

# Notes of the meeting of the Wye Catchment Nutrient Management Board held in on Wednesday 29 June 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
Grace Wight (GW)	Environment Agency
Merry Albright (MA)	Herefordshire Construction Industry Lobby Group
Craig O'Connor (COC)	Monmouthshire County Council
Martin Williams (MW)	National Farmers Union
Claire Minett (CM)	Natural England
Simon Evans (SE)	The Wye and Usk Foundation
Councillor Ellie Chowns (EC)	Herefordshire Council
Councillor Jackie Charlton	Powys Council
Councillor Catrin Maby	Monmouthshire Council

### Statutory Advisors present

Rachael Joy (RJ)	Herefordshire Council
Matthew Lewis (ML)	Monmouthshire County Council
Hayley Fleming (HF)	Natural England
Ann Weedy (AW)	Natural Resources Wales

### Others present

Simon Cann (SC)	
Richard Tyler (RT)	
Angela Newey (AN)	
Andrew McRobb (AM)	
Jim Hicks (JH)	
Alison Caffyn (AC)	Food, Farming and Countryside Commission
Sarah Faulkner (SF)	National Farmers Union
Kate Speke (KS)	The Wye and Usk Foundation

### Welcome and apologies

The Chair welcomed everyone to the meeting and introduced two new members, Cllr Catrin Maby Monmouthshire Council and Cllr Jackie Charlton Powys Council.

#### Apologies for Absence

Apologies were received from Cllr Harrington (Herefordshire Council), Cllr Phillips (Herefordshire Council), Helen Lucocq (Brecon Beacon National Park Authority), Stuart Smith (Wye Salmon Association), Cllr Sid Phelps (Forest of Dean District Council), Nerys Hammond, Cllr Hitchiner (Herefordshire Council), Kevin Bishop (Herefordshire Council Officer)

## 13. NOTES AND MATTERS ARISING FROM LAST TIME

The Chair invited the board to consider the minutes of the meeting of 30 March 2022

Alison Caffyn (AC) pointed out (as a non-member) that the meeting of 30 March was not minuted as she recalled. She had given updates on livestock numbers, which were read out, but does not have colleagues in Monmouthshire or the Forest of Dean. She had simply suggested that these individuals be asked to obtain and report their own numbers in relation to livestock.

Elissa Swinglehurst (ES) Noted that the action was for the Forest of Dean and Monmouthshire representatives to take away and come back with numbers when they had obtained them.

**The minutes of the previous meeting on 30<sup>th</sup> March 2022 were then agreed as an accurate record.**

Matter Arising

The board considered the actions arising from the previous meeting.

ES Noted that there had been an action to contact DEFRA about using the annual inventory as a way of monitoring livestock and asked if there had been a response.

Rachael Joy (RJ) explained that there had been no reply from the minister.

ES enquired if the board should ask again?

RJ stated that she would add this to the chaser list of other letters the board hasn't had responses to.

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

**[Action by: RJ]**

ES enquired about the RAG rated actions monitoring, and whether there was anything in the pipeline for monitoring actions coming forward against the plan.

RJ explained there was further work to be done with Hayely Fleming (HF) the Chair of TAG, who had done a lot of practitioner development work, which had been much needed. However there was a need to knit that back to the plan and circulate it to the Board for the September meeting.

ES enquired of Fergus O'Brien (FOB) about an outstanding action on biosolids.

FOB had provided some feedback on the action plan on where the biosolids were being spread relating to totals from Welsh Water. His colleagues had enquired with Severn Trent and anecdotally they believe Severn Trent don't spread biosolids, but were still seeking confirmation of this.

ES asked what assurances there were that biosolids were not being dumped on nutrient enriched lands?

FOB all spreading of biosolids to land is covered by existing sludge use in agriculture regulations, further information could be provided if required.

**14. UPDATE FROM TAG AND STEPS TO PRODUCING A FUTURE RIVER WYE NUTRIENT MANAGEMENT PLAN PERFORMANCE REPORT**

The board received the reports and Hayley Fleming (Chair of TAG) presented a series of slides, which covered off the purpose of the Technical Advisory Group (TAG).

HF then talked through the new Wye Actions Spreadsheet, which would provide a 'two way street' of information exchange between the Board and TAG. The framework would record actions and named leads for actions and would be visible and accessible to the public, so that people could see how actions were being progressed.

The Wye Work Plan 2022 identified six key areas of focus that would require working groups made up primarily of TAG members and other stakeholders, these were: Poultry, Farm advice, Land use innovation, Regulation, Evidence and Wetlands. Currently the Poultry group had made the most progress. HF then discussed the other areas and suggested subjects they should be addressing. It was noted that the Wetlands subject may be better suited to a Task and Finish Group arrangement.

