



Confirmed Board Minutes

Title of Meeting: NRW Board Meeting – Public

Date of Meeting: 20th September 2018
Ty Cambria, Cardiff

Present :
Board Members Dr Madeleine Havard (Acting Chair)
Clare Pillman (Chief Executive)
Karen Balmer (Chair, Audit and Risk Assurance Committee, ARAC)
Chris Blake
Howard C. Davies
Dr Ruth Hall
Zoë Henderson (Chair, People and Remuneration Committee, PaRC)
Andy Middleton (Chair, Protected Areas Committee, PAC)
Nigel Reader
Sir Paul Williams

In Attendance: Ceri Davies (Executive Director, Evidence, Policy and Permitting)
Kevin Ingram (Executive Director, Finance and Corporate Services)
Tim Jones (Executive Director, Operations Mid and North)
Gareth O'Shea (Executive Director, Operations South)
Catherine Love (Director, Customer Care, External Relations and Communications)
Niall Reynolds (Director Transformation Portfolio)
Howard Davies (Head of Governance and Planning)
Tracey Mayes (CEO office)

Apologies: Dr Elizabeth Haywood

Secretariat: Jenn Jones
Rachel Rees

1. Welcome

1.1 The Chair welcomed everyone to the meeting especially the general public and reminded members of the public of the governance and etiquette of the meeting. Questions and comments would be taken as set out at the end of the Agenda. Detailed and previously submitted questions would be answered in writing following the meeting.

Apologies

1.2 Apologies for absence were received from Dr Elizabeth Haywood



Confirmed Board Minutes

Declaration of Interest

1.3 No new declarations of interest were raised. It was **NOTED** that Nigel Reader has had his membership of the Management Board and Audit & Risk Assurance Committee” (of APHA). Animal & Plant Health Agency extended until the end of March 2019. In relation to Agenda Item 4: Howard C Davies highlighted his previous membership of British Association for Shooting and Conservation (BASC); Zoe Henderson highlighted her current membership of Country Land and Business Association (CLA) and Countryside Alliance (CA).

2. Local Presentation

2.1 Gareth O’Shea welcomed and introduced John Hogg (Head of Operations for South Wales Central) to the meeting to present a case study of how NRW worked with the community, stakeholders and the Local Authority to remove a barrier to fish migration on the River Taff at Aberfan.

2.2 The removal of this weir, and with it the improvement of the environment, supports the regeneration of the area. Funding for the works came from Cardiff Harbour Authority as part of the fisheries improvements works related to the development of Cardiff Bay, as well as from NRW. Total cost of the project was £300,000 and following years of planning, took 5 weeks to complete, resulting in:

- 10km of spawning habitat made accessible
- Habitat improvement, fish stock improvement and greater angling opportunity
- Enhanced ecosystem connectivity
- Additional benefits - riverside walk improvements, amenity improvements and support for local groups
- Improved relationships with the South East Wales Rivers Trust

2.3 Of note was the sensitivity of this project in relation to the mine at Aberfan, key anniversary dates and the relationship of the community to the landscape and the river. The multifaceted and strong community interaction, interest and support in this project, and its link with the cultural and industrial legacy of the area was acknowledged by Board Members. Board members also highlighted the need to monitor its success going forward and to take lessons learned to other similar projects.

2.4 Ceri Davies highlighted that all rivers are being looked at in an integrated fashion, and NRW are being encouraged through the Public Services Boards to interact and develop projects in this way. NRW will prioritise in terms of environmental concerns / issues but will also consider prioritisation in respect of other activity / regeneration in the area.

2.5 Gareth O’Shea noted the Taff Angling Club and land owner’s support for the project



Confirmed Board Minutes

The Chair thanked John Hogg for his presentation, and the wider project team for all their work and commitment.

3. Minutes and Action Logs from July Board Meeting held in Public

3.1 Board Minutes

The Board Business Meeting Minutes from July 2018 were **APPROVED** as a true record of the meeting.

It was **NOTED** that 4.11: FRMAG May Minutes will come to November Board; and numbering of 5.9 needed amending.

The importance of clarity and accessibility of the Minutes was **NOTED**

ACTION POINT: Future Minutes to have explanation of acronyms

ACTION BY: Secretariat

3.2 NRW Action Logs

Item 1 – Ongoing – The CEO set out the context of the relationship with Welsh Government (WG) and her recent discussions with the Future Generation Commissioner (FGC). It is important that there is a well understood relationship between the Future Generations Act and Environment Act.

Item 2 - Discharged – Forest Safety Review Action Plan presented to the Board in July. Sustainable Forest Operations Manager role was not considered necessary under OD, the area of work has been incorporated in another role within the new structure.

