

River Wye Nutrient Management Board
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Rt Hon Steve Barclay MP
Secretary of State for the Environment
House of Commons
London SW1A 0AA
Robbie Moore MP
As above

7/5/24

Dear Sirs,

The River Wye Nutrient Management Board has duly considered the DEFRA plan for the Wye and this is a summary of the principle points made by the members of the board.

This document has been shared with board members for comment but it is not a collective view as there has not been time to get agreement on all points.

The board was very grateful for the presence of Will Lacey who was able to address many of the points raised.

Overall

Concern was expressed that there had been no consultation with either the Nutrient Management Board or the Wye Catchment Partnership. It is not clear who was consulted or how the options in the plan were arrived at – this is also a question raised by members of the Wye Catchment Partnership.

The Wye Nutrient Management Board has representatives from both sides of the border and sees the river as a whole catchment as far as is practicable. The Wye Nutrient Management Board receives funding from the Welsh Government and Herefordshire Council (who currently hold the Chair); the Chair represents the Wye on the Welsh Government First Minister summits. There is a constant anxiety about misalignment between the two governments and it would be to the benefit of the river if both governments could start to work much more closely together to ensure that the funding and regulatory regimes are aligned.

THE PLAN

The plan is divided into three principle sections:

1. Challenges in restoring the River Wye.

In the preamble there is welcome appreciation of the importance of the citizen scientists who are working to provide detailed spatial and temporal data. However, there is no funding for these groups. They are currently relying on donations to keep on buying the kit they need to do the testing. It was suggested that some money might usefully come forward to support their ongoing efforts.

It was felt that the challenges were broadly the correct ones although we must not focus on phosphate (SRP) to the exclusion of all else (particularly chemicals of emerging concern, phosphorus, Ammonia and Nitrogen). A point was raised about the difference between stopping things getting worse (we are not there yet) and actually restoring the river. The Salmon population was an example where plans should include some provision for supporting the population while the river recovers. If we wait for 10 years there may not be a population left.

2. **What have we done so far**

There has been activity within the catchment from CSF but there is no evidence of efficacy at all. It is therefore not clear why, or to what extent, this approach can be considered to be working.

In the words of James Marsden (who was invited to join the meeting as the Chair of Herefordshire Climate and Nature Partnership) CSF is a 'busted flush' – and he should know, he signed the designation of the River and devised the CSF scheme. He currently advises the OEP.

The engagement of UK govt with Welsh Government appears to be limited to the roundtable in May, more effort needs to go in to government level cooperation.

The third part of the plan are the 9 actions to stop the decline of the river.

1. **Appoint a river champion.** Anthea McIntyre clarified that this is what it says on the tin – she will be a champion for the river and not, as stated in the plan a champion 'for the government's interests'. This change was well received by all present. There appears to be no funding to go with this role.

Questions were submitted asking about the way in which the role was filled, what were the options considered, what were the criteria, who else was approached and so forth.

Although there is no funding for this role there are significant areas of work that are the responsibility of the river champion. It is not clear how any of this can be delivered without funding unless it is all ongoing work that is already funded.

It is important to give to due emphasis to the idea of building on existing work and plans. It was broadly agreed that the emerging Wye Catchment Plan and the third iteration of the River Wye Nutrient Management Plan are the plans – the only plans – that we need to work on. More funding would bring them along quicker. Important to locate all plans within the constellation of plans, policies and agreements both national and international. Worth starting at the target – say 30 by 30, and working backwards.

It was noted that the RWNMP (DWPP) will only cover the English Wye but statutory agencies are working with opposite numbers in Wales to ensure that the pieces fit.

2. **Amend, subject to consultation, the EPR.**

There was a question about the application of this in Wales – Will Lacey was adamant that the EPR in Wales is a devolved issue but this would appear to be contradicted by the 2016 legislation [2016 Regulations](#). NRW has previously stated that they cannot unilaterally change EPR but the suggestion within the plan is that they could.

