

Partnership Meeting

Agenda

Wye Catchment Nutrient Management Board

Date: **Wednesday 17 January 2024**

Time: **2.00 pm**

Place: **Online**

Notes: For any further information please contact:

Henry Merricks-Murgatroyd

Tel: 01432 260667

Email: NutrientManagementBoard@herefordshire.gov.uk

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)

Nick Day

Simon Evans (SE)

Jenny Grubb (JG)

Georgie Hyde (GH)

Cllr Catrin Maby (CCM)

Andrew McRobb (AM)

Claire Minett (CM)

Councillor Sid Phelps (SP)

Martin Quine (MQ)

Richard Tyler

Ann Weedy (AW)

Martin Williams (MW)

Herefordshire Construction Industry Lobby Group

Herefordshire Wildlife Trust

Bannau Brycheiniog

Powys Council

Country Land and Business Association

The Friends of the Lower Wye

The Wye and Usk Foundation

Dwr Cymru/Welsh Water

National Farmers Union

Monmouthshire Council

Council for Protection of Rural England

Natural England

Forest of Dean District Council

Environment Agency

Save the Wye

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)

Tristan Semple (TS)

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

Environment Agency

Herefordshire Council

Agenda

		Pages
	WELCOME AND APOLOGIES	
1.	NOTES AND MATTERS ARISING FROM LAST TIME To approve the minutes from the meeting of 11 October 2023. Led by: Chair	7 - 18
2.	CHANGES TO NMB MEMBERSHIP To agree and record any changes to the NMB membership. Led by: Chair	
3.	PUBLIC QUESTIONS To provide the opportunity to members of the public attending the meeting to ask questions of the statutory partners. The deadline for the submission of questions for this meeting is Wednesday 10 January 2024. 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. Led by: All	19 - 24
4.	VOICE OF THE RIVER AND RIVER RIGHTS The meeting will be attended by Paul Powlesland of Lawyers for Nature Paul Powlesland Barristers Garden Court Chambers Leading Barristers located in London, UK.	
5.	DIRECTIONS TO NMBS FROM WELSH GOVERNMENT SOG will need to take a view on how these directions fit with the Wye NMB.	25 - 30
6.	SOG TO PROVIDE AN UPDATE ON DEVELOPING A STRATEGY TO REVIEW AND ASSESS THE EFFECTIVENESS WITH CRITICAL EVIDENCE OF IMPACT OF THE PRESENT PLAN	31 - 32
7.	HAVING PROVIDED AN UPDATE IN ITEM 5, SOG TO SET OUT HOW THEY PLAN TO DEVELOP THE PRESENT NMP	
8.	AOB Any other business (by prior agreement).	

The Seven Principles of Public Life

(Nolan Principles)

1. Selflessness

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

2. Integrity

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

3. Objectivity

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

4. Accountability

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

5. Openness

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

6. Honesty

Holders of public office should be truthful.

7. Leadership

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

Notes of the meeting of the Wye Catchment Nutrient Management Board held on Wednesday 11 October 2023 at 2.00 pm

Attendees:

Voting Members present

Merry Albright (MA)	Herefordshire Construction Industry Lobby Group
Jamie Audsley (JA)	Herefordshire Wildlife Trust
Liz Bickerton (LB)	Bannau Brycheiniog
Cllr Jackie Charlton (JC)	Powys Council
Helen Dale (HD)	Country Land and Business Association
Simon Evans (SE)	The Wye and Usk Foundation
Jenny Grubb (JG)	Dwr Cymru/Welsh Water
Georgie Hyde (GH)	National Farmers Union
Cllr Catrin Maby (CCM)	Monmouthshire Council
Claire Minett (CM)	Natural England
Councillor Sid Phelps (SP)	Forest of Dean District Council
Martin Quine (MQ)	Environment Agency
Councillor Elissa Swinglehurst (ES)	Herefordshire Council
Ann Weedy (AW)	Natural Resources Wales
Martin Williams (MW)	Farm Herefordshire

Welcome and apologies

The Chair welcomed attendees to the meeting.

51. MINUTES AND MATTERS ARISING FROM LAST TIME

The minutes of the previous meeting, dated 12 July 2023, were approved.