TAG would advise and bring recommendations to the board for decisions, and the new management framework would facilitate that and show progress on actions. However TAG wouldn't be responsible for delivering all the work and would need assistance from partners and stakeholders.

ES praised the work TAG had done and felt the plan and action spreadsheet was an excellent piece of work. ES was especially pleased that it would be visible to the public as it would allow people to monitor the board's progress and activity

Cllr Jackie Charlton (Powys Council) introduced herself to the group and enquired how Natural England was working with the Welsh equivalent and whether Powys was involved?

Ann Weedy (AW) explained that Natural Resources Wales (NRW) had provided some feedback and information, which was provided within the agenda pack. AW pointed out that it was important to note that the Welsh and English laws were different and AW said she would be happy to meet with Cllr Charlton to discuss things further and provide some background.

AW IPUs could not be visited due to Avian Flu restrictions, but these had now been lifted. Some targeted regulated units are being worked with over the summer. Those under 40000 were not regulated and therefore the work was more reactive in relation to the smaller units.

ES advised that all members of the board would be happy to work with Cllr Charlton to support her.

Grace Wight (GW) supported the approach made by TAG and enquired whether there were specific areas where support / resource was required. HF advised that the top priority was agreeing a named person to chair each working group. GW suggested that the Environment Agency would nominate someone to chair the Evidence Working Group.

On a general note regarding the working groups HF suggested it would be desirable if somebody from TAG chaired each group and that they could report up to the board, but ultimately the selection would come down to whichever individual was best suited to do the job.

HF explained that the working groups would look at what they could bring to each of the work areas, what needed to change and what needs to happen to start driving down on phosphates.

Cllr Catrin Maby from Monmouthshire (newly appointed cabinet lead for Climate Change and Environment for Monmouthshire Council) explained that the new administration was really highlighting river pollution and the natural environment in general, so would welcome a collaboration with all other stakeholders (especially AW and Cllr Charlton).

Martin Williams (MW) pointed out that Farm Herefordshire were responsible for some areas which have been mentioned in relation to the Farm advice working group and that this was essentially Farm Herefordshire's remit. MW thought it was odd that this was included and that perhaps Farm Herefordshire could perform the functions of the Farm advice working group.

ES proposed that HF and MW should have a discussion about the matter outside of the meeting.

ES pointed out that the board needs to be mindful of crossover activity between the TAG and work that was already underway and being carried out by other stakeholders and partners.

ES also noted that the board often does good work that has a positive impact, but doesn't capture it. One of the points of the TAG Action Spreadsheet should be that it captures that information and feeds it into a progress report.

Claire Minett (CM) note that a lot of activity was happening, but that it was vital that it was all being captured.

ES Proposed that a date be set by which chairs of the working groups would be named, 29 July 2022

ES also noted Andrew McRobb's comment in chat that TAG needed to work across the border so they needed Powys to provide details of an equivalent to Farm Herefordshire.

**Recommendation: Chairs of TAG Working Groups to be brought forward by 29 July 2022**

**[Action by: all of group]**

**Action: Powys Cllr to provided details of the equivalent to Farm Herefordshire in Powys.**

**[Action by: Cllr Jackie Charlton]**

15. **TAG REPORT 29.06.22**
16. **NRW UPDATE FOR WYE NMB - JUNE 2022**
17. **REVISED TARGETS FOR THE WYE (IN ENGLAND)**

The board received the report.

Claire Minett (CM) explained that it had been proving difficult to recruit ecological freshwater advisers and that Natural England was on its third round of recruitment.

Catchment Sensitive Farming Officers were less difficult to recruit, although there was a post still vacant. Only 43% of land use was being picked up by Catchment Sensitive Farming. The board needed to ask how does it get people who aren't involved to engage? The board needs to make a step change and take a really pro-active approach to encouraging involvement.

ES advised that it was vitally important that phosphate reduction as a result of these actions is recorded to help demonstrate the difference that is being made. Capture those benefits and hopefully show a year-on-year on improvement to demonstrate things are working.

CM it is very difficult to evaluate the impact of the buffer strip in a field and the impact it has on the river.

Merry Albright (MA), highlighted the need to capture the savings and quantify everything that was being done, given that it was being paid for by the public purse. It would also be desirable to quantify retrospective work.

