

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 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

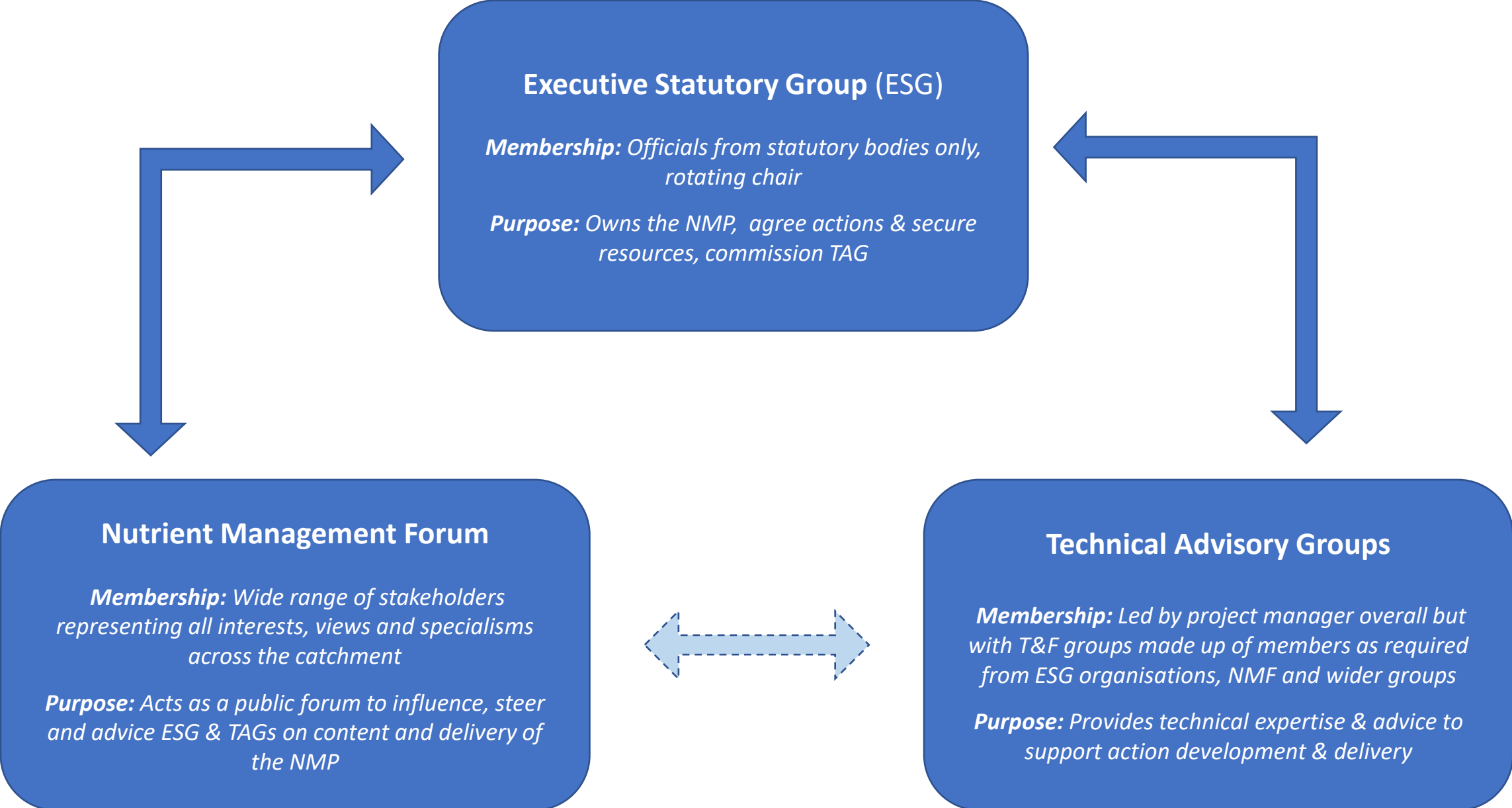
<p>Purpose</p>	<p>A collaboration of the statutorily responsible authorities operating within the catchment to restore the Conservation Status for the River Wye Special Area of Conservation.</p> <p>The group as a whole does not have any formal powers or resources and as such cannot make any decisions 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>		
	<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 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>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



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>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.