52. PUBLIC QUESTIONS

1. It was asked how consultation will work between the Nutrient Management Board and the Executive Statutory Group (name TBC).
 - a. It was noted that this issue would form part of the wider discussion on the River Wye governance proposals under item 5 of the meeting agenda.

53. UPDATE ON ACTIVITY SINCE LAST MEETING

The key updates from Nutrient Management Board members included:

1. The Environment Agency:
 - a. A link was provided to the Engagement HQ website which is currently going through a development phase with a dashboard to make the webpage more accessible.
 - b. Work continues as part of Project TARA which covers new approaches that are being trialled for agriculture and involves the auditing of manure that is produced from poultry units and digestate from AD plants and tracking that through from production to end-use.
 - c. The development of the diffuse water pollution plan which will form part of a wider review of the Nutrient Management Plan.
2. Natural Resources Wales:
 - a. The SAC Rivers Project continues to run across Wales which tackles all of the failing SAC rivers in Wales, including the River Wye.

- b. Sondes have been deployed on the Wye in Summer 2023 and the intention is to understand what chlorophyll levels are in the river. This year's sonde data from the Wye shows less evidence of algal bloom formation compared to last year.
 3. Natural England:
 - a. Significant amounts of engagement and recommended over 700 measures to help improve the condition of the Wye.
 - b. Collaborative working with other partners including WUF to discuss environmental implications of the sector.
 - c. Starting a campaign targeting every farm adjacent to the river on both the Wye and the Lugg.

54. NMB VOTING MEMBERSHIP

The Chair read out and confirmed the list of current voting members for this meeting as attached to the agenda.

55. RIVER WYE GOVERNANCE PROPOSALS (Pages 5 - 12)

An overview of the governance proposals was given. The main points included:

1. Why it was collectively agreed that work on governance should be carried out.
This covers:
 - a. The distinction between the statutory agencies and stakeholders.
 - b. References to the board which talk about the board being able to influence and advise and challenge.
2. Clarity on those who have legal remits to work within the catchment on what affects the water quality in the catchment.
 - a. Feedback about the naming of the Executive Statutory Group has led to the change to River Wye Statutory Officers Group.
3. The proposals that have been put forward for discussion.
 - a. An outline of the Terms of Reference includes an aim for the board would be for stakeholders to come together across the catchment and have the ability to influence the decisions and actions that have an impact either directly or indirectly on the catchment.
 - b. To advise the River Wye Statutory Officers Group on their proposals, plans, decisions, and actions and to challenge them on those and the delivery of those.

It was noted that there were still some outstanding issues for discussion during this meeting. These included:

1. The name and making sure that the name reflects what the remit of the group is.
2. The membership which covers voting rights and the engagement with wider groups across the catchment.
3. The chairing of the group going forward.

The key points made by members in the discussion included:

1. Name:
 - a. Support was expressed to keep the name 'board', particularly as a change in name could cause confusion for members of the public.
 - b. It was added that use of the term board helps to align with the Welsh model.
2. Membership and voting rights:

- a. On voting rights, there was concern raised regarding members who sit on both this board and the Statutory Officers Group.
 - b. It was noted that voting would be rare, however, where voting is necessary, it was also commented that members should not be able to vote across different groups.
 - c. A two-tier system for voting was regarded as inappropriate and would not be consistent with the Nolan principles.
 - d. It was added that depending on what the board decided on the Terms of Reference, this would need to be reviewed against local authorities' constitutions and the views within those local authorities.
 - e. Support was expressed to give voices to both the river and tourism on the board.
3. Chiring:
- a. Support was expressed for Cllr Elissa Swinglehurst to remain as Chair of the board, including from Cllr Catrin Maby, Cllr Jackie Charlton, and Cllr Sid Phelps, particularly as it would be difficult for those respective councillors to have the capacity to take on the role of Chair.
 - b. Cllr Swinglehurst suggested potential possibilities including having a co-chair or vice-chair from the councillors on the board so that there is a good representation from the Welsh side.
 - c. Cllr Jackie Charlton supported the suggestion of vice-chair and noted that she would be happy to take on this role and learn from the Chair with the potential to take on the role in the future.

The Chair then confirmed that the board had arrived at a consensus with the governance arrangements as presented and that no changes are to be made to the chiring arrangements. The board agreed with the Chair.

