

## River Wye Nutrient Management Plan (NMP) Board

**20<sup>th</sup> September 2020, 2pm, via Zoom**

### Notes

#### Attendance:

Name	Organisation	Voting Board Member (Y/N)
CLlr Elissa Swinglehurst (ES) (Chair)	Herefordshire Council (HC)	Y
Mark Willimont (MW)	HC	Y
Kevin Bishop (KB)	HC	N
Samantha Banks (SB)	HC	N
Kevin Singleton (KS)	HC	N
Bethany Lewis (BL)	HC	N
Liz Duberley (LD)	HC	N
Abbey Sanders (AS)	HC	N
CLlr Heulwen Hulme (HH)	Powys County Council (PCC)	Y
Peter Morris (PM)	PCC	Y
Christopher O'Brien (CO'B)	Brecon Beacons National Park Authority (BBNP)	Y
Mark Rychnovsky (MR)	Dwr Cymru-Welsh Water (DCWW)	Y
Sharon Ellwood(SEL)	DCWW	N
Dave Throup (DT)	Environment Agency (EA)	Y
Andrew Osbaldaston (AO)	EA	N
Jenny Gamble (JG)	EA	N
Joanna Redgwell	Natural England (NE)	Y
Sarah Faulkner (SF)	National Farmers Union (NFU)	Y
Ian Ludgate (IL)	NFU	N
Simon Evans (SE)	Wye and Usk Foundation (WUF)	Y
Gail Davies	WUF	N
Helen Dale (HD)	Country Land and Business Association (CLA)	Y
Anne Weedy (AW)	Natural Resources Wales (NRW)	Y
David Lee (DL)	NRW	N
Helen Stace (HS)	Herefordshire Wildlife Trust (HWT)	Y
Merry Albright (MA)	Herefordshire Construction Industry Lobby Group (HCILG)	Y
Jim Hicks (JH)	HCILG	N
CLlr Jeremy Milln (JM)	HC	N
CLlr Ellie Chowns (EC)	HC	N
CLlr Roger Phillips (RP)	HC	N

## Apologies;

Cllr Phyl Davies	PCC
Nick Read	Farm Herefordshire
Andrew Nixon	HWT

### 1. Welcome, introductions and apologies

Cllr Swinglehurst welcomed the Board and those interested parties watching/listening from the waiting room. She explained to meeting format and asked everyone to introduce themselves and asked for apologies.

### 2. Minutes

The minutes of the last Board meeting of 9<sup>th</sup> July were agreed as a true record other than noting of the spelling of Chris O'Brien was incorrect. Matters arising in respect of the NRW report and Members Seminar were to be dealt with in other items on the agenda. DT indicated that he would bring an item on abstraction to the next Board meeting. CO'B noted the discussions between PCC and HC and requested that BBNP also be involved in discussions between authorities. **Action:** MW agreed to take an action to raise the offer for BBNP to be invited to future cross border discussions with PCC and HC.

### 3. Presentation of the TAG recommendations

JG updated the Board on the TAG meeting of 15<sup>th</sup> Sept.

- Each organisation had provided an update
- Merry Albright (HCILG) had joined TAG.
- The Action Plan had been discussed and a plan finalised to provide to the Board. The Action Plan included the EA monitoring review and new items set out in the Action Plan. The Action Plan included a number of items which could be quantified but some did not have quantifiable measures and TAG would continue to examine these actions to look to fill these gaps.
- The Monitoring Dashboard was now being updated with the latest data and should be back online within two to three weeks.

#### Discussion on the Action Plan followed

MA asked whether voluntary actions should be included?

JG responded that the Action Plan had a mix of actions and all were likely to be required and should be included.

MA indicated that figures against measures and actions should be included wherever possible.

DT confirmed that it was important, given the immediate position with the failure of the SAC, that it is important to do the right things and this included less measurable actions as they are still important.

ES – Need to try to provide certainty. There remains still much reliance on voluntary actions with concerns that these will not provide certainty. Should emphasis on regulation be increased if they provide greater certainty?

JR – NE are looking at what certainty voluntary measures can provide, **Action:** NE will bring the results of this work back to the next Board.

