

## Herefordshire Response to the Agencies Proposals on Governance

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

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

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

The acid test for any governance arrangements is that they

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

They must also

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

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

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

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

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

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

#### Appendix 1.

The Rt Hon. Dr Thérèse Coffey MP  
Department for Environment, Food & Rural Affairs  
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14<sup>th</sup> June 2023

Dear Secretary of State,

#### **Wye Catchment Roundtable Follow Up**

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

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

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

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

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

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

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

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

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

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

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

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

Yours sincerely,

Paul Walker

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