

Agenda

Title of meeting: NRW Board Meeting Day 2 - Public Session

Date of meeting: 20th May 2021 **Time of meeting: 9.30-12.20**

Venue: **Microsoft Teams:**

[Click here to join the meeting](#)
[+44 29 2105 5545,,689847054#](#)

Observers:

Time	Item
9.30 (5 mins)	1. Open Meeting <ul style="list-style-type: none">• Welcome• Declaration of Interests• Explain conduct of meeting <p>Sponsor and Presenter: Sir David Henshaw (Chair)</p>
9.35 (5 mins)	2. Review Minutes and Action Log 2A. Review Minutes from Public 24th March meeting 2B. Review Public Action Log <p>Sponsor and Presenter: Sir David Henshaw (Chair)</p>
9.40 (10 mins)	3. Update from the Chair <p>Sponsor and Presenter: Sir David Henshaw</p> <p>Summary: The Chair to update the Board</p>
9.50 (20 mins)	4. Chief Executive's Report <p>Sponsor and Presenter: Clare Pillman, Chief Executive</p> <p>Summary: To update the Board on current key activities</p> <p>Presentation Only</p>
10.10 (20 mins)	5. Update Report of Committees <p>Sponsors and presenters: Committee Chairs</p> <ul style="list-style-type: none">• Audit and Risk Assurance Committee 22nd April Paper ref: 21-05-B08

-
- Evidence Advisory Committee 16th April – On Private Day Agenda
 - Finance Committee 20th April
Paper ref: 21-05-B09
 - Flood Risk Management Committee 23rd April
Paper ref: 21-05-B10
 - People and Remuneration Committee – n/a
 - Protected Areas Committee – n/a

Summary: To update the Board on recent committee activities

**10.30
(10 mins)**

6. Annual Review of Terms of Reference

Sponsor: Prys Davies, Executive Director of Corporate Strategy and Development
Presenter: Colette Fletcher, Head of Governance and Board Secretary

Summary: To approve revised Board, Board Committee and Executive Team Terms of Reference

Paper ref: 21-05-B11

**10.40
(15 mins)**

Break

**10.55
(10 mins)**

7. Changes to the Statutory and Legal Scheme of Delegation

Sponsor: Prys Davies, Executive Director of Corporate Strategy and Development
Presenter: Colette Fletcher, Head of Governance and Board Secretary

Summary: To approve changes to the Statutory and Legal Scheme of Delegation

Paper ref: 21-05-B12

**11.05
(45 mins)**

8. Place Presentation

Sponsor: Gareth O'Shea, Executive Director of Operations
Presenter: Mike Evans, Head of South Wales Central Operations, Aneurin Cox, Operations Manager Land and Assets, Andy Robinson, Team Leader, People and Places South Central, Tim England, Operations Manager (Flood and Water Management), Scott Squires, Projects and Programme Delivery Manager, Fiona Abbott, Team Leader, Radioactivity and Industry Policy

Summary: To provide an overview of key activities in the South Wales Central region

End of Public Board meeting

**11.50
(30 mins)**

9. Public Q&A Session

12.20

Close Meeting

Unconfirmed Minutes

Title of meeting: **NRW Board Meeting – Public Session**
All Attendees via Teams

Date of meeting: 24th March 2021

Present Board Members: Sir David Henshaw, (Chair)
Clare Pillman, Chief Executive
Prof Steve Ormerod, Deputy Chair
Karen Balmer
Catherine Brown
Julia Cherrett
Geraint Davies
Howard Davies
Dr Elizabeth Haywood
Zoë Henderson
Dr Rosie Plummer
Prof Peter Rigby

Present Executive Team Members: Prys Davies, Executive Director of Corporate Strategy and Development
Ceri Davies, Executive Director of Evidence, Policy and Permitting
Rachael Cunningham, Executive Director of Finance and Corporate Services
Lyndsey Rawlinson, Head of North East Wales Operations (Deputising for Gareth O'Shea, Executive Director of Operations)
Sarah Jennings, Executive Director of Communications, Customer and Commercial

Additional Attendees Present: Colette Fletcher, Head of Governance & Board Secretary (all items)
Elsie Grace, Commercial Business Development Manager Item 6 and 7
Catrin Hornung, Head of Communications and External Relations Item 6, 7, 8, 14
Victoria Rose-Piper, Head of Business Support Services Item 7
Neil Stoddart Sales & Marketing Manager Item 7
Dominic Driver, Head of Land Stewardship Item 7
Paul Johnston, Timber Sales and Marketing Manager Item 7
Dave Powell, Operations Manager North East Item 8
Paula Harley, Operations Manager (Land and Assets) Item 8
Keith Ivens, Operations Manager (Flood Water Management) Item 8
Nick Thomas, Principal Advisor (Strategic Projects) Item 8
Mark Hughes, Team Leader, People and Places Item 8
Andrew Lucas, Environmental Assessment Officer, Item 9
Ben Wilson, Senior Programme Manager - Covid Renewal Item 10
Martin Parkinson, Head of ICT Item 10
Moirá Reynolds, Corporate Planning Performance and Strategic Assessment Manager Item 11

Sue Ginley, Lead Specialist Advisor, Corporate Planning and Performance Item 11
Sioni Davies, Advisor, Corporate Planning and Performance Item 11
Steve Burton, Head of People Management Item 13
Racheal Holbrook, Lead Specialist Advisor, Human Resources Item 13
Michael Evans, Head of Operations South Wales Central Item 14
Gavin T Jones, Team Leader - Projects & Programme Delivery Item 14
Naomi Lawrence, Head of Customer Experience Item 14

Observers: Mariella Scott, PA to CSD Directorate (morning only)
Caroline Hawkins, Corporate Planning, Performance & Strategic Assessment Manager Items 1 to 7 and 11
Mike Whitley – Land Management and Forest Operations Team Leader (Item 7)
Gareth Wardell
Edward Clarke
Jack Hanbury
Berry Jordan
Frank Elsworth

Declarations: Dr Rosie Plummer – Pembrokeshire Coast National Park Authority Board Member; Centre for Alternative Technology Trustee, Plantlife International Trustee; Community building project
Zoe Henderson – Country Land and Business Association Committee Member
Howard Davies – Chief Executive of the National Association of Areas of Outstanding Natural Beauty; Fellow of Royal Society of Arts
Julia Cherrett – Board Member for Pobl Group
Dr Elizabeth Haywood – Board Member for Hendre Group
Geraint Davies – Director for FWAG Cymru; Director for Partneriaeth Penllyn, National Trust Member, RSPB Member, Farmers' Union of Wales Member; National Farmers' Union Cymru Member; Game and Wildlife Conservation Trust Member

Apologies: Gareth O'Shea, Executive Director of Operations.

Secretariat: Natalie Williams
Jocelyn Bengier
Rhiannon Spencer

Item 1. Open Meeting

1. The Chair opened the meeting and welcomed everyone. Declarations of interest were made during the course of the meeting as noted above.

Item 2. Review Minutes and Action Log

2A. Review Minutes from Public 20th January meeting

2. The minutes from the public January meeting were reviewed and agreed subject to minor amendments.

2B. Review Action Log

1. The action log was reviewed and agreed.

Item 3: Chair's Business

2. The Chair updated on progress on Green Recovery work with Welsh Government and informed that £3m had been secured for deployment on Green Recovery items for spend before the end of the year. A meeting was due to take place to agree the next steps and way forward. A call would be going out for new ideas but with a move away from projects.
3. The changes to the Board were noted. Chris Blake had resigned his Board membership and as a result the NRW Chair outlined the changes to committees that had been made. The recruitment for three new Board members had been approved by the Minister.