DT – Agreed with the assessment but noted that despite considerable effort phosphate levels remained high. It was hoped that once the DCWW actions were in place modelling suggested we would be very close to compliance.

ES – The long term improvements from DCWW and HC actions were reducing what was an increasingly small element of the apportionment. There was a need to embed something reliable in the diffuse side of the equation.

HS – Endorsed view that regulatory approach need to remain on the table.

SE – Climate change and over use of phosphate is a potential major issue. Work is being undertaken on Green recovery based upon regulatory compliance and this evidence needs to be widely circulated once completed.

SF – Asked whether the source apportionment in the revised action plan was as of now or what was modelled after AMP7 measures had been implemented by DCWW, as this was not clear. Changes to the apportionment does not necessarily mean an increase in phosphates.

JG – Confirmed the pie charts in the Plan show the situation after DCWW improvements and recognised this needed explanation.

ES – the information should be clear about where we were, where we are now and where the actions will take us to.

CO'B – BBNP wanted more time to go through the Action Plan with their members. He would not be able to vote on the matter today but would like to input into the plan.

MW – **Action:** ensure that BBNP get invited to the TAG meetings.

ES – Action Plan is very much a live document and although it was hoped to approve it today that should not mean it could not be improved tomorrow.

CO'B – Considered there were some conflicting statements and incorrect wording within the document.

JR – Good progress had been made with the revised action plan but more is needed especially with regards to identifying which of the measures will provide certainty.

AO – There is overlap with the natural flood management work and the impacts of this work is being quantified.

ES – questioned why the plan referred to regulation being used in “extreme” circumstances.

DT – Agreed that regulation was considered on a case by case basis and “extreme” could be removed.

MW – From HC's point of view to have quantifiable results for each action would be advantageous.

ES – Reiterated that where possible quantifiable figures should be recorded in the action plan. With figures it will be more likely that we can say actions have or have not worked. Language within the plan should also be clearer by using “shall” or “must” where an action is a requirement. Where it is possible to strengthen the monitoring of voluntary measures it may be easier to show if they are working.

PM – Suggested a monitoring framework for the actions could be established by TAG.

SE – Indicated that it was often a lack of resources that prevented a detailed level of monitoring from taking place.

JH – Is there a record of how much money has been spent on voluntary measures?

ES – Nick Read would be best placed to answer but he is not attending today.

SF – Many voluntary actions are not covered through public funding, farm businesses are covering the costs.

ES – Drew discussion to an end. Was going to fully take on board the comments of CO'B and understood that he was not comfortable with the idea of this being an iterative live document that was being approved today with provisos. Would like if possible to have some ongoing oversight of the rewrite to ensure it did not keep going around endlessly and would come back to the Board via the TAG reflecting this debate. All had arrived at a position where we wanted to see:

- Stronger evidence for the voluntary measures.
- Clearer determination in the language and application of regulation around diffuse pollution.
- More information from CLA/NFU membership about what they are doing.
- Improve the narrative and timeline of around the pie chart to make clear how they relate to the past situation, where we are now and where we expect to get to.

ES indicated she would like a vote on accepting this iteration of the plan with a proviso that it would be returned to the next Board meeting with amendments to reflect the debate, because there are shifts in emphasis not in the major portion of the document.

All voted in favour of this in principle apart from CO'B who indicated he was abstaining. JR commented that NE needed further time to thoroughly review the plan;

**Actions:**

- JR to seek comments within NE and return to JG for TAG consideration.
- Where possible the Board to get longer to review documents prior to the meeting.
- Amended Action Plan to be brought back to the next Board meeting.

4. Updates from organisations

i. **WUF**

- Farm advisors were continuing to work on phosphates and soil loss. £3.2m invested last year on measures and £5.7m spent this year.
- In Wales, work was happening on the Ithon system to identify good farming practices.
- Other work progressing with farmers in Monmouthshire and North Herefordshire.
- Also ongoing work with poultry sector in the Ithon area.

- Integrated wetlands – planning application being prepared to be submitted shortly.
- Phosphate trading scheme being developed, subject to agreement with NE.
- Second Sonde had been placed in the catchment of the River Frome.

