

River Wye Nutrient Management Plan (NMP) Board

29 January 2020, 2:00pm

Herefordshire Archive & Record Centre, Rotherwas, Hereford

Draft Notes

Attendance:

Cllr Elissa Swinglehurst (ES) (Chair)	Herefordshire Council (HC)
Mark Willimont (MW)	HC
Kevin Bishop (KB)	HC
Samantha Banks (SB)	HC
Kevin Singleton (KS)	HC
Bethany Lewis (BL)	HC
Liz Duberley (LD)	HC
Dawn Evans (DE)	HC
Richard Pitts (RP)	Powys County Council (PCC)
Christopher O'Brian (CO'B)	Brecon Beacons National Park Authority (BBNPA)
Mark Rychnovsky (MR)	Dwr Cymru-Welsh Water (DCWW)
Kate Howard (KH)	DCWW
Dave Throup (DT)	Environment Agency (EA)
Andrew Osbaldaston (AO)	Environment Agency (EA)
Clare Minett (CM)	Natural England (NE)
Emma Johnson (EJ)	Natural England (NE)
Sarah Faulkner (SF)	National Farmers Union (NFU)
Simon Evans (SE)	Wye and Usk Foundation (WUF)
Kate Speke-Adams (KSA)	WUF
Nick Read (NR)	Farm Herefordshire (FH)
Helen Dale (HD)	Country Land and Business Association (CLA)
Martin Cox (MC)	Natural Resources Wales (NRW)

Anne Weedy (AW)	NRW
Nerys Hammond (NH)	Farming Connects (FC)
Aled Jones (AJ)	Farming Union of Wales (FUW)
Andrew Nixon (AN)	Herefordshire Wildlife Trust (HWT)

Apologies;

Cllr Phyl Davies	PCC
Dane Broomfield	EA
Jenny Gamble	EA
Lee Price	FC
Jodie Rettino & Rebecca McLean	Severn Trent Water
Rachel Lewis	Monmouthshire County Council
Abbey Sanders	HC

1. Introductions & apologies.

Cllr Swinglehurst (ES) opened the meeting and welcomed the public

2. Board Membership

Following debate at the previous board regarding extending membership it was suggested that a number of other organisations could be invited to site on the NMP Board.

- ES indicated that it had been suggested that the Herefordshire Construction Industry Lobby Group (HCILG), however, the invitation had been subsequently declined.
- ES considered that the Herefordshire Wildlife Trust should also be a member of the Board, there was agreement from the Board on this and the Trust (Andrew Nixon) indicated they would welcome a seat on the board. Andrew Nixon (AN) was then asked to take a seat at the Board.
- Invitations to join the Board were extended to CPRE and CPRW and they indicated they needed to discuss with their organisations before they could accept the invitation.

3. Notes of the meeting of October 2019, attached.

- Comment regarding 'reed bed' – needs to be amended to refer to "integrated wetlands".
- Member of the public question was not minuted regarding the volume of poultry manure distributed across the county. This was noted and SF agreed to take an action to respond regarding AVARA potentially reducing the level of phosphate in the feed and how that might have some impact and the distribution of poultry mature.

Action – SF to investigate and respond.

- Amend DCWW reference to 87% of the population are connected to STW with phosphate stripping.

The notes agreed were agreed with these amendments.

4. "Dutch Nitrates" Judgement and phosphates - feedback & recommendations from the December Technical Advisory Group (TAG) and implications for a revised Nutrient Management Plan.

MW reported that Jenny Gamble from the EA had prepared a report outlining the possible actions which the TAG had discussed at their meeting on the 6 December.

The paper had been distributed to the Board and these were summarised by MW:

Retrofit Sustainable Urban Drainage Systems (SUDS)

LEP funded study in 2015 into SUDS showed there is possibility to remove surface water from the system, therefore reducing the volume entering treatment works. This will reduce the amount of phosphate leaving the sewage works regardless of the concentration of phosphate entering the works as the treatment process treats all volumes to a specific concentration.

Challenges – funding is unknown and could be expensive, potential long time scale and require major street works.

Integrated wetlands –DCWW sewage treatment sites in the Wye catchment may be suitable for installation of a wetland system adjacent to the works to reduce the amount of phosphate being discharged to surface waters. Plants in the wetland system take up nutrients including phosphate, reducing the amount of phosphate leaving the wetland. A number of sites have been confirmed as possible so far. These are sites that do not have phosphate stripping in place.

Challenges include land suitability and acquisition, planning permission required, ownership, establishment of the plants takes time, needs ongoing maintenance.

Sediment and silt traps – Sediment traps installed in suitable locations can collect sediment before it enters surface water therefore reducing the amount of phosphate entering water

Benefits - reduced phosphate entering River Lugg catchment, aesthetic and amenity.

Challenges –need land, needs a large buffer to provide “certainty”.

Water Protection Zones (WPZ) – WPZs are mechanism that may be used to prevent water pollution in urban and rural environments. WPZs require polluters to start, stop or limit certain activities, depending on the nature of the problem. This includes point-source water pollution (from a single origin) and diffuse water pollution (from dispersed sources which are collectively significant).

Benefits – legal and enforcement

Challenges – need parliamentary approval and challenges from landowners. WPZs could be considered once other actions have been exhausted.

Tightening of existing permits – May be technically possible but DCWW would appeal and this goes against the agreed Asset Management Plan (AMP) process. DCWW outlined they have already committed their fair share and are meeting highest standards at present time. It is technically possible for the EA to review permits but this is long term.

Benefits – legal and enforceable

Challenges – could be challenged by Welsh Water. General agreement this would be something to consider for the next AMP 2025-2030.

DCWW current programme of AMP works in the Lugg Catchment includes 4 works with phosphate removal – Leominster, Presteigne, Weobley and Norton.

Retrofitting in Council owned buildings – The fitting of water reduction measures such as dual flush toilet cisterns to reduce wastewater generation.

This would reduce the volume of effluent entering sewage treatment works in the catchment. This approach is being used by Portsmouth City Council. HC and PCC do not have a significant housing stock in their ownership. Discussions with Herefordshire Housing Associations have indicated that they are not currently seeking to retrofit on their properties.

Voluntary agreements with farmers – This may be possible however it is likely to take many years to show phosphate reduction. Also discussions may be needed in financial impacts on farmers for this measure / possible compensation. Farm Herefordshire will discuss this as a group to see if it could work.

NFU has put in a lot of resources within Poole Harbour future meetings with the Council will discuss this option further.

A number of similar options which had not been discussed included:

- **developers providing additional land for nutrient mitigation measures;**
- **development of open green space on high nutrient land; and**
- **conversion of high nutrient land to semi natural habitat.**

Detailed further discussions were needed on these options as they had not been discussed at TAG. The land will be high value and will need funding to unlock this for something else. But this is early within the scheme

Enforcement of existing regulations in a targeted area.

The River Axe Catchment in Devon has used a 3 year regulatory farm visit campaign by the Environment Agency to undertake advice led regulatory audits. These visits led to infrastructure improvements and increased understanding of the impact of nutrients on nearby watercourses and protected areas. The EA currently targets work programmes to areas of high priority.

Benefits – reduced phosphate entering River Lugg catchment, legally enforceable, can create long term on farm improvements.

Agreement that there would be a need to explore the approach with farmers. Example within the River Axe catchment but hasn't shown significant improvements.

Action – to circulate the River Axe report.

EA indicated that significant advice has already been given within the catchment.

Planning controls

Only possible following implementation of schemes to reduce phosphate discharges to the catchment through new development resulting in “betterment”. An example would be if a scheme reduced phosphate entering the Wye catchment by the equivalent of 100 dwellings then planning permission could only be granted for 90 dwellings to ensure improvement water quality in the catchment.

Would preserve headroom in the catchment by never reaching the maximum allowable discharge of phosphate. Only possible after another scheme has created a reduction in phosphate being discharged into the catchment.

Timescale – short (after initial headroom for development has been created by another scheme).

There was discussion on which options required further development to inform a revised Nutrient Management Action Plan and other actions.

There was agreement that the options should be considered in relation to the level of certainty they provided.

DT – should concentrate on short term solutions which will overcome the housing issue in the north of the County with the maximum certainty

CM – should look at the integrated wetlands

MW – Advised that HC was not successful with a bid from the LEP but may be able to use the New Homes Bonus. Would prefer the integrated wetlands option.

SE – learning from Ireland – they have managed their water in this way for a while

AN – The Wildlife Trust were interested as the wetlands would have biodiversity benefits.

CO'B – Cautioned that this should be screened against the SEA Regulations and may require HRA of the chosen option. Needs to be some justification as to why we have chosen the preferred option.

CM – the proposal will need an Appropriate Assessment and will be complex

MW – options are being looked at and discussions are taking place. Need to be positive and find a way forward as this will have an impact on the five year land supply and weight of neighbourhood development plans.

CM – there is still significant amounts of work continuing regarding other actions and which will not stop because of the development of integrated wetlands.

SE – Commended Herefordshire Council on the approach which has been taken.

DT – Should also look at retrofitting dwellings for all buildings as in the Portsmouth model.

RP – this has potential to be a popular measure.

CM – should also look at the silt traps, this should also be explored.

ES – Need to form a working group, as a subgroup of the TAG, to investigate the options for consideration at the next NMP Board Meeting as part of new NMP Action Plan. Group should include representative from key organisations.

Action – MW to make arrangements for the working group and sort the membership.

HD - how do we know how successful was the current plan?

KSA – that is the role of the dashboard to give information on its progress.

Action – to send link to the dashboard.

5. Memorandum of Understanding (MoU) on Phosphate Neutrality

MW indicated it had been suggested that there should be an agreement between key partners to ensure a clear understanding of the improvements that are required.

A MoU had been prepared in Wiltshire which appeared to be a good basis for such work.

Updated modelling had been undertaken as part of the DCWW AMP process.

NR – MoU is a relatively weak tool to give certainty.

ES – Its important to have a shared understanding.

CM – would be complimentary to the NMP and give additional understanding.
MoU itself will not provide certainty this would only come through the AA.

ACTION – circulate the link to the Wiltshire MoU, MW to discuss with partners preparing a MoU.

6. Updates from:

i. Wye Catchment Partnership

6th year to delivery joint projects. £7.2m on projects. Funding from Tesco to work with their suppliers. Next meeting in March with speakers to share ideas on wetland systems and speak from Lancaster University on their phosphate research.

Wetland project – working with a number of partners

Identified 11 sites - landowner sites to progress 10 sites and have HC funding to progress this further.

ii. Farm Herefordshire

The project brings together 12 organisations and has 7 key messages. The intention is that by building consensus it will help to deliver the NMP on the land based sector

The approach aims to bring about behaviour change.

This only exists within Herefordshire, it may be helpful if a similar approach could be replicated in Wales

iii. DCWW

MR - Received final determination from OFWAT in December.

Preparing for the next AMP

The 4 works on the River Lugg are included in the programme. Completion Norton is programmed for 2021 with other schemes by March 2025.

KB – Could the schemes be brought forward?

MR - There would be cost implications and DCWW do not have funding available.

AO – could there be funding from other sources?

MR – That would be possible but expensive for example it was estimated that £1.4m would be required to bring the Leominster works forward to March 2023.

Welsh Water will be working with the NMP group to understand the implications of the integrated wetlands project.

iv. NRW

MC - Major restructuring had taken place with more focus on place. Ann Weedy will be the representative on the Board going forward.

NRW have reviewed the implications on the Dutch case and likely to issue a letter to Powys CC. Water quality data isn't showing the same issues in Wales. Recognised that there is a need to strengthen the data set.