Item 4: Chief Executive's Report

4. The Chief Executive provided a report that initially looked back and reflected on some of the challenges that had been faced over the past year, in particular the impact of the pandemic and the move to Place based working, and the repairs necessary after Storm Ciara. Despite a challenging year, a remarkable amount of the work identified in the Business Plan was delivered. Additional capital funding to progress water quality work had been received, the SoNaR Report was delivered and published, and major projects had been completed including Crindau flood defence, Newport and Cwm Carn Forest Drive.
5. Significant incidents had been responded to with good examples of partnership working. The Wild Justice judicial review found that General Licences to control wild birds were lawful. The complex permitting situation at Morlais was ongoing and a recent decision around beaver release near Machynlleth had been finalised. Flooding had dominated the first part of the year and the flood review implementation was ongoing.
6. NRW had earned more and delivered more than in any other year, however, some projects had to be scaled back with real challenges noted around water quality and pressures on sites following release from lockdown. Relationships with Welsh Government had been productive.
7. Successful staff appointments were made this year and farewells and thanks were given to Richard Ninnis and Isobel Moore for their contributions to the work of NRW. The staff response to the pandemic and EU Exit were praised.
8. The Business Plan for this year has been drafted and NRW had been awarded the largest budget in its history, however, some difficult decisions would still be necessary. Work in the area of Green Recovery would continue with the new Government and it was noted that the environment featured highly across all major parties. The COP 26 would provide direction to shape the way forward towards delivery on carbon reduction and increased wellbeing.
9. Board members asked how NRW was encouraging collaboration with other organisations and were informed of the good examples of partnership working throughout the pandemic, although it was acknowledged that some partners had struggled. Future engagement in person both within and outside the organisation was anticipated when it was safe to do so. Suggestions were made regarding outdoor team get-togethers as an initial step.

10. The Board endorsed the thanks and recognition of achievements during this incredibly difficult time. It was recognised additional challenges would follow Covid and therefore a stock take and reflection session would be useful.

ACTION: Secretariat to canvass availability for a Board Development Day in July to focus on reflection and future challenges post-Covid.

Item 5: Update Reports of Committees

11. The Audit and Risk Assurance Committee (ARAC) report from the 11th February meeting was noted.
12. Audit and Risk Assurance Committee Annual Report 2020/21 was noted. The Chair of ARAC offered thanks to all involved in ARAC for their hard work during a challenging time. The Chair outlined some of the issues that had been experienced around the qualification of the accounts for historic reasons in addition to optimism bias and over-reporting of progress. External support for audit was being embraced and the restructure of the Audit Team was underway. The Chair reported on positive progress on compliance and assurance. The Three Lines of Defence Project was underway being led by the Executive Director of Finance and Corporate Services with a focus on robust processes and procedures, management oversight, and audit both internal and external.
13. There was an appetite for ARAC meetings to be held in public to enable genuine transparency and this would be considered further in due course.

DECISION: The Audit and Risk Assurance Committee Annual Report 2020/21 was approved for publication.

14. The Finance Planning and Performance Committee (FPPC) report from the 9th February meeting was noted. This committee had since morphed into the Finance Committee and amalgamated with the Finance Task & Finish Group.
15. The Chair of the People and Remuneration Committee (PaRC) provided a verbal update on the meeting held on 11th March. Items discussed included the EU Exit, Covid, Mutual Aid, and business continuity learnings. There was a focus on staff wellbeing and spare laptops had been donated to help with home schooling. Workforce planning and the implications of the Renewal Programme for Operational Development workload were discussed. The Equality, Diversity and Inclusion project with Diverse Cymru was highlighted and Board members were encouraged to complete the questionnaire which had been previously circulated.

ACTION: Secretariat to send an email reminder to Board and Executive Team to complete the EDI questionnaire.

Item 6: Commercial Strategy

Elsie Grace, Commercial Business Development Manager

Catrin Hornung, Head of Communications and External Relations

16. An introduction was provided by the Executive Director for Customer Communications and Commercial, highlighting the opportunity to take the first NRW Commercial Strategy forward this year with the principles of People, Planet and Prosperity at the forefront.
17. The Commercial Business Development Manager provided an overview of the strategy, which had been in development since January 2020. Valuable input around opportunities, strengths and weaknesses had been gathered from colleagues, external partners and the

public, leading to an umbrella strategy covering the various commercial activities of NRW. The first commercial partnership meeting was due to take place in May. The focus of the strategy was on governance and adaptability. Measures were being developed and engagement with the Renewal Programme was underway. Thanks were given to the Board and all external partners who had engaged with the process.

18. Board members gave a warm welcome to this work, recognising the innovation and good partnership working. It was noted that work would continue on priorities. However, concerns were expressed around the apparent lack of an Equality Impact Assessment (EqIA) and that greater emphasis should be given to this area with more focus on increasing access opportunities for diverse groups. It was agreed that the emphasis of the Strategy should be based on optimising the financial, environmental and social contributions of NRW's commercial activities rather than 'maximising value'. It was also considered that the learning from the Skyline Project should be incorporated across both the Timber Sales Plan and Commercial Strategy and that the introduction should include the reasoning behind the need for a Commercial Strategy.
19. Following discussion, the Executive Director for Customer, Communications and Commercial confirmed that an overarching EqIA would be developed along with additional EqIAs to cover each area within the Strategy and Board comments would be incorporated. It was also noted that the strengthening of the Commercial Team was continuing with the recruitment for the Head of Sustainable Commercial Development underway.

DECISION: The Board approved the Commercial Strategy for publication and launch in April 2021 subject to the amendments as discussed and circulation to the Board for information.

Item 7: Timber Sales Marketing Plan

Victoria Rose-Piper, Head of Business Support Services

Neil Stoddart Sales & Marketing Manager

Dominic Driver, Head of Land Stewardship

Paul Johnston, Timber Sales and Marketing Manager

Elsie Grace, Commercial Business Development Manager

Catrin Hornung, Head of Communications and External Relations

20. An introduction was provided by the Executive Director for Customer Communications and Commercial, noting similar matters to the Commercial Strategy discussed in the previous item. The ambition was clear but how this would be achieved was the subject of an ongoing discussion with Welsh Government. The Plan aimed to give stability and flexibility but with a clear direction.
21. The Head of Business Support Services outlined the Plan development process, noting that there had been a good response to the consultation exercise. The plan was the first five year plan in a 10 to 15 year programme. A key theme had been to identify new ways of working that would provide stability and assurance to both NRW and customers. The use of Welsh timber in Welsh construction was being explored and work would continue with customers to support all parties to deliver Sustainable Management of Natural Resources (SMNR) and the principles of People, Planet and Prosperity.
22. Discussion took place and Board members requested that the importance of working with communities and incorporating the Skyline Project learning was addressed. It was agreed that there was a need to highlight the non-commercial benefits such as social value and that these should be explicit in the Executive Summary, along with reference to the

climate change emergency. Board members noted the need to be robust in working through mechanisms for engaging with community groups over the coming year.

23. Concerns were expressed around the importance of roadside sales for smaller operators but reassurance was provided that these would continue and the need for adaptability in this area was clarified. The need to ensure transparency around the process for dealing with sales in exceptional circumstances was discussed. It was noted that strong governance standards were now in place to cover Roadside and Standing sales.
24. It was noted that the Plan enabled flexibility to respond to future challenges and that the team were being strengthened with the addition of the new Timber Sales and Marketing Manager, who was welcomed by the Board.

DECISION: The Timber Sales and Marketing Plan was approved for publication in April 2021 subject to the amendments as discussed.