Clarification on this point would be welcome. It would also be useful to have a clear summary of where DEFRA begins and ends with regard to the River Wye.

The general feeling is that this is an unnecessarily complicated approach. It puts a burden on a poultry producer that makes them responsible for the actions of the third party. It was not clear how the selling farmer would be able to monitor and report on the spreading of the buying farmer.

The Avara Roadmap is already ensuring that their manures will no longer be applied in excess of crop or soil need within the catchment [PowerPoint Presentation \(datocms-assets.com\)](#). The farms retaining their manure have to demonstrate that they can use it without over application. There are also limits being voluntarily imposed by Cobb Agri and Gamber as well as limits on the sale of biosolids. However, none of this prevents the importation of poultry litter from Wales or Shropshire and the ongoing over application of P as a result of the relative abundance of P to N within that manure and the affordability of manure in comparison with artificial fertiliser.

Work is already underway in the catchment which shows that many farmers would have no problem with FR4W being properly enforced (including for over application of P, currently permitted under guidance 2.2). The strong advice from the RWNMB is to close the loophole in guidance 2.2 and set a limit on P spreading that is consistent with crop and soil need. This may well need to be nuanced from the current RB209. Controlling spreading rates (as FR4W is intended to) also covers over application from other sources (digestate, slurry).

If there is to be no control over application rates then the proposed change to EPR would have to be considered. Since this is only for consultation it seems likely to be a proposal that will fall by the wayside and we will have neither the proposed change or any limits on spreading.

Another suggested change to EPR there was to extend permitting to holdings of under 40,000 birds/2000 pigs.

- 3. Help farmers retain more nutrients and soil in the field.** Generally a good thing but it was noted that this is nationally available, voluntary action, funded via existing subsidy regimes and not a Wye specific action. It was recommended that land drains be broken where buffer strips are funded as it has been proven that total phosphorus can readily move through land drains and into the watercourses/river. Greater consideration needs to be given to min til, zero til and cover crops.

- 4. Support the management of poultry manure by funding combustors.**

It was pointed out that this is a technology already successfully employed within the catchment and therefore paying for a pilot seems to be unnecessary. Noted funding up to 35m which, according to CLA, is existing Agricultural Transition Funding and not Wye specific and uptake is voluntary.

Concerns were expressed about the emissions to air, the carbon release, the spreading of ash (refer UKPIR01 report*). Other technologies are preferred within catchment for this type of processing – pyrolysis – but no evidence of an options appraisal before the decision to support combustion (unless combustion is including pyrolysis – and is not just incineration/CHP).

There was a concern around the use of public money to subsidise the polluter to deal with the by-product of their industry. Not easy to see where the principle of the polluter pays (one of the 5 pillars of the Environment Act) applies in the case of agricultural pollution.

The current Avara plan is funded by them and they are not asking for public funding – it will remove 74% of their manures which are the majority of poultry manures in the English Wye [Further progress against our sustainable poultry roadmap — Avara Foods](#). Existing incinerator was not funded but is profitable due to energy creation.

5. Pilot the use of on farm micro AD.

There are multiple issues with on farm AD. A history of pollution incidents and fish kills locally have not encouraged those who care about the river to see ADs as part of the solution. Existing ADs are a problem (mainly due to maize growing, soil loss, run off, displacement, digestate storage and spreading) so some form of retrofit to a higher manure content with P and Ammonium Nitrate splitting would be worth doing. Without P removal all they achieve is to convert the problem into another form with the added problem of maize. Again not clear why this option was favoured over retrofitting existing AD sites. The 1.25m capital cost appears to be money from an innovation fund? There are existing on farm ADs in Wales that are innovative and might spare the need to spend a further 1.25m on a pilot. Noted that this tech is mainly envisaged as being useful for slurry rather than dry litter (therefore mainly cattle and not poultry). There is a question around the use of public funds to solve a private polluter issue.