Clare Dinnis clarified that updates would be incorporated into a final document from this discussion to establish the new governance arrangements going forward. A copy of the amended document is attached to the minutes.

56. DATE OF NEXT MEETING

The next meeting is scheduled for 17 January 2024, from 2-4pm.

The meeting ended at 3.54 pm

Chairperson

River Wye governance

October 2023

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 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 a River Wye Statutory Officers Group (SOG)

Senior officers from the organisations with statutory responsibility will meet 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*
- *This formalises a pre-existing collaboration*

Refocussed Technical Advisory Groups (TAG)

- *Will be reshaped and resourced, linked to priorities set by SOG*
- *Membership will be drawn from SOG members with members/volunteers from the wider stakeholder community*
- *Strong link to the Catchment Partnership*
- *This is not a new group*

River Wye Statutory Officers Group (SOG)

<p>Purpose</p>	<p>A collaboration of the statutorily responsible organisations 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 SOG 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>		
	<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
<p>Operating principles</p>	<ul style="list-style-type: none"> • Meetings will be held quarterly (monthly initially) in order to allow the SOG to task work resulting from its discussions. • Meetings will be held privately with updates and progress against the plan being shared publicly – this will be reviewed after 6 months. • 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 SOG 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 SOG member. • The SOG 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 SOG's recommendations or requests. • The SOG will review performance and delivery of agreed actions as a whole and report on progress publicly. • The SOG 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 SOG 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 SOG by providing technical information and analysis. The role is to identify, develop and analyse options to reduce nutrients, advise the SOG 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 SOG 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>☞</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 SOG with oversight by a project manager reporting back to the SOG and NMB. • 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 NMB to ensure relevant data, evidence and information is understood and considered. NMB 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 SOG. • 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 		