Item 8. Place Presentation

Presenter: Lyndsey Rawlinson, Head of North East Operations

Attendees: Dave Powell, Operations Manager North East,

Paula Harley, Operations Manager (Land and Assets),

Keith Ivens, Operations Manager (Flood Water Management),

Nick Thomas, Principal Advisor (Strategic Projects)

Mark Hughes, Team Leader, People and Places

Catrin Hornung, Head of Communications and External Relations

Observer: Andrew Lucas, Environmental Assessment Officer

25. The Head of North East Operations gave a presentation providing an overview of the teams within the North East area and highlighting some of the key sites and significant issues. The Board were informed about the North East Wales place-based charter which had been created with team leaders to take forward NRW values and behaviours, focusing on collaborative working, embedding SMNR and five objectives based around tackling the climate emergency. The challenge of changing engagement from face to face to virtual during lockdown was noted but this had been successfully achieved by the team. There was an ongoing struggle between reactive and planned works combined with capacity issues.
26. The importance of partnership working in efforts to tackle the climate emergency was highlighted. An overview of the DeeLIFE project was given and the successful use of a range of media to connect with those who would not usually engage with NRW was illustrated. The challenge of the increase in visitor numbers to specific sites and the work on managing some of these challenges was noted.
27. Other examples of work in the North East included examples of regulatory partnerships and ongoing work to ensure that lessons were learnt from previous experiences and collaboration with political partners to address community issues continued. Flooding issues were raised and it was noted that limited resources would require management of expectations while working collaboratively with political and professional partners to understand roles and responsibilities and enable communities to be more resilient. A communications strategy had been developed for use during the next incident.
28. The Board offered their thanks for a varied and engaging presentation. Questions were raised around the proposed tidal power development on the Dee and it was noted that NRW were engaged in the process. It was agreed that an item on marine power should be included on a future agenda.

ACTION: Secretariat to include an item on marine issues on either the July or September Board agenda.

29. The value of the place-based charter was discussed and it was noted that this had been shared across Operations. Vacancies within the Flood team had mainly been filled although a few technical roles still remained vacant. Board members expressed an interest in a site visit to the North East area.

ACTION: Secretariat to coordinate a North East site visit for Board members centred around the DeeLIFE project in combination with the next Board meeting to be held in the North East area.

Item 9. Evidence Presentation

Presenter: Andrew Lucas, Environmental Assessment Officer

30. The item was introduced by the Executive Director of Evidence, Policy and Permitting. It was hoped that a face to face evidence conference could be held in the autumn but if not, this would proceed as virtual.
31. A presentation was given by the Environmental Assessment Officer titled 'Don't treat soil like dirt: using soil eDNA to monitor grassland fungi'. The importance of monitoring to provide evidence of SMNR and the specific difficulties of monitoring fungi were described and the potential benefits of using the techniques of eDNA identification were explained.
32. The Project and its results were discussed in detail. Board members recognised the opportunities for eDNA work to be scaled easily and the potential for use across a wide variety of monitoring projects. The importance of keeping pace with changing technologies was noted. The outcome of the project highlighted the value of partnership working with Welsh universities, making the most of their skills and facilities.

Item 10. Renewal Programme

Ben Wilson, Senior Programme Manager - Covid Renewal

Martin Parkinson, Head of ICT

33. The Executive Director of Finance and Corporate Services introduced the item. The Programme would follow strategic direction and include governance to ensure that actions would take place in a delivery focused way. A business case would be developed with identifiable outcomes and measures which would be scrutinised by the Portfolio Management Office (PMO). Delivery would take place as part of BAU (Business As Usual), in order to facilitate the process while finding efficiencies.
34. The Senior Programme Manager – Covid Renewal presented an overview of the process illustrating the cross cutting work streams which included: HR and contract issues technology and refreshing infrastructure; amended travel policies and fleet changes; accommodation; commercial opportunities and procurement; process review and simplification; communication and engagement.
35. The issues and benefits of the development of hubs with partner organisations were considered in detail. It would be important to learn from what other organisations had been doing and reflect on what partnerships could help NRW to deliver. Concerns were expressed around the need for recognition of equality issues in relation to a more permanent change of work place and how this could be considerably expressed. Pressures on workforce planning and Organisational Development were recognised but it was noted that these departments were working together with the Renewal Programme.

36. Concerns were raised around the term 'visionary leadership' and whether this could be replaced with 'listening and working hard to ensure past lessons are learnt'. Caution would be needed in NRW portraying itself as 'leading the way'.
37. The use of the word 'just' in relation to recovery would need to be expanded upon to properly illustrate the vision. A more external focus, considering customer issues and how to make NRW more accessible should be considered. It would also be important to recognise that frontline staff should be encouraged in this area but the space and training to do this would need to be provided.
38. The cross cutting workstreams illustrated the depth of structural and behavioural change that would be necessary. A couple of key items that would have the most impact should be identified and taken forward, while not becoming overly reliant on mechanisms such as IT and remembering the value of the human element. The Programme would need to be flexible with systems embedded that would be capable of dealing with changes in the future. Change should be co-produced with frontline staff.
39. The discussions were summarised and it was noted that the correct balance needed to be created across the themes, achieving some change but with a cautious, thoughtful approach. It was agreed that the Programme workstreams should set the targets, with considered programme management towards delivery and progress against these reported to the Executive Team and Board.

ENDORSED: The Board endorsed the overall vision and strategic objectives of the Renewal Programme subject to some adjustments as discussed.

ACTION: The Renewal Programme to be revised to include the amendments as discussed by the Board and to develop target setting and programme management prior to return to a future meeting.

Item 11. Business Plan Performance Dashboard 2020/21

Moira Reynolds, Corporate Planning Performance and Strategic Assessment Manager

Sue Ginley, Lead Specialist Advisor, Corporate Planning and Performance

Sioni Davies, Advisor, Corporate Planning and Performance

40. The Chief Executive introduced the item and presented the Quarter 3 exception report. Measured against the five strategic priorities, none were identified as red, seven were amber, and eight green. Twenty were identified as grey (i.e. not for report in this quarter). Measures were detailed for the Board and ratings explained. The final year measures would be provided in May to the Board and then included as part of the Annual Report in July.
41. Board members queried whether the response to the nature emergency should be considered 'green' and whether more challenge was needed on this measure. It was agreed that this would require further reflection. The Plan was noted as being very clear and accessible and that the major Corrective Action Request (CAR) mentioned in the report was resolved.

DECISION: The Board approved the Quarter 3 Report for publication.

Item 12. Statutory and Legal Scheme

Colette Fletcher, Head of Governance and Board Secretary

42. The Head of Governance and Board Secretary introduced the item and outlined the content of the update to the Statutory and Legal Scheme (SaLS). The proposed changes to the SaLS required the Board's approval.

DECISION: The Board approved the proposed changes to the Statutory and Legal Scheme.

Item 13. Equality, Diversity and Inclusion (EDI) Annual Report

Prys Davies, Executive Director of Corporate Strategy and Development

43. The Executive Director of Corporate Strategy and Development introduced the item and provided an overview on the current position and the additional actions NRW needed to take between now and 2024. A consultant had been employed and was in the process of engaging staff, communities and stakeholders to think about EDI in a broader sense.
44. The Board requested access to the neurodiversity training and noted the lack of diversity in the environmental field and questioned how this could be improved.

ACTION: The Executive Director of Corporate Strategy and Development to ensure that the Board have access to the neurodiversity training.

45. It was noted that an essential part of the 2050 Vision work was about how to develop the vision and engage outside the standard mechanisms. Conversations were being held with different professional bodies and Environmental Non-Governmental Organisations (eNGOs) that had shown an interest in EDI. It was further suggested that schools could be engaged to encourage change around career decisions and views.

DECISION: The Board noted the progress of the EDI Annual Report 2020/21 and approved for publication.