Item 3 - Ongoing – Water Management Forum - Terms of Reference had been circulated; a meeting is planned for November; the Fisheries Group will meet in October, ways of working are much more integrated.

ACTION POINT: A copy of the Terms of Responsibility of the Water Management Forum to be circulated again.

ACTION BY: Ceri Davies; asap

Item 4 – Ongoing - Performance Reporting Paper on Agenda for discussion.

Item 5 – Ongoing – Kevin Ingram has met with Head of Procurement.

ACTION POINT: Paper on Procurement to be bought to November Board

ACTION BY: Kevin Ingram; November Board

Item 8 – Ongoing – Should be known as Customer Engagement Strategy.



Confirmed Board Minutes

ACTION: Paper to be bought to November Board

ACTION BY: Catherine Love; November Board

Item 9 – Ongoing – Initial telephone meeting held with Annie Payne.

ACTION POINT: Continue to progress Board involvement in NRW Dementia Friendly Initiative, and report back.

ACTION BY: Howard C Davies; November Board

Item 10 – .

Current Board members' responsibilities, interest, links and specialisms mapped, but requires QA a quality assurance check or accuracy check.

ACTION POINT: Board members to check spreadsheet and feedback to Nigel Reader

ACTION BY: All Board members; asap

Item 11 – Ongoing – will be further reviewed as a result of OD.

ACTION POINT: To be presented to Board after conclusion of OD in March 2019

ACTION BY: Howard Davies; March Board.

Item 12 – Discharged – considered at ET and Board

Item 13 – Ongoing – Lessons learnt to be considered by FRMAG in October and paper presented to Board in November.

ACTION POINT: FRMAG Review lessons learnt; paper to Board

ACTION BY: FRMAG; Ceri Davies; November Board

Item 14 – Ongoing – Vital Nature launched at RWAS non-statutory meeting of PAC to be held in October to consider protected sites in context.

ACTION POINT: PAC discussion to be held in October; feedback to Board

ACTION BY: Howard C Davies; November Board

4. Review of the Use of Fire Arms on Welsh Government Estate

Paper: NRW B B 43.18

For Decision

The Board is asked to consider the implementation of the Minister's request that NRW ceases leasing shooting rights on the Welsh Government Woodland Estate (WGWE).

4.1 Chris Tucker joined the meeting to present the paper and provide technical support for the Board's discussion

4.2 It was **NOTED** that at the July Board meeting all recommendations from the Review of Use of Firearms on Land Managed by NRW were agreed, and a Position Statement approved. The Position Statement stated that NRW would continue to consider the

Confirmed Board Minutes

leasing of rights for pheasant shooting, wildfowling and other pursuits involving firearms on a case-by-case basis subject to certain conditions, including that NRW recovers costs involved in agreeing, managing and monitoring of leases.

4.4 At the same meeting, the Board also **NOTED** the position of the Welsh Government (WG) which was communicated via a letter from the Minister for Environment to Clare Pillman (CEO) on the 9th July 2018. In the letter NRW were asked to consider not renewing leases for pheasant shooting or holding birds in pens on the WGWE based on the WG clear policy position as outlined in the letter that the WG do not support commercial pheasant shooting, or the breeding of gamebirds or birds being held in holding pens on the estate. The Minister's letter recognised wildfowling as a form of site management but raised concerns regarding the shooting of conservation species. She asked for NRW ornithologists to investigate the impact of wildfowling on rarer bird species.

4.5 It was **NOTED** that an Implementation Plan had been developed, and was being actioned, to enable delivery of the Position Statement approved by the Board in July 2018. Work to date has included:

- drafting a new Desk Instruction on the Principles of Ethical Wildlife Control;
- identifying a lead for an Advisory Group on lead ammunition;
- tasking NRW experts to review wildfowling on sites that NRW manage.

4.6 In addition it was **NOTED** that the NRW Review Team met with representatives of WG to seek clarification on the issues raised in the Minister's letter. This resulted in four Recommendations now presented to the Board for decision:

Recommendation 1: NRW stops the leasing of pheasant shooting rights on the WGWE (with effect from 1 March 2019 when the current leases expire). Where a current leaseholder identifies significant impact to their business or will incur costs beyond the remaining period of the lease, NRW should offer a one-year extension to the lease to allow for adjustments to be made by the leaseholder. This means that no breeding, rearing, holding or shooting of pheasants will take place on the WGWE.

4.6.1 It was **NOTED** that one leaseholder had indicated they would request a lease extension. Concerns were raised about fairness and parity of treatment of leaseholders. It was confirmed that an extension could be an option for all leaseholders for a maximum of one year if there was a clear case to consider. However, it was **NOTED** than none of the leases on WGWE represented the entirety of any shoot; it was further noted in discussion that any business on a short-term lease should have business plans reflecting this position. It was **ACCEPTED** that extending leases would go against the stated policy position of WG, and its wishes as landowner.