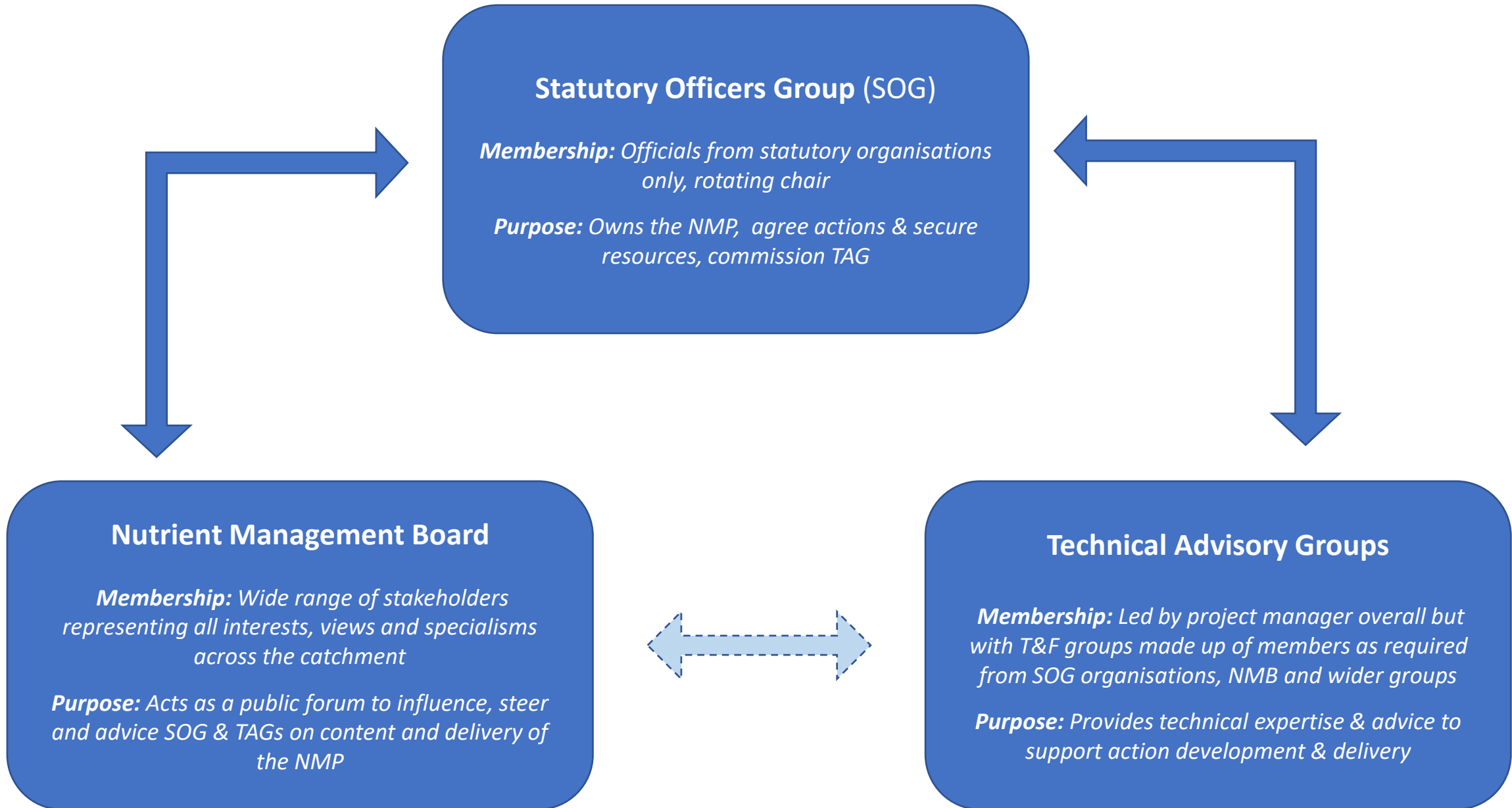
River Wye Nutrient Management Board

Stakeholders coming together to influence, advise and challenge those having an impact on the river or delivering improvements across the catchment

- *Wide group of partners with an interest in improving water quality in the catchment and a role in delivering that outcome who come together to:*
 - *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.*
- *Works with TAG to contribute to delivery of actions as required*
- *This is a refocussing of the existing Board, not a new group*

Nutrient Management Board (NMB)

<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 SOG. 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</p> <p>17</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. The Board retains the right, though it is considered likely to be used infrequently, to vote on issues.</p> <ul style="list-style-type: none"> • Herefordshire Council • Powys County Council • Forest of Dean District Council • Monmouthshire County Council • Brecon Beacons National Park Bannau Brycheiniog • Catchment based public interest groups – e.g. Friends of Upper Wye, Friends of Lower Wye, Save the Wye Coalition • 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>Members of the River Wye SOG who will attend in a full partnership capacity but not vote:</p> <ul style="list-style-type: none"> • Natural England • Natural Resources Wales • Environment Agency • Dwr Cymru Welsh Water
<p>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 SOG on any material that cannot be made public at that time. • The Board will be chaired by Local Authority elected representatives with one (Herefordshire) taking the Chair and a second (Powys) acting as Vice-Chair.
<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 <u>influence</u> decisions and actions that have an impact, directly or indirectly, on the catchment, • to <u>advise</u> decision makers on their proposals, plans and decisions/actions, • to <u>challenge</u> 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 SOG’s updated plan and progress to deliver this (the actual plan and progress will be communicated by the SOG) 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.



Alison Caffyn: What are the differences between the roles and purposes of the Nutrient Management Board and the Wye Catchment Partnership?

Response - Councillor Elissa Swinglehurst, Chair:

The most obvious difference is that the WCP is set up under CaBA and works to deliver solutions for all aspects of the catchment from soil loss to flooding to drought, to adapting to climate change, to tourism to lack of data. It is predicated on building collective understand of the issues, their causes and the solutions and empowers organisations to work in partnership to solve them. It does not have any legal status. Any plan that it produces will therefore be more wide ranging and comprehensive.

The RWNMB was set up to address the nutrient enrichment of the catchment, specifically phosphate, through the development and delivery of a plan. The plan was necessary as a response to the WFD (2014) failure of the R. Lugg and it was designed to demonstrate a path to favourable conservation status in 2027 and to enable the development proposed within the council's local plan to be accepted at examination.

The subsequent 'Dutch Cases' (2019) have reintroduced the 'moratorium' on the basis that the plan cannot offer sufficient certainty that the River Lugg will be within targets. The targets for the R. Lugg have also tightened. This being the case the ability of the plan to enable development has been impaired but the plan continues to develop and deliver actions to improve the nutrient levels of the catchment.