Item 14. Learning Lessons from Flood Risk Management Projects

Presenters: Michael Evans, Head of Operations South Wales Central, Gavin T Jones, Team Leader - Projects & Programme Delivery

Observers: Naomi Lawrence, Head of Customer Experience, Catrin Hornung, Head of Communications and External Relations

46. The Executive Director of Evidence, Policy and Permitting introduced the item and the Team Leader – Projects & Programme Delivery outlined the work that had been carried out. Examples were provided on the renewed focus on stakeholder and community engagement in project delivery, working alongside the embedding of the Sustainable Management of Natural Resources (SMNR) principles.
47. The Head of Flood and Incident Risk Management had been working with the Communications Team to incorporate the new Customer Experience Strategy into the Flood Risk Management Programme. The Team would be engaging with communities and stakeholders regarding the capital projects that were carried out by Projects Delivery Team.
48. The approach to working with communities whose first language was not English or Welsh was outlined and a communication strategy would be planned. It was noted that wider conversations around community resilience would need to take place and the expectations of communities would need to be sensitively managed.
49. The Board welcomed the report and noted that NRW's response to flooding was evolving. The Board thanked those involved but highlighted that the paper should have had an

Equality Impact Assessment (EqIA). The Head of Governance and Board Secretary would ensure that future Board papers had an EqIA where it was appropriate.

ACTION: The Head of Governance and Board Secretary to ensure that future Board papers have an EqIA where appropriate.

- Board meeting closed -

Item 15. Public Q&A Session

50. The Chair introduced the public session and the Head of Governance and Board Secretary invited the members of the public to read their questions to the Board.

51. The Board received a question from Gareth Wardell:

“In light of the helpful example relating to the Lower Riggles Coupe in the Radnor Forest Block (Number 51377) supplied to me by the Head of Land Stewardship, can the Board provide an assurance that the same regulatory standard is applied by NRW to this particular Coupe as it is for all other Coupes within the Welsh Government Woodland Estate, as well as to the restocking and planting schemes on privately owned land?”

52. The Executive Director of Evidence, Policy and Permitting highlighted that the forest resource plans would differ in terms of what each coupe was delivering. However, the UK Woodland Assurance Standard was common across all coupes. NRW worked with Welsh Government to apply conditions to grants to ensure consistency.

53. A supplementary question followed and the Executive Director of Evidence, Policy and Permitting would respond to this outside of the meeting.

ACTION: The Executive Director of Evidence, Policy and Permitting to follow up on Gareth Wardell’s additional question outside of the meeting.

54. The Board received a question from Jack Hanbury:

“I am looking for advice from NRW as land manager. We all felt the impact of public access last year and, and a key landowner, NRW may have some tips for the rest of us. It is only during these open sessions after the quarterly meetings that the board gets to hear the concerns of ordinary people, so your non-execs might be interested in the question”

55. Howard Davies responded that the clear message was to welcome new users to the countryside but NRW were aware of addressing issues and there was ongoing work to support organisations and individuals about the easing of lockdown.

56. The Head of North East Wales Operations noted that NRW recognised the effect Covid was having on the land and that local partnership groups had been set up. She would have a further discussion with Jack Hanbury outside of the meeting.

ACTION: The Head of North East Wales Operations to make contact with Jack Hanbury about his query.

57. The Board received a question from Edward Clarke:

“Considering the extreme opposition to making the whole of Wales a NVZ promulgated by Farmers Union of Wales, whose ready-made letter of protest was copied and sent by

many farmers to members of Senedd, that has radicalised many farmers against compliance, what strategies has the board put in place to avoid massive amounts of slurry being spread just before and just after the closed season for spreading.”

58. The Executive Director of Evidence, Policy and Permitting highlighted that NRW monitor to assess compliance with regulations. NRW were working with Welsh Government and Farming Connect to ensure guidance was available to all land managers. There had not been major differences to date in prevalence of incidents of pollution, but operational staff were monitoring to help with assessment of compliance over time.

59. An issue was whether Welsh Government would be able to assist farmers with funding to be compliant. Zoe Henderson, the Chair of Wales Land Management Forum on agricultural pollution, noted that the unions were engaged and focused on how to ensure regulations were applied correctly and proportionately. Communication was a focus and there continued to be strong working relationships with the farmers.

ACTION: The Executive Director of Communications, Customer and Commercial to prepare a response to Frank Elsworth’s query and the Head of Governance and Board Secretary to apologise for the error in the meeting that meant he was not able to present the question.

- Meeting closed -

Board Meetings

Action No.	Meeting Category	Meeting Date	Item No	Para No	Paper Sponsor	Action	Owner	Due	Status	Notes/Updates
9	Public	26/11/2020	6	20	Prys Davies, Director of Corporate Strategy and Development	ACTION: Executive Director of Operations to discuss with Head of North East Wales Operations having a future discussion with the Board on the 4-hour limit on incidence response.	Gareth O'Shea, Executive Director of Operations South	20/12/2020	Ongoing	Added to the list of potential strategic discussion items, Place presentations, Evidence sessions and site visits
10	Public	26/11/2020	8	31	Gareth O'Shea, Executive Director of Operations South	ACTION: Head of South West Operations to provide a note to the Board on new innovations/ technologies/ ways of working used that have helped the operations teams during Covid.	Gareth O'Shea, Executive Director of Operations South	20/12/2020	Ongoing	
13a	Public	20/01/2020	4	14	Clare Pillman CEO	ACTION: PaRC to monitor consideration of the balance of risk and resource and governance implications of ensuring appropriate oversight of mutual aid. - Secretariat to add to PaRC forward look	Secretariat	21/01/2021	Completed	Added as amendment at March Board meeting/ added to PaRC June Agenda
13	Public	20/01/2021	7	29	Clare Pillman CEO	Secretariat to arrange a Board visit to the Gwent levels in the future.	Secretariat	16/06/2021		Covid dependant / face to face meetings not till after May. Has been added to the list of potential strategic discussion items, Place presentations, Evidence sessions and site visits
24	Public	24/03/2021	4	10	Clare Pillman CEO	ACTION: Secretariat to canvass availability for a Board Development Day in July to focus on reflection and future challenges post-Covid.	Secretariat	28/04/2021	Ongoing	
25	Public	24/03/2021	5	15	Sir David Henshaw	ACTION: Secretariat to send an email reminder to Board and Executive Team to complete the EDI questionnaire.	Secretariat	01/04/2021	Completed	
26	Public	24/03/2021	8	28	Gareth O'Shea Executive Director Ops	ACTION: Secretariat to include an item on marine issues on either the July or September Board agenda.	Secretariat	01/04/2021	Completed	
27	Public	24/03/2021	8	29	Gareth O'Shea Executive Director Ops	ACTION: Secretariat to coordinate a North East site visit for Board members centred around the DeelIFE project in combination with the next Board meeting to be held in the North East area.	Secretariat	22/09/2021		Added to list of site visits
28	Public	24/03/2021	10	39	Rachael Cunningham Executive Director finance	ACTION: The Renewal Programme to be revised to include the amendments as discussed by the Board and to develop target setting and programme management prior to return to a future meeting.	Ben Wilson, Senior Programme Manager - Covid	22/06/2021	Ongoing	

