


Record of operational decision

Decision title:	Award of contract to Ricardo-AEA Ltd for the provision of a Whole Catchment Nutrient Management Plan with a Welsh evidence base.
Date of decision:	11th February 2025
Decision maker:	Ross Cook - Corporate Director, Economy and Environment
Authority for delegated decision:	<p>A cabinet member decision was taken on the 2nd March 2023:</p> <ul style="list-style-type: none"> • That authority is delegated to the Corporate Director for Economy and Environment to allocate up to £250,000 of the total allocation of £480,000 to the continued work of the Commission for progressing river restoration, following consultation with the Chief Executive and the Director of Resources and Assurance; • The Chief Executive is authorised to continue the council’s work with stakeholders and to prepare a draft submission considering all potential options to DEFRA and Welsh Government; and • The Chief Executive is authorised to work with statutory partners to take forward the Commission’s recommendations for a newly reconstituted Nutrient Management Plan Delivery Board to undertake a critical assessment of the draft submission to DEFRA and Welsh Government, and a revised Nutrient Management Plan. <p>Cabinet Commission Prospectus for our River Restoration 2nd March 2023</p>
Ward:	Countywide
Consultation:	Nutrient Mitigation Lead, Cabinet Member for Environment & Planning, and Head of Environment, Climate Emergency and Waste Services
Decision made:	Contract awarded to Ricardo-AEA Ltd for the provision of a Whole Catchment Nutrient Management Plan (NMP) with a Welsh Evidence Base for the sum of £64,429.00 ex VAT.
Reasons for decision:	<p>The River Wye along with the lower reaches of the River Lugg is internationally protected as a Special Area of Conservation (SAC) under the Habitats Directive. The Conservation Status of the River Wye / Lugg is ‘Unfavourable – Declining’.</p> <p>A Nutrient Management Plan (NMP) was brought forward by the Nutrient Management Board to demonstrate that restoration of the Wye to favourable condition status was technically achievable and that the proposed housing growth for the Lugg catchment, as set out by the Local Plan, could be accommodated. However, as a consequence of the Dutch Nitrate Judgement in 2018, Natural England advised that the strategic NMP, with its trajectory to bring the river back into compliance by 2027, could no longer be relied upon.</p> <p>The NMP was reworked to a Phosphate Action Plan in 2021 with the aim of identifying quantifiable actions that met the high bar of certainty required by the legislation. It has since been acknowledged (2023) by all partners of the board that the complex nature of the pollution in terms of its causes, behaviours and effects, limit the plan’s ability to meet the high bar set by the Habitats Regulations and therefore the focus of the Nutrient Management Plan, moving forward, should be river restoration.</p>

	<p>As a consequence of a Judicial Review the Environment Agency are bringing forward a Diffuse Water Pollution Plan in Spring 2025 intended to provide an evidence led plan with identified priority actions for the English catchment of the River Wye SAC.</p> <p>The Council, as administrators of recently secured Welsh Government funding, have awarded Ricardo consultants the contract for the provision of a Welsh datasets to provide evidence for the Welsh catchment. Drawing together evidence collated from both catchments Ricardo will provide a whole catchment Nutrient Management Plan.</p> <p>This decision is necessary to achieve the overarching aim of returning the River Wye / Lugg to Favourable Conservation Status as the work undertaken as part of the Nutrient Management Plan will be incorporated into the broader evidence baseline for the Wye Catchment Plan.</p>
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>Equality and legal considerations: Ricardo were selected through a medium value procurement exercise to show CPR's were followed.</p> <p>Risk: Not providing a catchment wide analysis and action plan will fail to lead to the restoration of the river.</p> <p>Mitigation: The commission has developed an evidence led proposal and locally developed solutions which is hoped will command respect from both Governments. However, it is accepted that national policy decisions by both governments could override ambitions developed through a localism remit.</p>
<p>Details of any alternative options considered and rejected:</p>	<p>Alternatives considered were:</p> <ul style="list-style-type: none"> • Option one: No Whole Catchment NMP with a Welsh Evidence Base. Without a Welsh evidence base there would only be evidence and actions for the English catchment and fail to address the catchment as a whole. Rejected. • Option two: Ricardo creates a NMP with a Welsh Evidence base. Ricardo has known expertise in the area and are an objective exterior consultant. This mitigates legal risks and goes in hand with equality considerations. Accepted.
<p>Details of any declarations of interest made:</p>	<p>None</p>

Signed.....  Date: