefordshire Council 	<p>Data & Evidence</p> <ul style="list-style-type: none"> • Environment Agency • Natural England • NRW • Dwr Cymru 	<p>NMP tools</p> <ul style="list-style-type: none"> • Farm Herefordshire • Environment Agency • Wye and Usk Foundation • Natural England • NRW
<p>Operating principles</p>	<ul style="list-style-type: none"> • The TAG is commissioned by ESG with oversight by a project manager reporting back to the ESG and Forum. • The T&F groups will meet as required in private, with the action plan group meeting monthly as a minimum initially. • Membership will be as required for each T&F group and will develop and change as the task evolves. • The TAG will engage with the Forum to ensure relevant data, evidence and information is understood and considered. Forum members may join a TAG group as appropriate to provide technical information. • The TAG will ensure strong communication with the Caba to avoid duplication and drive efficiency through shared evidence and data. 		
<p>Terms of reference</p>	<ul style="list-style-type: none"> • 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 ESG. • The TAG has a dedicated project officer who leads the Action plan T&F group and coordinates all TAG T&F groups. • The TAG project manager will sit on the Catchment Partnership steering group to ensure strong two-way communication between the groups 		

Nutrient Management Board proposal

How the NMB fits with the wider framework

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Nutrient Management Stakeholder Assembly / Board ToR

<p>Purpose</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 ESG. Its primary role is to provide a forum for all stakeholders to come together to influence, advise and challenge those having an impact on the river or delivering improvements across the catchment.</p>
<p>Membership <i>(see questions for discussion)</i></p>	<p>Voluntary Board of all partners and stakeholders with an interest in improving water quality in the catchment and a role in delivering that outcome.</p> <ul style="list-style-type: none"> • Natural England • Natural Resources Wales • Environment Agency • Herefordshire Council • Powys County Council • Forest of Dean District Council • Monmouthshire County Council • Catchment based public interest groups – e.g. Friends of Upper Wye, Friends of Lower Wye, Save the Wye Coalition • Brecon Beacons National Park Bannau Brycheiniog • Dwr Cymru Welsh Water • Countryside Land & Business Association • Catchment Partnership member • Chair of the stakeholder group • National Farmers Union • Herefordshire Construction Industry rep • A representative for the river • Other members as Board see appropriate
<p>²¹ Operating principles</p>	<ul style="list-style-type: none"> • The Board will be transparent and open, whilst being mindful to the sensitivity of discussing draft evidence, proposals and information. • The Board will be inclusive of all and will work collaboratively across all partners. • Meetings will be held quarterly and will include an open session, broadcast digitally, where all interested individuals can ask questions (in advance) or watch proceedings. Meetings will also include a closed session, if needed, to discuss advise to the ESG on any material that cannot be made public at that time. • Chair – <i>remains under discussion (see questions for discussion)</i>.
<p>Terms of reference</p>	<ul style="list-style-type: none"> • The role of the NMB is three-fold: <ul style="list-style-type: none"> • to Influence decisions and actions that have an impact, directly or indirectly, on the catchment, • to advise decision makers on their proposals, plans and decisions/actions, • to challenge decision makers on their proposals, plans and decisions/actions. • The NMB will work with all other organisations or groups as necessary to support this aim including, but not limited to, the Caba, the Cabinet Commission and any TaskForce that may be appointed by either government. • The NMB will communicate widely with stakeholders about its common views of the ESG’s updated plan and progress to deliver this (the actual plan and progress will be communicated by the ESG) both as a way of keeping people informed and of having wider influence. • Members of the NMB will sit on the TAGs or contribute to delivery of actions as appropriate. • The NMB will be bound by the Nolan principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Outstanding issues for discussion/resolution

Discussions to date have not reached consensus on these issues:

- Name

Some feedback suggests 'Board' is leading people to believe the group has more decision-making responsibility than it does. Forum was suggested as an alternative and rejected. Assembly has also been suggested, as has including the word 'stakeholder' (as opposed to 'statutory') to make membership clear. But others would prefer to stick with 'Board'. The statutory group name is yet to be confirmed but current proposals (Executive Statutory Group) seek to make clear the statutory / stakeholder distinction.

- Membership & voting

The current NMB membership splits members into those with and without voting rights. It is not clear on what NMB members would be voting. Voting also risks 'two-tier' membership which does not seem in-line with the operating principle of inclusivity. These proposals also include broader inclusion into the conversation, as opposed to in the capacity of observers, for local campaign/interest groups which needs to further discussion.

- Chairing

The initial proposal from the Local Authority Councillor recommends that the chair is rotated between elected members of these bodies. An alternative is that the group decides on its chair. Provision of the resource for secretariat is also unresolved, one suggestion was that it should come from the organisation which holds the Chair role – though this is increasingly difficult given LA finance pressures so may not be possible. There is no other current source of funding available.