Board Meetings

Action No.	Meeting Category	Meeting Date	Item No	Para No	Paper Sponsor	Action	Owner	Due	Status	Notes/Updates
29	Public	24/03/2021	13	44	Prys Davies Executive Director CS&D	ACTION: The Executive Director of Corporate Strategy and Development to ensure that the Board have access to the neurodiversity training.	Rachael Holbrook/Steve Burton - Head of People Management	28/04/2021		Rachael Holbrook has left NRW, action sent to Steve Burton
30	Public	24/03/2021	14	49	Gareth O'Shea Executive Director Ops	ACTION: The Head of Governance and Board Secretary to ensure that future Board papers have an EqIA where appropriate.	Colette Fletcher Head of Governance & Board Secretary	28/04/2021	Ongoing	To be reviewed following May Board
31	Public	24/03/2021	15	53	Sir David Henshaw	ACTION: The Executive Director of Evidence, Policy and Permitting to follow up on Gareth Wardell's additional question outside of the meeting.	Ceri Davies Executive Director EPP	24/04/2021	Completed	
32	Public	24/03/2021	15	56	Sir David Henshaw	ACTION: The Head of North East Wales Operations to make contact with Jack Hanbury about his query.	Lyndsey Rawlinson, Head of North East Wales Operations	24/04/2021	Completed	
33	Public	24/03/2021	15	59	Sir David Henshaw	ACTION: The Executive Director of Communications, Customer and Commercial to prepare a response to Frank Elsworth's query and the Head of Governance and Board Secretary to apologise for the error in the meeting that meant he was not able to present the question.	Sarah Jennings Executive Director CCC	24/04/2021	Completed	

Board Paper

Paper Title:	Audit and Risk Assurance Committee (ARAC) Update
Paper Reference:	21-05-B08
Paper Sponsored By:	Catherine Brown - ARAC Chair
Paper Presented By:	Catherine Brown

Purpose of Paper:	Information
Recommendation:	To note the update

Issue

This paper provides an update to the Board following the ARAC meeting on 22 April 2021. The minutes from the meeting can be made available to any Board member interested.

Issues that in the opinion of the ARAC Chair should be brought to the attention of the whole board are highlighted below.

Update

Annual Report and Accounts 2020/21

1. ARAC were provided with an update on the risks associated with the production of the Annual Report and Accounts (ARA). The Environment Agency has had its accounts for 2020/21 qualified because of an issue with the valuation of its operational assets. NRW uses the same valuation basis for our operational assets, but they represent a much smaller proportion of our asset base (2%). Discussions are underway with Audit Wales as to the appropriate way of dealing with this situation. ARAC asked to be kept up to date with the management of this risk to the NRW accounts and also asked that the Board as whole be briefed on the issue. ARAC were told that the sponsorship team in Welsh Government (WG) have been made aware.

Internal Audit update

2. ARAC reviewed four Internal Audit Reports: Performance Management of Staff (Limited assurance); Management of Colliery Spoil Tips, Risk Management, and Governance (all Moderate assurance).
3. ARAC were concerned about the issues of culture and capability as well as a lack of compliance with the organisation's policies and procedures identified by the Performance Management report. They did not find the finding that only five members of staff across the

whole organisation were “underperforming” to be plausible, and were equally concerned about a lack of consistent approach to helping good performers reach their potential. ARAC hoped that the Executive Team and PaRC would have robust discussions about the wider issues, agree an action plan to address them, and proactively monitor progress against that plan.

4. While they recognised the significant amount of work that had been done in recent months to improve performance in this area, ARAC were also very concerned about the issues identified in the Management of Colliery Spoil Tips Audit Report. A number of high risk sites had not been inspected in a timely fashion; there was a lack of evidence of action being taken to address recommendations to reduce the risks associated with sites when they had been inspected; and front line management “expressed concern over the lack of resources, competing priorities and a lack of clarity on the internal support available for technical aspects of the work required”. ARAC asked for some further information on how the issues were being addressed by management for their next meeting, and asked Internal Audit to reflect on the committee’s feedback and plan a follow up visit of this area, despite the fact that they had given it a moderate audit opinion, which would not usually require a follow up.
5. The Committee also reviewed the Follow up-Conflicts of Interest Audit Report. It was of concern that some recommendations had been reported to ARAC as being “complete” which on audit inspection did not seem to have been effectively implemented. A number of changes were agreed to how recommendations and actions are recorded to ensure that this does not happen in future.
6. ARAC noted that in cases in which material risks to the organisation were identified by internal audits, and resources were insufficient to allow them to be adequately addressed, the Executive Team and the Board remained responsible for any consequences of such failure. They asked that further thought be given to how such material operational risks, unaddressed due to resource constraints, are identified and flagged to the Board.

Follow up regarding Cyber Resilience in the Public Sector

7. The Committee requested that options be presented to the Board on their preference for engaging with data and cyber security matters going forward and whether they would prefer to delegate some cyber security responsibilities to ARAC to allow the Board to concentrate on wider strategic issues relating to the potential of information technology and data. ARAC suggested that whichever Board/Committee were to lead on cyber security would benefit from some additional training.

ARAC Governance - Future meeting arrangements

8. ARAC were content to reduce the number of meetings to four per year from 2022 (with the addition of an ARA meeting in July). The Committee were also comfortable to continue to meet in a virtual capacity on a more permanent basis, subject to training needs and the appointment of new Non-Executives. ARAC recognised that reducing the number of meetings was likely to result in an increase in agenda items and agreed to extend meetings slightly.
9. The new arrangements would be kept under review to ensure the continued effectiveness of the Committee.



Board Paper

Paper Title:	Finance Committee (FC) Update
Paper Reference:	21-05-B09
Paper Sponsored By:	Sir David Henshaw - Interim FPPC Chair
Paper Presented By:	Sir David Henshaw

Purpose of Paper:	Information
Recommendation:	To note the update

Issue

This paper provides an update to the Board following FC meetings on 20 & 29 April 2021.

Update

Terms of Reference

1. FC are in the process of agreeing the final Terms of Reference for the Committee which combines the responsibilities of the Finance Planning & Performance Committee with two Task & Finish Groups.

Business Plan and Performance Dashboard 2021-22

2. The Committee had the opportunity to comment on the Business Plan and Performance Dashboard prior to the final submission to May Board.
3. FC requested that discussions are had with the Chief Executive regarding the role of Board committees in relation to management information and to ensure the appropriate level of responsibility and oversight was in place for scrutinising this information.

Finance update 2021/22

4. FC were provided with an update on the end of year position for 2021/22 which continued to provide confidence in the organisations ability to spend money.

Strategic Review of Charging (SRoC)

5. FC are regularly updated on the SRoC scheme but as the Board have not been updated on this matter for some time, we recommended a strategic principles discussion at Board in the near future.

Baseline Exercise update (formally known as Operating Model Review)

6. The Committee offered various observations regarding this project and requested that a paper be provided to the Board for them to have general understanding of what the organisation is trying to achieve.

Update on Grants Process

7. The Committee discussed the issues associated with the current grants process which required a solution based on customer needs. An analysis of issues will be provided at the next FC meeting.

Project Management Office (PMO) update

8. The Committee were provided with an PMO Assurance Report for April 2021. FC would continue to have visibility over this work area going forward.

Oversight of Timber Sales and Marketing update

9. FC were provided with an update on progress being made to secure improvements and resolve any issues. Based on the information provided, the Committee were generally content that there were no underlying issues associated with the resignation of a staff member but requested a note be provided as a formal record of assurance.