**Project UKPIR01 was commissioned by the Scotland and Northern Ireland Form for Environmental Research and the Environment and Heritage Service in Northern Ireland to identify methods of disposal or processing of waste streams from intensive livestock.*

- 6. More than double the grant approvals for slurry stores.** Can have unforeseen consequences of increasing livestock in the catchment so actually making matters worse. No current regime to monitor and no way of conditioning use. Unclear how farm diversification will reduce phosphate in the river. Noted that this is national money, voluntary and not Wye specific. No consideration given to supporting destocking or reduced stocking density.
- 7. Wyescapes and Wye Valley ridge to River.** The applicants for these schemes are partners on the NMB and/or were on the call. Worth noting that this is not new money, these are existing schemes. We very much hope that the funding for the whole schemes will come forward on due completion of the development phase.
- 8. Provide funding for 2 projects** as part of the delivery of the nascent plan. These two projects are already in the pipeline and awaiting funding so good to know that they will be going ahead. Also worth noting that they are funded by EA and match funded by the third sector who are delivering on the ground.
- 9. Cross border research on mitigating phosphate pollution.** Lots of opportunity in this space to do something brilliant. Strongly recommend engagement with the Wye and Usk Foundation who have sponsored a Phd on the algal bloom, the study is in its third year, early findings are significant. There are also innovation works being undertaken by Welsh government and Herefordshire farmers which we could build on or co-fund.

It is a great shame that no one was consulted on this plan. It is to be hoped that of the considerable expertise and knowledge of the individual partners and organisations within the River Wye Nutrient Management Board and the Wye Catchment Partnership will be valued in the future and their input will be sought at an earlier stage.

Yours sincerely,

Cllr Elissa Swinglehurst
Chair of the River Wye Nutrient Management Board
Deputy Leader Herefordshire Council
Cabinet Member for the Environment.

Elissa Swinglehurst

Addendum

Individual responses from member organisations were included as supplements to the published agenda of the River Wye Nutrient Management Board

[Agenda for Wye Catchment Nutrient Management Board on Friday 26 April 2024, 2.00 pm - Herefordshire Council](#)

For ease of reference here are a few of the comments made in the responses.

‘Defra’s plan is lacklustre....given the length of time this plan has been gestating, it is a disappointing outcome for many’ ‘the plan mostly repackages previously committed funding’ (CLA)

‘Crucially, the Wye’s catchment spans the English Welsh border...Welsh Government must confirm how it will support farmers on its side of the border to transition.’ (CLA)

‘The Wildlife Trusts welcome the ambition behind the plan for the Wye...’ (Wildlife Trusts)

‘action to stop the decline of the River Wye ..is not the same thing as putting ..the river into recovery’ (Wildlife Trusts)

‘much of the plan is a promise of action to come...and the lack of consultation with local delivery agents and stakeholders is apparent in some of the actions identified’ but it is ‘a welcome start’ (Wildlife Trusts)

Sadly this plan falls far short of what is needed to restore the Wye, which is especially disappointing after such a long wait. (Friends of the River Wye)

We wholeheartedly welcome the news that Defra will support the creation of wide, wild river buffers (with trees and shrubs) through a premium SFI payment that will handsomely reward farmers for better protecting our watercourses. (Friends of the River Wye)

Alongside the neglect of Wales, the other glaring hole in this plan is the fact that it doesn’t even mention enforcement of environmental regulations. (Friends of the River Wye)

The immediate thing we need to do on the Wye is to dramatically reduce the application of fertilisers, no matter their source. This plan misses the mark.(Friends of the River Wye)

Finally, we were pleased to see the “great work” of our citizen scientists acknowledged in the introduction to this plan, though disappointed that we weren’t consulted about its content. Actions speak louder than words, and the best way to respect the work of our army of volunteers would be to draw on our local expertise. Instead, all of our approaches to collaborate on this plan have gone

ignored by Defra. We lament this as a missed opportunity to co-create an ambitious plan that could actually restore the river. (Friends of the River Wye)

Herefordshire Construction Industry Lobby Group

‘We share the many concerns of others who have been working on this wicked problem for many years - the Defra plan is not enough. It is a huge shame that more of us were not consulted to help enrich the plan and make it more meaningful and effective.

