

Notes of the meeting of the Wye Catchment Nutrient Management Board held in on Wednesday 12 July 2023 at 2.00 pm

Attendees:

Voting Members present

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

Welcome and apologies

The Chair welcomed attendees to the meeting.

44. CHANGES TO MEMBERSHIP

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

45. MINUTES AND MATTERS ARISING FROM LAST TIME

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

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

46. PUBLIC QUESTIONS

Responses were taken as tabled the following:

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

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

The response from Monmouthshire is as follows: phosphorous sensitive Special Area of Conservation (SAC) catchment area (like the Wye) in accordance with the latest guidance available from NRW. NRW's current advice can be found here:

<https://naturalresources.wales/guidance-and-advice/businesssectors/planning-and-development/our-role-in-planning-and-development/advice-to-planning-authorities-for-planning-applications-affecting-phosphorus-sensitive-rivers-special-areas-of-conservation/?lang=en>).

Planning applications for development, including intensive poultry units, which are not 'screened out' against the above NRW guidance will be subject to an Appropriate Assessment so that the phosphorous impact of a proposed development on water quality can be considered. The guidance requires development proposals to demonstrate neutrality or betterment in terms of phosphate levels. If adverse effects on the integrity of the SAC from the proposal cannot be ruled out through the Appropriate Assessment process (taking into account any proposed mitigation measures) then this will be a sufficient reason to refuse a planning application - assuming the proposal does not fulfil the legal tests for derogation. Further information on the broad process can be found here: <https://www.gov.wales/habitats-regulations-assessments-protectingeuropean-site-html>".

47. UPDATE ON ACTIVITY SINCE LAST MEETING

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

48. RESHAPING THE BOARD AND FUTURE STRATEGY

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

49. AOB

1. No additional items were raised for discussion.

50. DATE OF NEXT MEETING

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

The meeting ended at 4.00 pm

Chairperson