

**Leader of the Council**  
Councillor D Hitchiner

**Rebecca Pow MP**  
Parliamentary Under Secretary of State  
Department for Environment Food & Rural Affairs

Your Ref: PO2021/22648/wm  
Our Ref: DH/md  
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29 November 2021

Dear Rebecca,

### **Achieving Nutrient Certainty in the River Wye and Lugg Catchment**

Thank you for your letter of the 15<sup>th</sup> October 2021 setting out your Department's and the wider Government's current response to the environmental challenges that we experience in the Wye and Lugg Catchment. I am writing to take you up on the offer you made in your letter to seek further assistance from you. In preparing this letter, my officers have engaged with stakeholders in and around the county.

I am encouraged to see that you and Chris Pincher have convened an inter-governmental task force to work together on finding strategic solutions. However, I remain cautious of the impact this group can make to deliver swift effective action on the ground. Not only is this an intergovernmental issue, but an interagency issue (EA/NE/NR) and indeed a cross border issue with different rules applying in England and Wales. I believe, this is an area where national and local government need to collaborate more effectively to accelerate improvements. I would therefore strongly encourage you to bolster the work of your inter-governmental task force by means of a National Implementation Group comprising Chief Executives from those English and Welsh local authorities like ourselves who have been blazing the trail on nutrient management along with other statutory partner organisations.

**The Present Strategy-** My assessment is that the present Nutrient Management Plan for the Wye Catchment is grounded in some largely sound research which is fairly regularly updated as new findings emerge. The research is supported by a panoply of good ideas on what actions could be taken to best meet the environmental challenge. Sadly, the plan still needs considerable work to move from a list of often good ideas, to a coherent strategy underpinned by effective adequately resourced plans with developed enabling capabilities to rapidly deliver certainty on nutrient neutrality.

I would add that a one size fits all national approach will likely deliver sub optimal outcomes given the range of farming operations across the country and different environmental challenges in each region, For example, your letter mentions investment in enlarged slurry stores which benefit dairy and cattle farming. They would be of no benefit to better managing the 16 million chickens being reared in Herefordshire at any one point in time which have the same phosphate impact as 2 million people which is more than ten times the size of our resident population.

The present approach largely comprises of three things

1. Tackling point source phosphate pollution through nature based schemes such as Wetlands
2. Developing Nature Based approaches to tackling diffuse phosphate pollution largely but not entirely stemming from agricultural activity.
3. Working with the farming sector, in particular to support and enforce them to reduce the diffuse phosphate impact of their farming operations.

I would like to make these suggestions about how we can better collaborate with your department and its agencies to move matters forward which are offered to you in a spirit of helpfulness.

**Tackling point source phosphate solution-** from Welsh Water Treatment plants. As you are aware, Herefordshire are tackling this through developing Integrated Wetlands. We are very hopeful that our first site will start delivering phosphate credits in H1 of next year. My officers have undertaken an assessment of the number of Phosphate Credits we can yields from Integrated Wetlands and the likely demand for Phosphate Credits from developers. Their conclusion is that demand is likely to significantly outstrip supply for many years to come and therefore other significant actions need to be taken to achieve lasting “Nutrient Neutrality” on the Lugg SAC Catchment.

**Developing Nature Based approaches to tackling diffuse phosphate pollution-** Ultimately, these approaches have significant potential to deliver a lasting solution. Here, measuring the scientific certainty of a specific intervention has held back progress. I am pleased to learn from Natural England that the efforts to measure the Phosphate reduction from Riparian Buffers seem promising in cracking the issue of measuring scientific certainty. However, we can only really pin our hope on these kinds of actions if they are then scalable to meet the needs of a broad range of river habitat and comprehensive to cover all ingress points. They will also need effective delivery mechanisms. In this my key observation would be that available resource, project delivery and technical expertise will need to be considerably beefed up to move at pace. From where we stand today, they are unlikely to achieve full impact before the current Nutrient Management Plan deadline to restore the River Wye and Lugg catchment by 2027.

**Working with the farming sector-** As you know, Herefordshire has a large and vibrant farming and agriculture sector. Most of the sector recognises that it has a part to play in solving the environmental challenge of the Wye Catchment area. I do think more needs to be done and there is an opportunity to bring much needed clarity to the sector. For example, support for a public information campaign to focus on phosphate facts and responsibilities of farmers, agricultural leaders and partners.