**Action: CM to circulate latest version of the Catchment sensitive farming evaluation report.**

**[Action by: CM]**

ES asked how the board could capture the benefit of the Wye Water Environment Improvement Fund (WEIF) and what was the size of the funding? Also in relation to tree planting, how many were there and over what area were they? GW didn't have information to hand on this, but would look to obtain it.

ES suggested that where natural flood management fits in with the Lugg internal drainage board, the NMB cross reference that with the area engineer there, because there may be a mutual benefit from that as both parties are dealing with the same issue from different ends.

ES asked if there was a timeline for publication for Project TARA?

GW said no, but would find out as work was ongoing

ES asked about phosphate bound in sediment.

GW Suggested bringing all of this together as part of the remit of the evidence group of TAG, so that it becomes a partner-led piece.

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

**[Action by: GW]**

ES praised the quarterly reports, the increase in EA officer and resulting increase in visits and enquired about quantifiable results from these visits, what action has been taken and what was the level of compliance?

ES stated there was a need for a piece of work on total phosphate versus orthophosphate, as that was where the evidence is taking the board now.

GW explained that this was being looked into by the Environment Agency.

Fergus O'Brien (FOB) pointed out that a 'worse-case scenario' had been used in relation to figures being modelled in relation to orthophosphates.

ES pointed out that there was a need for greater public awareness in relation to water temperature. Maybe signage and more public information about the impact of people on the river when the temperature is high?

Simon Evans (SE) noted the agencies generally favoured advice and guidance rather than enforcement.

GW acknowledged this and explained that enforcement straight away would not always be the best way to engage and that you got the environment that you pay for.

SE responded that after two and a half years the agencies were still focusing on advice and guidance, and that there was a lot of frustration, especially from farmers who are doing the right thing.

Cllr Catrin Maby suggested that advice, guidance and regulation enforcement all work together and that it shouldn't be a case of one then the other, but that instead they should go hand in hand.

RJ expanded on the earlier comment made by GW about getting the environment that you pay for. RJ explained that enforcement was incredibly expensive, officers are taken from normal duties and spend large amounts of time preparing legal papers for cases. The board needed to understand the 'opportunity cost' involved in such activity and how funding it could impact funding for alternative work and projects.

ES asked GW if every enforcement led to a court case or was there an on-the-spot fine facility? Could the enforcement process be mapped out with an explanation of the problems involved when progressing a case?

**ACTION ES would like enforcement process mapped out, with an overview of the problems involved in progressing certain cases.**

**[Action by: GW]**

HF explained that the new management framework has catchment action plans that would enable the board to take a more geographical approach to what needs to happen. It would be possible to take a hotspots approach to identify where enforcement or advice would be most appropriate and cost effective.

Helen Dale (HD) asked if it would be possible for somebody to present evidence, with data that demonstrates the advisory approach hasn't worked.

ES TAG to think on that over coming months.

ES had seen the report from Herefordshire Council and wanted to say congratulations on getting the Luston site progressed.

ES discussed a report from Natural Resources Wales about visiting pig farms. ES was keen to know the level of compliance and non-compliance.

AW said it was useful to know the level of detail the board was after and that they could bring that back next time. The majority of pig farms were ok, although some light follow

up action was required in a small number of them. Those plants need to go away and do work on the issues.

**Action: AW to provide detailed update on pig farm visits.**

**[Action by: AW]**

ES was reminded of poultry units with less than 40,000 birds and whether the board has sufficient sight of them and do the agencies really care about them?

AW explained that it comes down to prioritising the bigger sites that we are funded to regulate, but if issues with sites with less than 40,000 birds are raised and we have concerns then we will visit them.

AW told the board that there were talks to extend the Dairy Project (a specific project on the dairy sector) and this could potentially be expanded to take in poultry, pig and beef.

ES sought clarity on NRW position that there is no connection between poultry units and the pollution of the river.

AW explained that there was no evidence to suggest direct connection between poultry units and river pollution, but that it was likely poultry farms were a factor. However, AW felt that to focus on a single sector would be a mistake. Pollution was coming from a number of sources, poultry being one of them, but not the only one.

Martin Williams (MW) expressed his frustration at having to listen to the same fixated arguments on the same bits and pieces, specifically the focus on chicken farming and poultry units. MW felt there was a need to look at the bigger picture and that the board was destined to fail to achieve its targets for 2027.

MW also asked in relation to the NRW report based on data from 2015, if they were going to review that based on more recent data?

MW then enquired as to what the aims of the board were and what was the board's intended finished product and end game? Without saying where it wanted to be in 2030 and 2040 MW couldn't see what the board was trying to achieve.

ES responded that the board could not entirely ignore the chicken farming/poultry unit situation as they were 'the feathered elephants' in the room and that they were part of the problem, along with other factors.