DECISION: NRW will not offer any extension to existing leases and will stop the leasing of pheasant shooting rights in March 2019.



Confirmed Board Minutes

Recommendation 2: NRW to allow, through permissions, the driving of birds from the WGWE in connection with shooting activity on adjacent third-party land.

In all cases the land leased by NRW is part of wider shooting activities. We expect that pheasants will continue to use the woodlands after leases have been stopped. Having pheasants on NRW managed land that are not managed by keepers creates a risk of unauthorised shooting activities on the estate. To permit adjacent landowners to drive pheasants from the woodlands reduces this risk.

4.6.2 The difference between flushing birds and driving through was discussed. It was **NOTED** that bird movements tend to relate to availability of food and pens for shelter. It was inevitable that birds from adjoining land would arrive onto NRW land and a decision needed to be taken on how those birds would be managed. The WG intention as expressed in the Minister's letter was again considered.

DECISION: NRW will consider requests for permission to enter land it manages to drive birds from the WGWE, provided it is not in connection with immediate shooting activity, i.e. directly onto guns.

Recommendation 3: The leasing of wildfowl shooting rights will be reviewed when the potential impacts on conservation species are known (i.e. pending the work being undertaken by NRW's ornithologists on the impact of wildfowling on rare bird species: Red and Amber listed birds).

4.6.3 It was **NOTED** that NRW staff have started to look at the scope of this work, with the project plan to come to the November Board meeting.

DECISION: The Recommendation was **APPROVED**

ACTION POINT: *Project plan to be developed and presented to November Board*
ACTION BY: *Ceri Davies; November Board*

Recommendation 4: As per NRW's Position Statement (approved by the Board in July 2018), NRW will continue to consider applications for permission to carry out control of wild species impacting on neighbouring land management objectives, using firearms on the land we manage.

4.6.4 It was **NOTED** that control of wild species is sometimes required to meet land management objectives. This could involve the use of firearms on the land we manage.

DECISION: The Recommendation was **APPROVED**

Confirmed Board Minutes

Questions/Comments from members of the public

Mr Rubin Irvine- highlighted a complaint and appeal he had registered with NRW, which he felt had been ignored. It was his view that planned tree planting in his area would have a detrimental effect on habitats and wildlife. He highlighted that ecologists within NRW agreed with this view, but their concerns had not been taken into account when permission for planting was given by NRW. He stated that NRW were not working with the local people or the community in this area, as had been promoted and commended in the presentation at the start of the meeting.

Apologies were given by the Chair to Mr Irvine; she confirmed that his concerns had been investigated and agreed that NRW had not responded appropriately. The Chief Executive had put checks on procedure in place and lessons will be learnt from this customer experience. It was confirmed that a meeting with senior officers had already been scheduled with Mr Irvine to discuss the issue further.

Mr David Grimsell – commented on the discussion around Recommendation 2 (Agenda Item 4). It was his understanding that game birds bred for shooting which stray onto other land cease to be ‘owned’ by the owners of the shoot.

Mr Gareth Wardell - commended the project on the River Taff, highlighted the cultural and historical aspects and importance of the area and applauded the sensitivity shown to the community. However, his main comment related to public information about Board meetings, which he said should be made available on the website as early as possible; he felt that contact details of Board members should be widely available; and encouraged NRW Board members to work in specific areas around Wales.

Ms Rachel Evans – asked what economic impact assessment had been undertaken of the ending of shooting leases (Recommendation 1, Agenda Item 4), she emphasised that in rural areas where employment was hard to find this ruling would have a significant effect on businesses and a way of life. She was bitterly disappointed that a Board member was of the view that another means of ‘living off the land’ could be found in a very short time to compensate for this loss of business.

Item 4 - Questions/Comments from members of the public -Ms Rachel Evans

ACTION POINT: It was requested that complaints be put before PARC in order to monitor customer service strategy/engagement.

ACTION BY: Catherine Love

5. Performance Report Quarter 1 (paper/presentation)

Paper: NRW B B 44.18

For Scrutiny

Confirmed Board Minutes

Scrutiny of NRW's

performance in quarter one of 2018/19 against the commitment in its Business Plan using the agreed dashboard.

5.1 Mark Hughes presented the first reporting round against our new Corporate Plan and 2018/19 Business Plan. It was highlighted that our measures are linked to our priorities as set out in our remit letter from WG and the Plans, and our performance dashboard is set up to record this.

5.2 We have 35 dashboard measures set up around our Business Plan, and the seven Well-being Objectives around how we work. We have introduced 5 performance levels: Red, Red/Amber, Amber, Amber/Green and Green to indicate the range of performance outcomes each quarter.