**ii. Herefordshire Council (HC)**

- HC had approved use of up to £2m of new homes bonus for integrated constructed wetlands or rewilding to offset phosphate and help lift moratorium.
- Successful in application to the Marches LEP for a further £1m of funding.
- Interim plan was currently being put out for tender.
- MOU between agencies and the Council was being finalised.
- HC were also in discussion with Powys County Council and Brecon Beacons National Park could also be invited.

**iii. Powys County Council**

PM indicated that the recent media campaign was continuing. At national level the Welsh Senedd were considering the National Development Framework for Wales.

**iv. Environment Agency**

DT reiterated referred to paper on monitoring. It included statutory requirement for SAC compliance. It covered the issues previously discussed re: monitoring frequency and was introducing more agile monitoring.

Three water courses had been identified as high/rising for phosphates. Next steps was to discuss with NRW about cross border issues and picking up issues around joined up monitoring.

To help with regulation soil/slope satellite data had been obtained and additional resource provided for the Wye and Lugg. Targeted farm audits were being undertaken and 1200 letters had been sent out to farmers. High risk locations were being visited and some breaches had been identified.

ES asked what the scale of additional resource was and whether they would be moved to other duties should flooding events happen.

DT – Indicated there were 6-8 officers in the team with ability to draw on 10-12. EA were trying to protect Agri trained officers to be retained in “normal” food events but in major events it may not be possible.

HS - Asked whether this was monitoring rather than regulation but DT indicated these were regulating officers enforcing Farming Rules for Water.

**v. Natural England**

NE were continuing to advise regarding the integrated wetlands and monitoring. Dialogue around streamlining planning application process is continuing with the Council ecologist. As above, discussions are underway to consider what certainty could be afforded to the impact of voluntary measures and arrangements. At National level there was ongoing work around consistency in the application of the Dutch case across England.

**vi. Natural Resources Wales (NRW)**

River Wye was being given a high priority. Data review had been commissioned and a Project Manager had been appointed. There were some headlines from the review of NRW targets for Welsh Rivers:

- Widespread failures were predicted on SAC Rivers across Wales, including the River Wye. .
- NRW likely to advise that all phosphate producing development within failing SAC catchments will have to demonstrate neutrality or improvement of phosphate levels. This is in order to align with Herefordshire, Shropshire and other English local authorities. Policy was being developed to ensure nutrient neutrality or betterment required to be demonstrated over the coming weeks.
- Lugg in Wales is not part of SAC but is an SSSI so NRW monitors against WFD targets. Majority of Lugg in Wales is in good or high WFD status apart from Norton Brook, which is to be improved under the AMP 7 scheme. Policy will consider the phosphate loading in the upper Lugg. Phosphate data over about a 30yr period had been examined to make it as robust as possible. The data had shown that downstream of Presteigne sewage works a decreasing trend until late 1990s and since then it had not increased but neither had it decreased.
- There had been 8 permitted chicken units and 10 free range chicken farms inspected since late August. A number of problems had been identified including, problems with oil storage, some with streams running through them not fenced off and others with where manure management plans were not being followed properly.
- NRW were also providing advice to farmers and were sending out a similar letter to the one EA had distributed in England.

CO'B asked if NRW would speak to LPAs about the policy.

**vii. Farm Herefordshire**

Farm Herefordshire had met virtually and were planning a number of events and had had a constructive meeting with Merry Albright.

**viii. DCWW**

Continuing development of the design of phosphate removal proposals and had discussed the wetland proposals with WUF and were undertaking effluent/P sampling at other potential wetland sites and were in discussions with NRW regarding the upper Wye Catchment.

**ix. NFU**

- Poultry Board in the West Mids had recently met.
- A water webinar was being arranged with the phosphate issue being a specific session
- NFU were involved in work in Poole Harbour in developing a Nutrient Trading Scheme which was currently at scoping stage.

PM – Indicated that a representative of the Welsh NFU had shown interest in attending the Board and it was agreed to inform them of future meetings.