ES explained that the 'end game' of the NMB was to see the river returned to and kept at favourable condition status. ES also explained that the targets were only about phosphate and that the river status was a different matter.

CM pointed out that the board looks at a host of figures across the river and that the phosphate target is not the only one. The board needs to take a holistic view of the river and aim for the river to be healthy into the future. Threats and action will move, but there is enough evidence already to know that there are some things that absolutely need doing now.

MW asked if there was data on extraction from source?

SE explained that the water company had completely transformed how Elan Valley operates, as soon as the flows drop at the lower end they open the taps on the reservoir. SW feared that with some of the agricultural extractions the river would be on its knees.

Cllr Charlton, stated that Powys had a problem with chicken farming and that the public perception was that Intensive Poultry Units were responsible for the amounts of phosphates going into the rivers. She did agree with Martin about looking at the whole picture, but didn't feel chicken farming could or should be ignored.

RJ appreciated MW's frustration, but urged MW to look at what has been achieved, Monmouthshire Council, Powys Council, the Welsh government and a whole host of other bodies have come together to tackle the issue, but no one organisation owns or has responsibility for the work. There is an overwhelming expectation about the work TAG is expected to achieve and this is why RJ has taken forward the idea around the phosphate commission and is looking to develop it into a scrutiny task and finish group. The board needs to work out what to do to change the system and what needs to be done to get a more effective strategy in place on this.

RJ urged MW to look at what he had achieved with Farm Herefordshire in terms of phosphate and recognise that there are lots of things the members of the board can do together differently.

CM reported the struggle to recruit fresh water ecologists.

ES noted an ammonia target in first table, but not in the subsequent table

**Action: CM to go back and get information and data on ammonia added.**

**[Action by: CM]**

MA were the targets redone to line up better with NRW?

CM no, not solely they were redone in common with the standard UK monitoring guidance, which dictates that near natural targets should be used. NRW had already been using that methodology, so Natural England was catching up. The guidance was not likely to change again in the near future

MA asked if the board would we get an extension because of the methodology changes?

CM stated that 2027 was a directive target, but ultimately the goal was to get the river right as quickly as was possible.

ES said that she didn't think anyone was working to a date target and thinking well let's not bother because we might not hit it.

RJ pointed out that the current status of the Wye is unfavourable, but recovering and that this was being reviewed. She asked what evidence there was to support the judgement it was recoverable.

CM explained the river was currently being reviewed and that the whole river system and not just phosphates were being evaluated.

MW said that the board really needed CM to give it a basis, in terms of status, on where the river was and where it was recovering from.

CM, responded that what the board needed to focus was how it was going to fix the river, the assessment would not help in achieving that. The review could conclude that

there was no change or that it was declining, but that wouldn't change the actions that needed to be taken.

CM stressed that the assessment was not the key, the actions to deliver change were the key.

**18. RESPONSE TO THE NUTRIENT MANAGEMENT BOARD'S JANUARY 22 REQUEST FOR A WPZ**

The group received a response from Minister Pow and the Board asked the Statutory Partners and TAG to consider gathering the necessary evidence.

The board noted the response and how it underpinned the desirability of obtaining and capturing good evidence and data.

**19. REPHOKUS WYE REPORT**

The Board received and considered the recent RePhoKus report into legacy Phosphate.

ES thanked the RePhoKus team and Kate-Speke Adams.

ES noted the recommendations and that the substance flow analysis was showing an excess of 3,000 tonnes of phosphate per annum, which is equivalent to 17 kilogrammes of phosphate per hectare per annum. The recommendation basically was that this needed to be rebalanced and go below this amount in order to start drawing up the legacy phosphates. It wasn't just neutrality that was needed, a point of negativity had to be reached.

MA asked why the board wasn't using the recommendations.

ES pointed out the report had only recently been published.

MA asked if the recommendations needed to be approved by the board.

HF explained that TAG considered this to be quality research containing the most reliable scientific evidence the board had access to and it would not question the data contained within.

HF asked the board to ponder whether any of the information in the RePhoKus report would help the board to redirect its efforts.

MW acknowledged there was too much phosphate in the catchment, but massive changes were coming with agricultural reform. MW urged the need to get the land managers on side because they were 66% of the solution. MW said that education, re-education and knowledge exchange were key within the farming industry and that intervention had to come to make that big change.