Nicola Cutcher:

Responses from Natural England & Environment Agency

Given Dr Rupert Perkins of Cardiff University says that we need to move away from 'phosphorus mindset' and consider all nutrient loading holistically - including the fact that Ammonia could be a key factor in blooms on the Wye - is the Nutrient Management Plan paying due attention to all nutrient loading?

Natural England & Environment Agency- The Diffuse Water Pollution Plan, our Catchment Sensitive Farming Advisors and our wider farm advise all take a holistic view regarding nutrients and sediment. It is important that although there is rightly a strong focus on phosphorous, that we also are mindful of potential impacts of Nitrogen, especially in regard to Algal blooms.

Natural England- Regarding Condition Standard Monitoring, targets for Nitrogen historically have not generally been set for rivers and this includes the Wye. However, given the developing evidence this is being looked at and considered by our National Rivers Specialist, specifically in the case of the Wye.

Environment Agency - we are also focusing on other nutrients as part of our regulatory activity and talking to land managers about the importance of pH, soil structure, soil biology etc. The inter relationship between nutrients is complex and it is important that this is acknowledged and understood. We are working with farmers and agronomists to understand these nutrient relationships better. We are also looking for opportunities to work with the farming industry and researchers to better understand the movement of phosphate within the soil and how various factors may influence its

availability to plants and their ability to assimilate it, and how factors may influence the lock up of nutrients and losses to the environment. Understanding this is critical to finding sustainable solutions to phosphate management.

Update, 24/1/24 – Response – NRW:

Included in our January update to the Board was a link to a [new evidence report](#) about water quality within Special Area of Conservation (SAC) rivers in Wales. The report complements NRW's 2021 phosphorus compliance report and looks at compliance against seven additional water quality targets including ammonia. It focuses on 127 water bodies within the nine SAC river catchments – Cleddau, Eden, Gwyrfai, Teifi, Tywi, Glaslyn, Dee, Usk and Wye - using data collected between 1st January 2017-31st December 2019.

The report shows no failures on the Afon Tywi and Afon Glaslyn and a small number of non-compliances on the River Dee, Afon Eden and Afon Gwyrfai. More notable failures against targets are recorded on the Afonydd Cleddau, Afon Teifi, River Usk and River Wye. The majority of these relate to targets which are indicators of organic pollution.

The evidence report is publicly available on our website.

Is there any action at all to reduce livestock numbers, as per one of the key recommendations in the RePhoKUs report?

Natural England – The only mechanism currently in place to reduce livestock numbers is through voluntary advice to landowners. We also need to be very mindful of impacts i.e. a land use change of permanent pasture supporting livestock to intensive high risk arable crops may not be beneficial, so as always it is a complex picture and important to consider a holistic approach. As per the NE (Natural England) update, we are proactively engaging farmers to reduce diffuse pollution. This is together with the significant work done by partners such as Farm Herefordshire.

Update, 24/1/24 – Response – NRW:

NRW are unaware of any planned regulatory reduction but compliance with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 measures may result in some reduction (because of the nitrogen loading figures being reduced).

What does the NMB think about the threshold for Environmental Permits for poultry units? At present, only units with over 40,000 birds require a permit. Does the NMB think this threshold ought to be significantly lowered to ensure all units are inspected and assured to be compliant with environmental regulations? Is any action being taken to this effect?

Environment Agency – we are not aware of any plans to change the current permitting threshold for Intensive Poultry. A change in the permitting regime would increase the numbers of permitted sites, but this would not address off-site manure management, which is regulated under different legislation, which is a key focus of our regulatory activity.

Update, 24/1/24 – Response – NRW:

NRW are unaware of any plans to change the current permitting threshold for intensive chicken farms. A change in the permitted numbers would also fail to control the manure storage and spreading outside of the permit boundary. If the thresholds were to be changed, we anticipate considerable challenge to the proposals as it would bring more farms into the permitting regime.

Can we please have an update on Project TARA and what it has discovered so far?