Nature Based approaches will take years to have an impact, there are three urgent issues to address-

**Measurement of effectiveness-** I am not at all certain what the current approach of supportive farm visits is achieving. In your letter you mention reports of the number of visits that are carried out but provide no evidence of what is being achieved on these visits and no link back to evidence of any reduction in diffuse phosphate. At the moment, no one knows, if the intervention is successful, no measurements are in place to determine whether the intervention will ever be successful and there is no timetable to achieve success and take a different course of action, if there is no success. In short, the scientific certainty is not there.

**Enforcement-** Most of our farmers are keen to farm sustainably and mitigate the impact they have on the environment, however a few (and too many) are not. Farmers need to know when a voluntary approach can no longer be considered appropriate and enforcement action sadly becomes necessary. There is a compelling case for having a clear nutrient pollution enforcement policy that explains when actions will be taken and how it will be taken. The Reduction and Prevention of Agricultural Diffuse Pollution Regulations (Farming Rules for

Water) introduced in 2018 provide a high level framework for enforcement. This now needs to be localised and socialised to have impact on the ground.

**Water Protection Zones-** I think we would all hope that it never ever becomes necessary to ask the Secretary of State to approve the introduction of a Water Protection Zone but this might become a reality. There is a need to consider what can be done in event that support and enforcement do not work and nature based solutions have not achieved sufficient reductions. There is some understandable reluctance to tackle this matter because of weaknesses in the areas described in the previous two paragraphs. I would suggest all three issues can and must be addressed together.

**Enabling Delivery through the Nutrient Management Board-** within the Wye Catchment the Nutrient Management Board is the locus for bringing partners together and developing local catchment specific action. It is constrained by being a voluntary partnership, with a voluntary action plan but has made some progress despite these constraints. Heavily influenced by the needs of different stakeholders, the struggle seems to be turning good ideas into programmes and plans for actions which have measurable benefit.

The NMB would be an ideal place to develop a consensus around the best delivery mechanisms for Nature Based solutions. Two things would better help it achieve its mission

1. The present plan is policy led but lacks a delivery focus. An independent review of the NMB and its Nutrient Management Plan is long overdue. The review would identify the barriers to delivery, the capabilities that need to be created within or between partners and bring together a clear time bounded programme for delivery.
2. Funding to support the creation of a Nutrient Certainty Delivery Director to drive the revised plan to provide long term senior support working with the Chair of the NMB in convening partners and guiding them to action with the clout to escalate blockages to the most senior level whenever they are encountered.

**Summary of requested actions-** my officers are able to provide further details in support of each of these suggestions:-

1. A National Implementation Group to support the intergovernmental task force
2. Support for a public information campaign to focus on phosphate facts and responsibilities of farmers, agricultural leaders and partners
3. Clarity on how farm visits are delivering reductions in nutrient levels to aid scientific certainty
4. A stepped enforcement policy with staff trained in using it sensitively and robustly where needed
5. A clear set of evidence gateways that explain why and when it may become necessary to move to recommend a move to a Water Protection Zone
6. An independent review of the Nutrient Management Board and the Nutrient Management Plan identifying the barriers to creating a clear delivery programme across partners.
7. Funding to support the creation of a Nutrient Certainty Delivery Director to provide a long-term senior support to work of the NMB.

**Final Thoughts-** I had hoped that since writing to George Eustice - Secretary of State in June of this year that things would get better. They have not. They are worse. Our building supply chain continues to fall apart, the local economy is severely constrained with businesses considering locating elsewhere (losing local jobs), people cannot get their affordable homes and we are struggling to find ways to approve new community and health assets. I find this unacceptable. I trust that you do too. I hope that your department will now recognise the extreme impact this is having on Herefordshire residents, businesses, farming and agricultural sectors together with our ability to properly discharge our functions particularly our Planning function as a Council and will actively collaborate with us to deliver sustained improvement on the ground.

Thank you for considering these suggestions. Herefordshire is keen to work with you to be a part of the national solution.

I look forward to an early response

Yours sincerely



**COUNCILLOR DAVID HITCHINER  
LEADER OF THE COUNCIL**

CC

Jesse Norman MP, Bill Wiggin MP

Michael Gove MP

Leaders of Powys and Monmouthshire Councils

Cllr Elissa Swinglehurst, Chair - Nutrient Management Board

Simon Evans, Chief Executive - Wye and Usk Foundation

Claire Greener, County Adviser - National Farmers Union

Tim Ryecroft, Chief Executive Officer - Agriculture and Horticulture Development Board

James Stevens, Director for Cities and Nutrient Lead - Home Builders Federation

Dr Caroline Turner Chief Executive - Powys Council

Marian Spain, Chief Executive - Natural England

Sir James Bevan, Chief Executive - Environment Agency

Peter Perry, Chief Executive - Welsh Water

Merry Albright

The Editor. The Hereford Times