Board Paper

Paper Title:	Flood Risk Management Committee (FRMC) update
Paper Reference:	21-05-B10
Paper Sponsored By:	Elizabeth Haywood – Chair of FRMC
Paper Presented By:	Elizabeth Haywood

Purpose of Paper:	Information
Recommendation:	To note the update

Issue

1. This paper provides a brief update to Board following the FRMC meeting of 23 April.

Update

Committee Membership

2. To note, Karen Balmer has joined the Committee as a replacement for Chris Blake.

Flood Recovery and Review Implementation Programme

3. The Committee discussed the progress report for the Programme. All actions from the Flood Review and from the Land Review, plus outstanding actions from our Recovery work, have been transitioned into an Implementation Programme, consisting of 13 work areas.
4. Good progress continues to be made on the shorter term actions, and important work on scoping and initiating the more complex and longer term actions has progressed well. There has been recruitment of some additional staff to enable delivery, but there are also some challenges in recruitment including market shortages in some key technical areas, and 'churn' generated by movement of internal appointments.
5. Overall the status is classed as 'Amber', reflecting the mix of good progress in many actions and the challenges associated with the complexity and long term nature of several other actions. The reporting mechanisms and programme and project structure are well established and will enable effective monitoring of delivery, and of benefit realisation.

Strategic risk on asset management

6. The Committee considered the risks and management actions associated with asset management. There was support for keeping a single risk in the register focussed on all assets, with the ability to drill down on the risks and actions for the assets with the greatest consequences associated with failure. This can be through 'deep dives' and scrutiny of Business Board level risk management processes.

Capital Programme

7. Members noted the excellent outturn of the 20/21 programme, with full utilisation of the available budget of £13.2m. This included taking on an additional £4.1m of budget during the course of the year. The programme reduced the risk of flooding to 720 properties and sustained the level of protection provided to 950 other properties, as well as delivering many other capital projects and improvements.
8. The Committee approved the plans for 21/22 programme (at a budget of £17m), and the medium term plan for future years.

Revenue activities

9. The Committee reviewed the allocations of revenue budget to the different flood risk management activities, and the pressures on the revenue budget. There was support for the initiative to articulate what we can deliver with the budget we have, and what is constrained because of budget limitations. This links with the Level of Service concept from the Flood Review work, and the organisation-wide initiative (led by Finance) to articulate our operating needs for all activities.

Skills and development

10. The Committee received an excellent paper and presentation on the challenges and opportunities around skills, capabilities and capacity. The Committee gave strong support to the initiatives, particularly around investing in entry level routes in to the organisation (including apprenticeships and foundation level degree courses), and around succession planning and career development pathways. It was agreed the paper should be shared with PARC, and FRM indicated its willingness to act as pilot project for a new workforce planning approach.

Reservoirs

11. The update included the latest on the (yet to be published) Toddbrook report and its probable key findings. Also discussed was how this fits well with the strategic direction of travel for reservoir regulation in Wales that has been developed with FRMC input over the last 12 months. It was agreed that the next 'biennial report' on reservoir safety (a statutory requirement of the Reservoirs Act, and due in September 2021) should contain commentary on this shift in regulation, to build on the good performance already but to strive for further improvements and higher performance from operators.

Paper title:	Annual Review of the Board, Board Committee and Executive Team Terms of Reference
Paper Reference:	21-05-B11
Paper sponsored by:	Prys Davies, Director of Corporate Strategy & Development
Paper Presented by:	Colette Fletcher, Head of Governance & Board Secretary
Purpose of the paper	To seek approval for the Board, Board Committee and Executive Team Terms of Reference
Recommendation	To approve the Board, Board Committee and Executive Team Terms of Reference

Issue

1. This paper presents for approval proposed revisions to the Terms of Reference for the Board, Board Committee and Executive Team. The Terms of Reference were fully reviewed last year and therefore only minor changes are proposed this year.

Background

2. NRW's decision-making bodies are asked to review their Terms of Reference annually. The Board is responsible for approving the Terms of Reference for itself, the general section of the Terms of Reference for the Board Committees, and the Executive Team.
3. The Executive Team has reviewed the proposed changes and is recommending them to the Board for approval.
4. Each of the Board Committees is also reviewing the specific sections of the Terms of Reference for their respective committee. This work will be completed over the summer.

Assessment

5. Only minor changes are being proposed to the Terms of Reference this year. The proposed changes include an update on SMNR (Sustainable Management of Natural Resources) language to reflect the latest legislation and regulations and a proposed amendment to quoracy requirements for Board Committees based on feedback from the annual effectiveness review.
6. Annexes 1 to 3 present the three revised Terms of Reference with tracked changes to the Board for approval.

Key Risks

7. Clear Terms of Reference for the various governance tiers should mitigate the risk of confusion about responsibility and accountability, as well as avoid potential duplication.

Financial Implications

8. There are no additional financial implications or considerations.

Equality Impact Assessment (EqIA)

9. The governance requirements affect all members of staff equally. No adverse effects are anticipated for any particular protected groups or characteristics.

Index of Annex

- Annex 1 – Revised Board Terms of Reference
- Annex 2 – Revised Board Committee General Terms of Reference
- Annex 3 – Revised Executive Team Terms of Reference



Board Terms of Reference

Terms of Reference agreed: [May 2020](#)¹bc

Next review date: [May 2024](#)¹bc

1. Purpose

1.1. The role of the Natural Resources Wales (NRW) Board is to:

- 1.1.1. establish the vision and strategic direction and maintain oversight of NRW;
- 1.1.2. provide effective strategic leadership; defining and approving strategic direction and setting challenging objectives;
- 1.1.3. promote high standards of public finance, upholding the principles of regularity, propriety and value for money;
- 1.1.4. ensure that NRW's activities are conducted efficiently and effectively; and
- 1.1.5. oversee and monitor top-level performance to ensure that NRW fully meets its aims, objectives and performance targets.

1.2. The Board must ensure that effective arrangements are in place to provide assurance on risk management, governance and internal control. It must establish an Audit and Risk Assurance Committee chaired by a non-executive member (but not the Chair) to provide it with independent advice. The Board is also expected to assure itself of the effectiveness of internal control and risk management systems.

2. Scope

2.1. The Board is responsible for defining and approving the long-term vision and strategy for NRW to meet its responsibilities and duties under the Natural Resources Body for Wales (functions) Order 2013, Wellbeing of Future Generations (Wales) Act 2015, Environment (Wales) Act 2016 and all other relevant legislation.

~~2.2.~~ Members of the Board are collectively responsible to the Welsh Government for ensuring [that the sustainable management of natural resources is pursued in relation to Wales, and that the principles of sustainable management of natural resources are applied in the exercise of their functions, so far as consistent with their proper exercise.](#) ~~that NRW embeds the principles of sustainable~~

Commented [FC1]: Suggested amendment to reflect new wording adapted from both the Environment Act and the WFG Act.

~~management of natural resources throughout the way we work, and that the environment and natural resources of Wales are:~~

- ~~2.2.1. sustainably maintained;~~
- ~~2.2.2. sustainably enhanced; and~~
- ~~2.2.3. sustainably used.~~

3. Responsibilities

3.1. The responsibilities of the Board include to:

- 3.1.1. establish the vision, strategic aims and objectives of NRW consistent with its overall purpose and within the context of the Welsh Government's strategic aims and the policy and resources framework determined by the Minister;
- 3.1.2. ensure that NRW operates within its statutory and delegated authority, and that it discharges its statutory duties under the relevant Acts, other Statutory obligations and the Framework Document;
- 3.1.3. promote high standards of public finance, upholding the principles of regularity, propriety and value for money. In particular, instructions must not be given to the Chief Executive which conflict with their duties as NRW's Accountable Officer;
- 3.1.4. demonstrate high standards of corporate governance and integrity, and ensure that effective arrangements are in place to provide assurance on risk management, effective internal control and good record keeping;
- 3.1.5. demonstrate NRW's values in all endeavours, individually and collectively, modelling consistency of behaviours across the organisation;
- 3.1.6. appoint, with the prior approval of the Minister, a Chief Executive; and
- 3.1.7. hold the Chief Executive to account for performance and delivery against strategic and business plan priorities, objectives and budgets.