Draft Agricultural Regulations in Wales could have significant implications. Hoping for an indication on these within the next few weeks.

MW – at the point the water comes into Herefordshire is it only just favourable level and therefore impacting upon the development moratorium in Herefordshire.

MC – Upper reaches of the Lugg appear to be good but it appears the problems arise from point source emissions. Both the Presteigne and Norton STWs are being improved are the area where the Lugg quality deteriorates

MW – There has been a suggestion that the increase in poultry sites within Wales are contributing to phosphate increase is that the case?

MC – There is nothing that appears to be clear from the data that this is the case, but phosphate is clearly entering the river system. Monitoring has been focused on areas of risk and not necessary in the areas which are not failing.

ES – useful to share data and get a better understanding of what is happening within the whole catchment.

CM –the subgroup of the TAG could investigate this to understand the sources of the issue within the catchment.

CO'B – Will the NMP be brought into the area statements?

MC – Yes the NMP will be a useful element in the Area Statements.

v. NFU

Written to all members within Herefordshire and building on the key messages to farmers, including an explanation of the Dutch case and its implications.

Advice focussing on practical measures.

vi. Development Plan update from local authorities.

KS - Herefordshire – Core Strategy update has commenced, evidence base being commissioned. Formal decision on review will be taken shortly.

Work of the NMP Board will be important to that work

Other DPDs – likely some of those will not be progressed.

Mineral and Waste DPD will be progressed and includes an agricultural waste policy.

SB – Herefordshire currently has 69 adopted Neighbourhood plan with a total of 98 with material weight in planning decisions. Around 20 are seeking to review their plans prior to the update of the Core Strategy.

RP - Powys – Supplementary Planning Guidance programme being completed. Annual Monitoring Report being undertaken

Restructuring of the planning department taking place in Powys likely to result in fewer staff.

RP and CO'B have been working on a project as part of a Welsh Government working group preparing a Technical Advice Note (TAN) on Intensive Agriculture

7. Joint Member Seminar.

Two seminars have been held previously for Herefordshire and Powys members and the roles that they can play in helping to implement the NMP.

Meetings have been held on the Border at Clyro. MR had made suggestion to include a visit to Clyro STW.

It would also be useful if there was a farm business could be visited. SE there are some farm contacts in that area that could be approached.

SF – asked if a representative from the farming community could address the seminar?

This was considered to be a good idea.

ACTION: RP/KS To arrange the seminar in May/June

8. Questions from the public.

Q1 What is the legal basis for using the NMP to create headroom?

SE – the works are going to create headroom for development but also betterment.

CM – can't rely on the NMP for likely significant effect and now need AA.

Betterment needs to be demonstrated over and above the NMP on nutrient neutrality. These schemes are over and above the NMP.

CO'B – the focus of the NMP must be on water quality and not headroom.

Q2. Evidence base for the proposals coming forward, no cost benefit analysis? How will certainty be demonstrated?

CM – It is the work of the TAG to take these forward. The TAG looked at the Action Plan and potential options. Feasibility work needs to be assessed on certainty and cost and deliverability.

SE – modelling has investigated where the proportion of pollution is coming from.

Q3. Don't understand how the discussion will address the issues we currently face? How will the moratorium be lifted? It is likely to take several years to develop wetlands as suggested.

Paper seems to show phosphates have not been reduced and the NMP is not working and this has potential implications for the Core Strategy.

SE – Wetlands will be quicker.

CM – the measures don't need to be implemented but there will need to be certainty that it will happen and that the benefits in respect of phosphate reductions will happen.

SE – certainty can be assessed from probability from other schemes and based on science.

Q4. Useful paper has been circulated with an analysis of water quality. Can the same be applied to Wales areas too? The SAC monitoring has been reduced and is a major problem in understanding the issue.

DT – EA are reviewing monitoring and frequency of data within the Lugg and Wye.

MC - NRW will be undertake an analysis to look at the monitoring in Wales.

Q5. What is the timing of the review of the monitoring by EA?