- Project TARA (Testing Approaches to Regulation of Agriculture) is a national project funded by DEFRA which tests how we approach our regulation of agriculture. The outputs from the project will be used to help inform the future regulation of agriculture.
- Concerns have grown in recent years over the increase in both poultry farming and Anaerobic Digestion (AD) sites in the river Wye catchment and whether the increase in these industries could be having a negative effect on water quality.
- West Midlands Area of the Environment Agency (EA) have been provided with funding (under Project TARA) to deliver additional agricultural inspections (this equates to 1.6 full time employees). These inspections focus on assessing whether there is widespread non-compliance in the Poultry and AD sectors; whether the materials from these sectors that are stored and applied to land might be causing environmental harm; and what these industries are doing to ensure land and water quality are protected.
- Unfortunately, the start of the project was delayed due to staff resourcing issues and we are therefore not yet at a stage in the project where we have sufficient evidence to start to draw any conclusions.
- It is planned that all AD sites in the West Midlands area will be audited for feedstock production, site infrastructure and management and use of digestate. These include permitted, exempt and crop fed sites (permitted and non-permitted). The first phase of the project is primarily focussed on the river Wye catchment and will assess site infrastructure and management of the 17 sites in that catchment. Initial site audits will be completed by the end of this financial year. The assessment of feedstock production, digestate use/nutrient management, compliance with the Farming Rules for Water and NVZ Regulations and 3rd party export records will continue over the next 2 quarters. We will have a much better evidence base when this work is completed.
- We are aiming to work with all farms with over 1000 poultry birds in the river Wye catchment. The first phase of the project is assessing the use and export of poultry litter. Farms that utilise their own manure are being assessed for compliance with the Farming Rules for Water and NVZ Regulations in relation to manure and fertiliser use on their land. So far 40 farms (out of approximately 154 sites) have been assessed. Data and information on sites that export manures are being collated to inform future inspections on third party export farms.
- Available data on poultry farms was outdated when the project started. Up to date data has recently been made available to the EA for use in the project and this data is now being used to

contact all farms in the catchment with over 1000 birds who we have not yet engaged with in order to assess their use of manures and fertilisers. This equates to 114 sites.

- Future work planned will involve site visits to some of the poultry farms under the EPR (Environmental Permitting) threshold to look at site infrastructure and management. Due to the scale of the industry and the number of farms involved, a risk-based approach to prioritise a selection of sites for inspection will be taken.
- We are working to identify sources of phosphate accumulation on farms with poultry and/or AD. We are working with land managers to ensure the efficient and sustainable utilisation of phosphate on these sites. Our work aims to not only assess and improve regulatory compliance but also to improve the general environmental performance of these industries so that the water quality of the river Wye is improved both now and for the future.

Christine Hugh-Jones: Will the NMB inform the public about what is happening to the 12 Powys IPU applications which have been subject to Welsh Government Holding Directions (imposed from January to end May 2023)?

Response – Peter Morris, Powys Council:

The planning applications remain subject to holding directions and can be viewed on Powys County Council's planning portal. Welsh Government is undertaking consultation on one planning application located in north Powys outside of a SAC catchment, and the Council awaits Welsh Government's decision on whether it will call-in the application for determination.

Christine Hugh-Jones: Please would the MNB comment on the development of "adequate regulatory regimes" in both England and Wales given the quote from a recent NRW Statutory Consultee Planning Response (attached in full) to an IPU application in Powys?

Response:

To be considered at the meeting.

Update, 23/1/24 – Response – David Lee, NRW:

I've had clarification on this wording from our planning development team and it's to do with the land spreading of digestate that meets the quality protocol (and so it ceases to be a waste) and because the new Wales agri regs are nitrogen focused rather than being focused on phosphorus.

This stance has come from the planning team (they consult with NRW teams and draft our replies on planning applications to local authorities) following internal discussions they had and with advice from NRW's legal team because of this gap in the current regulatory regimes.

If the digestate from an anaerobic digester is applied to land under an Environmental Permit, then there is control in place with the permit. However, if it meets the quality protocol it may not require a permit. In this instance the land spreading must still comply with the new agricultural regulations in Wales (the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021) but because the regulations do not currently include any control on

phosphorus and are nitrogen focused there is a regulation gap. As the land spreading of this digestate is not covered by a regulatory regime, we have to inform the LPA as they can't rely on permitting or the Regulations to cover this aspect when undertaking their Habitats Risk Assessment in the SAC river catchments. That's why we've include the sentence in our planning replies. My understanding is that Phosphorus will be included when the Regulations are reviewed.