**20. GO WILD ON THE CURL**

Kate-Speke Adams (KS) gave a presentation on the make-up, funding and activity of the Go Wild in the Curl project. Key elements were identified including:

- Soil Testing

- The farm phosphate balance,
- Utilising Countryside Stewardship to secure improvements
- Citizen Science Monitoring
- Project Finances
- Upscaling this model

KS stressed 5 years of good work can be undone in a flash

ES good to see positive action. Would be great to see if it could be upscaled.

MA Capture the results and publish. If there's a way we can shape what you've captured let us know.

KS Expanding to Powys hinges so heavily on extra funding, it will not have the same impact in Wales where the farm grant system is very different.

ES Confirmed that the project was fundable through existing schemes, working together catchment groups will all fall within the local nature recovery tiers.

## **21. UPDATES ON SUPPLY CHAIN ACTIVITY - AVARA / NOBLE / GAMBER**

ES Would like this as a regular item and would like to be sighted on work being done within the supply chain.

## **22. AGRICULTURAL SUPPLEMENTARY PLANNING DOCUMENT**

Angela Newey (AN) gave a brief verbal introduction to the SPD stressing that it was very much a draft document that would be subject to further amendments. The SPD was broadly comprised of two parts:

The first part looks at various issues that arise when the council receives planning applications for different types of agricultural developments, and the reports and supporting information that would be required to be submitted. It will provide a kind of one-stop-shop for farmers, agents and the development management team.

The second part of the SPD is a technical annex that's been prepared by a team from Ricardo and provides methodology to assess and mitigate against increased phosphorus loading of the river. It uses the Farm Scoper programme, which provides a process to assist farmers in order to make calculations and then provide that evidence as part of the planning application. This would apply to development in the Lugg catchment, but could also be applied elsewhere in the county.

The draft SPD will go out for consultation around August/September 2022 for about eight weeks, which will provide an opportunity for the board to provide formal comments and input and the team will make any changes before it proceeds to adoption.

## **23. ITEMS FOR ESCALATION TO STATUTORY PARTNERS**

No Comments.

## **24. PUBLIC QUESTIONS**

To provide members of the public attending the meeting the opportunity to ask questions of the statutory partners. The public joining the meeting via YouTube are being provided with the facility to email in questions during the meeting.

Richard Tyler (RT), asked about the fate of the Water Protection Zone (WPZ) proposal and whether DEFRA turned it down? The Welsh and English statutory agencies were asked for an update.

GW shared the response. The WPZ was always an option on the table, but there was a need to assess the effectiveness of existing legislation. Time was needed to establish whether new officers were making a difference before going down that route.

AW described a similar situation in Wales, a WPZ had to be evidence based and current regimes had to be shown not to be effective or beneficial.

RT has the minister been asked that question?

AW not aware of formal response from Welsh ministers, but will follow it up.

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

**[Action by: AW]**

Andrew McRobb (AMR) asked “if the farming rules for water say there should be no excess nutrient put on greater than the crop needs, why, if 3,000 tons a year is being applied, aren't we questioning this?”

GW was not able to answer this and said she would pass it back to the team at the Environment Agency.

AMR stressed that we were not following the farming rules for water as they are written and that he would just like an admission that we were failing.

James Marsden (JM) nobody is talking about sheep and total poo and the components of poo and pee other than RePhoKus. Until we reduce total poo, we're not going to get anywhere, why aren't we reducing livestock numbers across the catchment? The agencies appear to be unwilling to go there because they have their respective governments on their shoulder telling them not to. JM what is holding the agencies back, they have the measures to deal with this?

AW responded that agriculture was major part of the rural landscape in Wales and that this was a sensitive issue, but those conversations were happening with the agricultural sector and Welsh ministers and this is a priority for the Welsh government. Watch this space.

ES pointed out that sheep farming tends to be less intensive.

JM suggested having a look at the RePhoKus data, which suggests there are 11 million sheep in Wales.

Helen Hamilton (HH) noted that the ecology of the Wye goes much deeper than just phosphate. In the presentation about the SPD using Farmer Scoper they're only applicable in the Lugg, now that the Lugg catchment area is already failing.

HH said that the local authorities must take a precautionary approach, and that you don't wait until you're absolute failing to hit your targets before deciding to do something. The position statements and regulation assessments need to be done to prevent any further deterioration and to prevent any interference with measures that are being taken to try to restore the special area of conservation (SAC) to good condition. The position statement as it is very misleading.

RJ explained that in a presentation to cabinet, she had made comments of concerns about the Wye and establishing whether it is recovering or not. This is a crucial question for Council.

**25. DATE OF NEXT MEETING**

It was confirmed that the dates of the next meetings were:

28th September, 2-5pm

21st December, 2-5pm

The meeting ended at Time Not Specified

**Chairperson**