The performance measures highlighted were as follows:

- i. Red none.
- ii. Red/Amber - Incident Response – struggling to get incidents closed within 30 days, -working with local teams to overcome barriers.
- iii. Red/Amber - Reservoir programme – change in legislation has led to us identifying and managing more reservoirs, there is a significant programme of work – improvement on performance is expected as we move through the year.
- iv. Amber - Flood asset maintenance – the 99% target has not been met (97.5% currently). We have a programme of maintenance and capital improvements. We expect that a number of assets not repaired in Q1 will be addressed in Q2 along with those already planned. FRMAG keeps this under review.
- v. Amber - Monitoring and addressing tree and plant health – the 90% target for notices to be issued within 30 days of disease confirmation has not been met; currently 60%.
- vi. Amber - Organisational design – this is amber as we did not complete the detailed design by end of June 2018. Programme remains on track.
- vii. Green – Implementing Vital Nature – our strategic steer on Biodiversity “Vital nature” was launched at the Royal Welsh Show
- viii. Green – Embedding SMNR – SMNR is our purpose and a cross organisation training programme is currently underway to embed this in our ways of working .
- ix. Green - Planning & delivering RBMPs – We launched our consultation on 2021-27 River Basin Management Plans on 22 June 2018, and this month we published the Water Framework Directive (WFD) 2018 Interim classification for freshwaters.

5.3 The CEO commented on a number of measures:



Confirmed Board Minutes

- There were a large number of incidents this quarter, with the dry weather resulting in wild fires and low water levels, which has had a significant impact. We have worked well with the water companies in terms of drought management and continue to do so. We have supported, and interacted closely with, other agencies in respect of wild fires and have agreed that there are further lessons to be learnt.
- To date almost half the NRW staff have attended the 2-day SMNR training course.
- WFD results in 2015 showed 36% of water bodies as Good, this has now improved to 41%.
- In respect of Tree and Plant Health we continue to monitor the spread of *Phytophthora ramorum*, with an increase in incidents recorded in this quarter; we are supporting staff in closing these down. How we record incidence of disease has also changed: we now record outbreaks in all woodlands and not just WGWE; this has a resource implication which should be addressed through OD.

5.4 Board members **NOTED** the first quarter Performance Report and complimented the team on the presentation and process of monitoring. Concern was expressed as to how realistic some targets were. The Flood Assets measure was highlighted as an example of a measure continuing to fail to meet the target. In discussion it was **AGREED** that such targets are important to show ambition, raise awareness to the issues around the measure and to ensure resources are allocated appropriately'

5.5 There were concerns that some targets are categorised as Not Applicable – in particular Customer Satisfaction, and Evidence. It was **AGREED** that there needs to be a different way of reporting these.

ACTION POINT: Areas categorised as NA within report to be looked at.

ACTION BY: Mark Hughes; prior to December Board

5.6 A question was asked about the 2018/19 Remit Letter and if we were meeting the requirements of working with AONBs and National Parks. It was **NOTED** that this needs to be looked at and suggested that PAC could lead on this.

ACTION POINT: Investigation of response to Remit Letter in relation to NPAs & AONBs

ACTION BY: Ceri Davies and PAC; asap

5.7 The process for detailed scrutiny of the Quarterly Performance Reports, particularly the narrative descriptions, was discussed and **AGREED** that this could be undertaken by PaRC

ACTION POINT: Quarterly Performance Reports to come to PaRC, for detailed scrutiny.

ACTION BY: Mark Hughes; for December PaRC.



Confirmed Board Minutes

5.8

The Chair commended the First Quarter Performance Report, highlighting the generally positive trends, but confirming that some areas need improved recording and focus. It was felt that the reporting reflected NRW's new ways of working well, and the team were thanked for their efforts.

6. Any Other Business

6.1 On behalf of the Board, the Chair sent best wishes for a speedy recovery to Geri Mills of the Secretariat Team, currently in hospital.

6.2 This being the last public Board meeting for some members, the Chair offered best wishes and thanks on behalf of NRW to those Board members whose terms of office comes to an end at the end of October: Dr Ruth Hall, Andy Middleton, Nigel Reader and Sir Paul Williams.

6.3 The CEO also thanked Dr Madeleine Havard, who is included in these Board members leaving in October, particularly for her work as Acting Chair. All leaving Board members would be presented with a framed picture *Lake and Mountains: Llyn y Dywarchen in Snowdonia* by Rhys Hughes, which won last year's NRW photography competition.

7. Close of Public Meeting

7.1 The Chair thanked all staff for their high-quality presentations and input to the meeting, and all Board and Executive members for their part in the deliberations. The formal meeting was then closed.