Digestate has to meet quality standard BSI PAS 110 in order to cease to be a waste and more details are included at this webpage : [BSI PAS 110: Producing Quality Anaerobic Digestate | WRAP](#)

I hope this clarifies NRW's position and explains why you are seeing this line appear in our planning replies.

Direction to Nutrient Management Boards

Relieving pressures on Special Areas of Conservation (SAC) river catchments to support delivery of affordable housing: [Action plan](#)

Action 1.2 - Natural Resources Wales (NRW) and Welsh Government will provide a clear direction on the role and function of the Nutrient Management Board's (NMB) as a result of the review undertaken by Afonydd Cymru.

Statement of Direction

The Welsh Government has provided funding to relevant Local Authorities and National Parks to lead and enable effective operation of their respective Nutrient Management Boards or Catchment Partnerships to deliver against priorities outlined in the Grant Offer Letters. The NMBs will do this by identifying actions to enable improvements in water quality designed to restore and conserve favourable condition status, whilst also allowing development to continue within the SAC catchment without increasing the phosphorus loading (nutrient neutral development).

The NMBs are required to operate within the existing regulatory framework to address phosphorus pollution within their respective SAC catchment.

The key output of the NMBs is to produce an actionable Nutrient Management Plan (NMP) which sets out agreed actions, roles and responsibilities required to achieve the twin aims of reaching and maintaining favourable conservation status of the SAC, whilst also facilitating nutrient neutral development. The plan should set out rigorously evidenced short (1-5 year), medium (5-15) and long-term (15 years and beyond) measures or in a format individual NMBs favour. NMPs should also set the foundation for longer-term improvements with the aim of achieving and maintaining SAC compliance. The NMP short term measures must prioritise initiatives to unlock affordable housing at pace within the currently agreed WG funding period (by April 2025)

The NMP should be rigorously evidenced to meet the compliance requirements of the Habitats Regulations and devolved environmental legislation and complement the River Action Plan.

It is recognised that responsible water stewardship in the catchment will require ground up community collaboration. Therefore, NMBs are encouraged to develop strong, effective and cohesive partnerships.

Nutrient Management Plans – Steer

Relieving pressures on Special Areas of Conservation (SAC) river catchments to support delivery of affordable housing: [Action plan](#)

Action 1.3 - NRW and WG will work with NMBs to draft a Nutrient Management Plan template.

While the Welsh Government and Natural Resources Wales (NRW) are providing a steer to the Nutrient Management Boards (NMBs) on the development of Nutrient Management Plans (NMPs) to enable consistency across Wales, it is acknowledged that no SAC river is the same and therefore the content of NMPs should be developed and tailored to suit the needs of each SAC river.

Ultimate accountability for the development, monitoring and reporting of the NMP rests with the Chair of NMB and lead Local Authorities and National Park.

Nutrient Management Plan Scope

In accordance with the Welsh Government's Statement of Direction, the NMBs are to *produce an actionable NMP which sets out agreed actions, roles and responsibilities required to achieve the twin aims of reaching and maintaining favourable conservation status of the SAC, whilst also facilitating nutrient neutral development.*

While the immediate requirement of the NMP is to prioritise initiatives to unlock affordable housing at pace within the agreed Welsh Government funding period (by April 2025), NMBs should also set out the foundation and requirements for longer-term improvements with the aim of achieving and maintaining favourable conservation status of the SAC. The NMP should therefore set out short (1-5 year), medium (5-15) and long-term (15 years and beyond) measures, or in a format NMBs favour, ensuring the plan is carefully evidenced.

NMBs are encouraged to develop strong, effective, and cohesive partnerships by identifying and involving local communities, water companies, landowners, agricultural groups, environmental organisations, and regulators throughout the development of the NMP in order to generate buy-in from key stakeholders within the SAC catchment.

Key considerations for Nutrient Management Plan

Please note that the following information should be considered when developing an NMP and is provided for the purpose of alignment of NMPs across Wales.

Catchment Profile

A detailed profile of the SAC catchment that outlines specific factors that have/may impact on the water quality status of the river, for example population, density, land use practices, climate etc.