Overall the plan is not quick enough, it’s not ambitious enough and it relies on too many voluntary ideas for the undefined future. The Welsh Rivers Trust April 2024 report summarises the problems with this : “evidence is clear that voluntary measures have not provided the necessary protection...have not delivered the necessary action and have led to continued decline”.

HCILG wish the plan was more dynamic, specific and urgent – with an unwavering focus on exactly how catchment businesses can reduce their new and legacy P surplus, based on science and numbers and under set timeframes.

Bolder direction with tangible outcomes in a shorter time would have been more in line with Therese Coffeys promise last May of ‘radical actions at pace’

And finally....

Avara’s view on poultry litter removal/processing as the silver bullet...and why it is essential to control demand (spreading) and not just supply.

Under our agreement, any manure not required by the originating farm must be diverted away from catchment land, with full traceability over the end destination. As a result, we expect that, on average, 2,000t of manure will be exported each week. We are confident that this will directly influence the supply of poultry manure in the catchment, however, it does not address demand, and there is evidence that Avara manure is already being replaced by out-of-catchment imports. This makes the need for greater assurance over soil and nutrient management across the catchment vital. (Avara)

Questions that are outstanding.

A number of questions were submitted from the Wye Catchment Partnership and although many were answered during the debate there are a few outstanding that I hope to be able to get answered in writing.

Questions via the Wye Catchment Partnership meeting on the 17th April 2024

1. Why is public money being used to clean up (the polluter pays principle).
2. 3D Buffer strips – please clarify how this relates to coppiced buffers within catchment.
3. Plan is not cross border – what efforts were made to get Welsh Government contribution?
4. Can the 1m for ADs be used to retrofit existing ADs with P/N separation?
5. River Champion – how long is the appointment? What was the process to appoint the river champion?
6. Cit science believe EA to be under resourced – can some of this money be used to support the regulators?
7. The need for funding for the regulator remains – they are charged with developing and delivering the current plan (Nutrient Management Plan/DWPP) and if they had more resources they could do this with more urgency. Can some of the 34m be used to support the regulator?
8. What cost benefit analysis was done of the two supported technological solutions? What other options were considered? Has a cost benefit analysis been done of on farm incineration against, say, pyrolysis?
9. Why is it felt necessary to fund a pilot project for on farm incineration when we already have the tech up and running in the catchment?
10. What controls are going to be in place to monitor emissions to air of incineration?
11. Will the funding of incinerators and mini ADs create another problem since neither tech strips P. What monitoring will be in place to ensure P from these sources is used responsibly and/or exported? How will the phenomenon (already seen) of reimportation be countered?
12. There will be a need for increased capacity within the LPA to process complex technical applications – can some of the funding be used to support that work stream?
13. How do we get reassurance that this is not going to enable further expansion of the industry?
14. How does this plan relate to the NMP/DWPP/WCPP/RBMP and other existing plans? It was the understanding in the room that the plan will not be a 3rd plan (ie: as well as the NMP and WCPP) – can this be confirmed?
15. Where does DEFRA's authority and responsibility for the Wye begin and end (what are the limits of devolution)?
16. Why does the plan not build on the conclusions of the University of Lancaster Rephokus report and consider ways to reduce livestock/manures/fertiliser to bring the catchment into balance. This would include sheep, pigs and cattle as well as controls on the use of artificial fertiliser and organic manures.
17. The government has proposed UK wide soil testing – the Wye would be an excellent place to start – will this be a consideration?
18. Who is going to be on the taskforce (organisations, not individuals)?
19. Who wrote the plan? What consultation was undertaken with members of the WCP or NMB to gain a complete understanding of the issues and complexity? Please name individuals, organisations and the nature of their input.