4. Board reserved matters

4.1. The matters set out in the table below are reserved to the Board.

Governance and control:

- 4.1.1. review and approve the Board's overall corporate governance arrangements;
- 4.1.2. approve substantive amendments to the Board's reserved matters;
- 4.1.3. approve terms of reference of the Board's committees, sub-committees, or working groups;
- 4.1.4. approve Board minutes;
- 4.1.5. approve Board and committee schedules of meetings;

Formatted: Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.9 cm

Formatted: Space After: 0 pt

Formatted

<p>4.1.6. approve delegation of any of the Board powers to the Chief Executive;</p> <p>4.1.7. approve the scheme of financial delegation, covering delegation to the Chief Executive or Executive Team members;</p> <p>4.1.8. approve the Statutory and Legal Scheme, covering delegation to the Chief Executive or Executive Team members;</p> <p>4.1.9. approve the Framework Document with the Welsh Government, or successor documents;</p> <p>4.1.10. approve the strategy and principles for management of risk.</p>
<p>Appointments:</p> <p>4.1.11. appoint and dissolve Board committees, sub-committees, working groups, and their Chairs;</p> <p>4.1.12. appoint and terminate the appointment of the Chief Executive, subject to the consent of the Welsh Government Minister responsible;</p> <p>4.1.13. appoint Investigating and Inquiry Leads.</p>
<p>Strategy, Business Plan and budget:</p> <p>4.1.14. approve (including varying) Corporate Strategies and Strategic Plans, subject to approval by the Welsh Government;</p> <p>4.1.15. approve the annual Business Plan and annual budget, subject to approval by the Welsh Government;</p> <p>4.1.16. approve NRW's key performance indicators;</p> <p>4.1.17. ensure the statement of accounts complies with any directions given by the Minister, Auditor General, and good practice;</p> <p>4.1.18. approve and present NRW's annual report and accounts to the Auditor General for Wales, the Minister, and the National Assembly for Wales.</p>
<p>Operational decisions:</p> <p>4.1.19. approve the policy content of strategic and corporate policy;</p> <p>4.1.20. approve the pay remit;</p> <p>4.1.21. approve the Scheme of Charges;</p> <p>4.1.22. approve major organisational developments and changes to the organisation.</p>

4.2. The Board retains oversight of all responsibilities delegated to the Board committees.

4.3. There may occasionally be a need to consider items between meetings on the Board's behalf in order to expedite urgent business or in the event of a major

incident. If the need for urgent consideration of major and/or controversial items arises, the Board will normally delegate the matter to a specially convened Urgency Committee consisting of its Chair and two further Board members. If an item arises that is not major or controversial but is time critical, the Chair may use their discretion on whether to take Chair's action, advised if appropriate by the Board Secretary.

- 4.4. Where Chair's action on time critical items does take place, it will be considered appropriate (where possible) that the Chair seeks the views of members by email before taking their decision. All decisions taken by the Urgency Committee and/or Chair's action should be clearly reported to the Board as soon as possible and recorded in the minutes of its next meeting for information.
- 4.5. These Terms of Reference do not preclude the Chair or the Board deciding other matters, non-reserved, should they come to the Board for discussion or decision.
- 4.6. The Board will normally conduct an annual effectiveness review. This should include a self-review led by the Chair, including feedback from members of the Board, any lessons learned and potential improvements. The Board should consider commissioning an independent external review of effectiveness approximately once every three years.
- 4.7. The terms of reference will be reviewed annually, to ensure they are fit for purpose and functionally effective.
- 4.8. A record of each annual review of effectiveness and terms of reference will be made. Any recommendations for material change will be brought to the attention of the Board for approval.

5. Meetings

- 5.1. The Board will meet six times a year. Non-confidential discussions will be held in public. Interim Board updates will be held during the intervening months.
- 5.2. A meeting will be quorate for a particular agenda item if a majority of Board members are present for the whole of the item(s), and as long as the majority of those present are non-executive Board members. Deputies are not permitted.
- 5.3. For the purpose of determining whether a quorum is present, a Board member may be counted in the quorum if they are able to participate in the proceedings of the meeting, including by remote means (e.g. telephone or other digital link) and remain so available throughout the discussion and decision for each item for which they are counted as part of the quorum.
- 5.4. Board members must declare any potential conflict of interest at the relevant meeting, even if already recorded in the published Register of Interest. Any such declaration will be recorded in the minutes of the meeting.

- 5.5. Subject to their declarations of interest (the Chair may ask a Board member to withdraw from the discussion and/or abstain from voting if they feel that the potential for conflict of interest merits it), each Board member shall have the right to vote in any debate and to have their views recorded in the minutes.
- 5.6. In the event of no majority decision, the Chair of the Board shall have a second or casting vote, whether or not they previously voted on the matter.
- 5.7. Board members should not act as “representatives” of any specific sector. Subject to the Conflict of Interest rules, Board members are expected to make use of their wider experience, contributing fully to Board consideration of such issues, whilst making decisions collectively, based on the evidence and relevant criteria, for the benefit of NRW’s objectives.
- 5.8. Board members are expected to observe appropriate confidentiality and discretion in the conduct of matters of the Board and handling/safe-keeping of information and documents, in particular, in relation to any personal, proprietary, or commercial information.
- 5.9. The Board may, without setting any precedent, invite other officials, individuals or representatives of other organisations to attend all, or part of, its meetings. Attendees who are not members of the Board will not be entitled to vote.

6. Administration

- 6.1. The Secretariat will provide the service support for the Board. This includes arranging meetings, preparing agendas and papers, collating documents, communicating with Board members, taking minutes, circulating minutes and any relevant follow up or action points, and filing Board documents in the Document Management System to ensure a formal record is kept.
- 6.2. Agenda items will be agreed in advance with the Chair, and agendas and papers will be circulated one week (seven days) in advance of ~~committee~~ meetings. Executive Team members will sponsor and introduce agenda items put forward by their Directorate / sponsored business boards.
- 6.3. The Board will maintain a ‘forward look’ of standing items, which will be reviewed at each meeting and maintained by the Secretariat. Additional agenda items will be collated by the Secretariat and planned through the forward look and agreed with the Chair in advance. Items will be supported with written papers and/or oral presentations. Unless authorised by the Chair, late papers will not be circulated, and the item will be removed from the agenda.
- 6.4. Minutes will be taken of the meetings of the Board. This will include a record of decisions and reasons for decisions, and actions, together with a compiled action log to be maintained by the Secretariat and reviewed at each meeting. Draft minutes of the meeting and agreed action points will be agreed by the Chair and circulated within 10 working days of the meeting, with final minutes being circulated within 20 working days. Actions will be closed when the Board

has seen sufficient evidence of completion or that the action has become absorbed into business as usual.

6.5. Previous minutes and action logs will be reviewed at each meeting. Minutes will be confirmed at the following meeting.

6.6. Papers and minutes from the non-confidential Board items will be translated and published on the NRW website.

7. Membership

7.1. The Chair, the Deputy Chair and the Board members are appointed by the Welsh Ministers. Article 3 paragraph 2 of the Schedule to the NRW (Establishment) Order 2012 specifies that there should be no fewer than five nor more than 11 non-executive members in addition to the Chair.

7.2. The appointments are made in accordance with the Commissioner for Public Appointments' Code of Practice for Ministerial appointments to public bodies. The length of each appointment is determined by Welsh Ministers in the appointment letter. In accordance with the Code, no individual will serve in any one post for more than 10 years.

7.3. The Establishment Order specifies that the Chief Executive must be a member of the Board. The Board can choose to appoint up to four further NRW employees (referred to in the Establishment Order as "executive members").