Evidence Assessment

Referring to the reference documents listed below, outline current condition of the river with regards to SAC compliance and sources of phosphorus pollution, in order to establish an evidence base and inform mitigation measures specific to the SAC catchment. This will also help to highlight gaps in evidence where further research/investigations may be useful to inform additional mitigation measures. Data sources available, but not limited to, include:

- NRW Phosphate compliance review for SAC rivers in Wales
- DCWW SAGIS modelling for SAC rivers
- DCWW Asset Management Programme 6 investigation
- NRW River Basin Management Plans
- River Pollution Summit Evidence Pack
- NRW Core Management Plans
- Priority Improvement Plans (PIPs)
- Links to current evidence available in the NMB Evidence Pack

Options Appraisal

Using the Mitigation Measures Menu developed by NRW, selection of mitigation measures appropriate for the catchment to reduce nutrient loading, along with a catchment-based impact assessment of each measure against the objectives of the NMP. For each measure, the assessment may consider:

- The projected amount of phosphorus that will be removed.
- The timescales required to achieve the phosphorus reduction.
- The methodology to determine the effectiveness of the measure.
- The scientific and practical certainty that the measure will deliver the phosphorus reduction.
- Identification of relevant legislative drivers to deliver Nutrient Neutrality measures and consideration of long-term requirements to achieve SAC compliance.
- Identification of any permits or planning permission required for any mitigation measure.

When assessing each measure, it is advisable to take a precautionary approach and add a buffer to phosphorus figures calculated for developments.

Action Plan

The evidence assessment and options appraisal should inform an action plan that clearly sets out deliverable actions, timescales, costs and stakeholder responsibilities in order to allow new development to occur within the catchment and pave the way for longer-term water quality improvements.

Monitoring and Review

Development of a reporting mechanism to communicate progress, achievements, challenges, and updates to relevant stakeholders and regulatory bodies in order to maintain transparency in all aspects of the NMP.

Identification of periodic reviews of the NMP to evaluate its effectiveness, address any new challenges, and incorporate scientific advancements or regulatory changes.

NMP Reference Documents

A list of available evidence in Wales from NRW, Welsh Government and other organisations for the Nutrient Management Boards. Further environmental data can be requested via [Natural Resources Wales / Request environmental data](#).

- NMB Coordination Group Terms of Reference
- Individual Grant offer letters to respective Competent Authorities
- Wye Nutrient Management Plan

- Dee Catchment Phosphorus Reduction Strategy
- Relieving Pressures on SAC River Catchments to Support Delivery of Affordable Housing Action Plan
- NRW mitigation measures database
- NRW - NMB Evidence Pack

Statutory Officers Group (SOG) updates

Update from the November meeting

Officers from the organisations with relevant statutory responsibilities met on 13 November. They agreed to:

- Review the funding provided by Welsh Government to ensure it was being used to best effect.
- Use the resources provided to develop a Diffuse Water Pollution Plan (DWPP) to help review and update the Nutrient Management Plan for the English part of the catchment but work across border to ensure coherence. An outline plan for this work will come to the December SOG meeting.
- Review the scope, potential funding sources and hosting of a joint officer to support coordination of the Technical Advisory Groups.
- Communicate clearly and transparently on decisions and priorities. Initially through sharing regular updates with the NMB Chair and Vice-Chair but also by sharing information through member organisation's own platforms.

Update from the December meeting

Officers from the organisations with relevant statutory responsibilities met on 11 December. The discussion was focussed on work ongoing to review the Nutrient Management Plan (NMP).

The group recognised that there are various other existing plans which include actions also in the NMP – the main one is the EA's Diffuse Water Pollution Plan (DWPP) but others include DCWW's investment plans and NRW's catchment projects. The group discussed the balance between recognising these sit within the individual organisation's statutory remits and hence this work needs to be done as part of delivering that requirement, but equally there it would be inefficient for a separate NMP to duplicate this. The group agreed to consider a proposal for an officer to help SOG have an overview of the various plans, with a view to using the work necessarily being done under individual remits to help refresh the NMP. The proposal would also look at coordination of the Data and Evidence task and finish group with a view to first making best use of the data and evidence collected to date, and then identifying further work needed.

Alongside this, the SOG heard an update from the EA on work ongoing around the Farm Tool task and finish group (see attached pdf). The group met to review various existing tools and consider options going forward. The key next step is understand work needed and likely benefits of each option. The group was clear that the resulting product must be easy to use.