DT – Likely to be in the next few months.

Q6. What proportion of the issue will be addressed by the wetlands?

SE – top 8 STW will take 10/12% of phosphate in the River Lugg system. But this will not be sufficient to ensure compliance.

Q7. Development which go into STW are included within the NMP but those outside the STW are not included within the NMP?

CM – All new development is within the NMP. Where an appropriate assessment (AA) demonstrates nutrient neutrality or betterment those developments can proceed.

Q8. The moratorium does not improve water quality, it is very broad and simply stops development.

KB – if a scheme can demonstrate betterment and the HRA is approved by NE then we can move the application forward. Have sought legal advice and will act upon this if this enables additional development to be released.

Q9. Does NRW have monitoring data to show if any patterns in agricultural events have contributed to phosphate issue?

MC – NRW will look at the issue as part of the data review.

Q10. Will Powys have the same moratorium as Herefordshire? Need evidence as to why intensive poultry units have not been included?

MC - NRW haven't made any decisions. The current data is showing the failure is at point sources lower within the catchment rather than diffuse

pollution. At present it will need to be addressed on a case by case basis by PCC and NMP cannot be relied upon.

RP – PCC will be considering on a case by case basis and with evidence provided by NRW.

Q11. Could developers provide their own solutions?

MW – schemes would need to be assessed through a HRA and meet NE requirements to demonstrate neutrality or betterment.

Q12. Are there plans to recruit staff with expertise to undertake the scientific analysis?

KB – this will be addressed by our conservation team.

Q13. Is it not the reason that phosphate levels have increased because there are new poultry units in the Lugg catchment?

KSA – not sure how many units there are within the Lugg. Most units are in the River Ithon catchment.

HH - Anecdotally it appears digestate being discharged on to the land but permitting is relaxed.

DT – need to report the incidents if there is a problem otherwise it is difficult to investigate.

Q14. What is meant by short/medium/long term in respect of developing actions?

MW – favourable status in the river by 2027 – integrated wetlands would need to be certain to happen before NE will approve HRA.

Timescales need to be scoped. But hoping for planning application to be submitted by the end of February

CM – need sufficient certainty in terms of funding, application and supporting information.

SE – Timescales are not easy to determine as the process is complex. There is a need for landowner agreement, planning permission, maintenance agreement and discharge consent with DCWW.

Q15. It is of concern that the timeframes are not agreed. Businesses are depending on a solution.

KB – aware of the impact circumstances on all and working with NE to release permissions with conditions as speedily as possible.

Q16. Are the STWs in Yarpole, Luston, Kingsland possible sites for the wetlands?

SE – Yes looking to talk to landowners within Yarpole.

Q17. Does NE not know what they are looking for and when that will happen regarding certainty?

CM – can provide information in the form of a list of bullet points setting out what will result in certainty.

Q18. As we are leaving European Union will we still be bound by the European Law.

ES – this is primarily about ensuring the favourable condition of the river, irrespective of Brexit.

CM – The Habitats Regs are part of British Law, whether the Dutch case can be challenged through British Courts post Brexit will be for others to decide.

9. Dates of next meeting

3 months time in Powys. Powys to suggest the dates.

TAG and TAG sub group will arrange meetings for the period up to the next Board meeting.

10. AOB

ES - Soil erosion and phosphate loss due to maize growing is an issue within the catchment -

ES met with Jesse Norman MP regarding this issue. Opportunity to look at a quality assurance scheme for anaerobic digesters. Could the board agree to prepare a short technical note on this for the MP to take to the Minister?

SE – a draft of this has almost been prepared, which will be sent to ES.

SF – last season has been difficult for farmers due to weather conditions and. Potential to look at things, including bioenergy.

NR – happy to work with this idea and agreed that a letter could be prepared if it included the suggestion that government needs to work with industry on the idea.

The Board were content to support this in principle.

ACTION – NR to look to consult with agricultural industry regarding advice on maize growing and quality assurance.