**x. HCILG**

MA – Introduced the background to HCILG, indicating the Group was established in 2019 as a result of the moratorium and were representing a wide range of interests in the development industry, but they did not represent national large scale developers. The Group considered the moratorium to be unfair and would not help the issue.

The Group did not think the problem should be used to punish one partner. The Group had met with MPs and were hoping for Government intervention. Group continued to work with HC Officers and were trying to identify solutions including bringing forward private wetlands.

The Group considered that the moratorium was unfair their analysis suggested that new homes contributed only 0.1% of phosphate in the Rivers but resulted in at least £300m of lost investment. Proposed that the Board lifts the moratorium.

ES – Indicated that it was not within the purview of the Board to lift the moratorium, but thanked MA for setting out the problem and articulating it so well.

5. Member Training

A Member Seminar for Herefordshire Council had been arranged for the 2<sup>nd</sup> October, the invite had been extended to Powys Members. A range of organisations had agreed to provide presentations.

6. Questions from the public

Q1. Difficulties in measuring or attributing phosphate seemed to be the focus of discussion rather than stopping phosphate from leaching into Rivers. If it cannot be properly measured it will be difficult to manage.

ES – Much effort does go into reducing phosphate in Rivers, DCWW investment at sewage works does take out phosphate. Work with agricultural diffuse pollution seeks to reduce phosphate through voluntary actions.

DT – Huge amount of work is put into knowing what the sources of phosphate are and where the majority comes from. Agricultural diffuse pollution is a problem and the challenge is to prevent this. Models are robust but require lots of calibration and very precise measurements at a local scale may not be possible.

Q2 What does nutrient neutrality mean? How does monthly monitoring provide anything useful? Do planning decisions on IPUs in Powys consider cumulative impacts? Can £10,000 be made available from the available funding for a citizen science phosphate monitoring project? Concern that the levels of Phosphate in the Hardwick Brook are significantly above permitted level.

DT – Keen for citizen science projects and ways of improving monitoring but best to take any discussion regarding funding such a project outside of the Board meeting.

JR – Nutrient neutrality effectively is demonstrated where a development does not add any additional phosphate to the River.

PM – Confirmed that cumulative impacts/in-combination effects are taken into account for all forms of development.

MW – the funding from Herefordshire Council had been earmarked for wetland construction, rewilding projects and the commissioning of an Interim Plan – there was no governance to finance additional monitoring although the Env Agency may wish to assist, as it was their statutory duty to monitor water quality.

Q3 Planning enforcement teams require to be better educated regarding where action can be taken. For example, conversions from general agricultural buildings to livestock buildings can require planning permission and it would be possible to take enforcement action in such circumstances. What constitutes membership of the TAG group, is it made up of experts to advise the Board or are there organisations with other motivations?

ES – It is largely up to the Board and made up of organisations which can help address the problems.

MW – Generally consists of expert members of organisations below the more strategic panel who sat at Board level.

KB – Will take the issue regarding enforcement back for discussion within planning services.

Q4. When there are breaches of regulations do EA/NRW have a mechanism to refer to RPA?

DT – Yes, the EA do refer breaches to RPA, it is then for the RPA to decide whether to take action.

DL – Same process happens in Wales.

ES – Does referral inhibit ability to enforce?

DL/DT – No

SE – WUF only aware of 1 case of RPA enforcement.

Q5 Is the plan reviewing whether the planning system is working in equitable way? Has TAG considered developing evidence of manure production on a catchment/sub-catchment basis?

MA – HCILG do not consider that all organisations are being treated equally.

SE – WUF have tried to look at evidence around manure previously and found that soil acts as reservoir of phosphate which periodically “burps” and elevates phosphate levels.

Q6 As part of submitting planning applications can Farmscoper be used to compute the impact and potentially demonstrate offsetting?

KB – An appropriate level of information would be required to assess whether nutrient neutrality can be demonstrated.

7. Date of next meeting. **ACTION** - Herefordshire to arrange for on or around 30<sup>th</sup> November.

8. No AOB

9. Link to the You tube recording of the meeting is attached  
<https://www.youtube.com/watch?v=4kQT4EVsf4M>