[END OF TERMS OF REFERENCE]

Current Members (as at May 2021¹⁹)

Sir David Henshaw, Chair

Professor Steve Ormerod, Deputy Chair

Karen Balmer

[Chris Blake](#)

Catherine Brown

Julia Cherrett, Senior Independent Director

Geraint Davies

Howard Davies

Dr Elizabeth Haywood

Zoë Henderson

Dr Rosie Plummer

Professor Peter Rigby

Clare Pillman, Chief Executive/Accounting Officer

Board Committee Terms of Reference

GENERAL TERMS OF REFERENCE AND WAYS OF WORKING

The following sections set out general terms of reference for all Board committees followed by specific sections that relate to individual committees.

1. Constitution

- 1.1. With the exception of the ARAC, which is a requirement of the Welsh Government's Framework Document with NRW, other committees were formed by resolution of the Board. Each committee has a specific purpose which may include some delegated powers. The continued existence, membership and any authorities delegated to the committees are subject to review by the Board from time to time as required.
- 1.2. Unless the Board imposes a condition to the contrary, a committee may delegate the discharge of a function delegated to it by the Board to a committee member, or an officer, subject to any conditions imposed by that committee.

~~1.3. All committees should ensure that the sustainable management of natural resources is pursued in relation to Wales, and that the principles of sustainable management of natural resources are applied in the exercise of their functions, so far as consistent with their proper exercise. must support the Board in ensuring that NRW embeds the principles of sustainable management of natural resources throughout the way we work, and that the environment and natural resources of Wales are:~~

- ~~1.3.~~
- ~~1.3.1. sustainably maintained;~~
 - ~~1.3.2. sustainably enhanced; and~~
 - ~~1.3.3. sustainably used.~~

2. Membership

- 2.1. With the exception of the EAC (which will have two non-executive directors and about eight independent members), each committee will comprise **at least four non-executive members of the Board**. The Board, on the advice of the NRW Chair, will appoint members of the committees. Membership will take due account of the need to ensure the range of skills needed to carry out the committee functions.
- 2.2. The committee Chair will be appointed by the NRW Board, except in the case of ARAC, where the Chair is agreed by NRW's sponsoring Minister. If the committee Chair is absent for any meeting then any member, by agreement of a majority present, may serve as committee Chair for that occasion.

Commented [FC1]: Suggested amendment to reflect new wording adapted from both the Environment Act and the WFG Act.

Formatted: Body Text1, Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.8 cm

- 2.3. Committee members who are Board members will normally serve for their period of appointment as Member of the Board (as specified in their appointment letter from the Minister for Environment, Energy and Rural Affairs). ARAC membership is for a period of up to three years, extendable by no more than two additional three-year periods, so long as members continue to be independent. However, changes or rotations may be appropriate from time to time, for example to reinforce particular skills needed on a committee or when, for whatever reason, there are changes to the Board membership.
- 2.4. The NRW Board will review membership of each committee annually at the first meeting after 1 July each year.
- 2.5. Each committee may co-opt non-Board members as it considers appropriate.
- 2.6. A committee may include members who are neither Board members nor NRW staff. Such members will serve for the period for which they are appointed and on terms set out in their letter of engagement.

3. Authority

- 3.1. Each committee is authorised by the Board to:
 - 3.1.1. consider any matter within its terms of reference as noted below, or any related matter within its remit and to seek any information it requires from staff. All such requests will be channelled through the Secretariat in the first instance;
 - 3.1.2. make recommendations to the Board for action or decision, and progress work within its terms of reference;
 - 3.1.3. establish smaller sub-groups / task forces to address matters within the committee remit as appropriate. These will be time limited and focussed on concluding specific tasks on behalf of the committee.
- 3.2. There may occasionally be a need to consider items between meetings on the committees' behalf in order to expedite urgent business or in the event of a major incident. If the need for urgent consideration of major and/or controversial items arises, committees will normally delegate the matter to a specially convened Urgency Committee consisting of its Chair and one further committee member. If an item arises that is not major or controversial but is time critical, the Chair may use their discretion on whether to take Chair's action, advised if appropriate by the Board Secretary.
- 3.3. Where Chair's action on time critical items does take place, it will be considered appropriate (where possible) that the Chair seeks the views of members by email before taking their decision. All decisions taken by the Urgency Committee and/or Chair's action should be clearly reported to the committee as soon as possible and recorded in the minutes of its next meeting for information.

4. Accountability and reporting

- 4.1. Each committee is accountable to the Board. Any matters that require disclosure, consideration or advice will be drawn to the attention of the Board.

- 4.2. Reports will be submitted and presented to the Board by, or on behalf of, the committee Chair. This will usually involve providing a summary of the discussion held at each meeting to the subsequent meeting of the Board. Such reports may be verbal or in writing as deemed appropriate.
- 4.3. The committee Chair will refer to the Board such issues arising at or in between committee meetings that, in their judgement, pose a material risk to the business integrity or reputation of NRW.
- 4.4. Each committee will have a member of NRW Executive Team designated as its Executive lead within the business to ensure its planning and delivery is accounted for.

5. Annual review

- 5.1. All committees will normally conduct an annual effectiveness review. The result of this review will be reported to the NRW Board. This should include a self-review led by the committee Chair, including feedback from members of that committee and from the Board more widely, and any lessons learned and potential improvements.
- 5.2. The terms of reference of each committee will be reviewed annually, to ensure they are fit for purpose and functionally effective.
- 5.3. A record of each annual review of effectiveness and terms of reference will be made. Any recommendations for material change will be brought to the attention of the relevant committee and the Board for approval.

6. Frequency, schedule of meetings, and venues

- 6.1. Committees will meet with whatever frequency is deemed suitable to the effective conduct of the business and discharge of responsibilities. Additional meetings may be scheduled if and as required.
- 6.2. Meetings will be arranged by the Secretariat to a schedule of dates/times as appropriate for ensuring the effective conduct of business and timeliness of reporting to the Board.
- 6.3. Meeting venues will be selected and determined on a case-by-case basis by the Secretariat in consultation as appropriate with the relevant committee Chair and taking account of the business of the meeting. Venues may include any suitable location, including NRW offices or other places, with appropriate facilities for proper conduct of the business including disability accessibility and public attendance provision as required.

7. Quorum and voting

- 7.1. A meeting will be quorate for a particular agenda item if a majority of three committee members ~~—and at least three in any case—~~ are present for the whole of the item(s). Deputies are not permitted.

Commented [FC2]: Suggested amendment based on feedback from Board and Board Committee Effectiveness Reviews.

- 7.2. For the purpose of determining whether a quorum is present, a Committee ~~m~~Member may be counted in the quorum if they are able to participate in the proceedings of the meeting, including by remote means (e.g. telephone or other digital link) and remain so available throughout the discussion and decision for each item for which they are counted as part of the quorum.
- 7.3. Subject to their declarations of interest (the Chair may ask a Board member to withdraw from the discussion and/or abstain from voting if they feel that the potential for conflict of interest merits it), each member shall have the right to vote in any debate and to have their views recorded in the minutes.
- 7.4. In the event of no majority decision, the committee Chair shall have a second or casting vote, whether or not they previously voted on the matter.

8. Independent professional advice

- 8.1. Each committee may seek and obtain independent professional advice, where this is considered necessary, whilst paying appropriate attention to the cost/value of obtaining such advice and following procurement guidelines in so doing. As appropriate this will normally be done in collaboration with the Executive lead.

9. Conduct, openness, and confidentiality

- 9.1. All members of the committees are important advisers, guardians and ambassadors of NRW. As such they are expected to comply with all relevant company policies and conflicts of interest guidance whenever they conduct the business, or act as a representative, of NRW.
- 9.2. All committees are expected to promote high standards of public finance, upholding the principles of regularity, propriety and value for money.
- 9.3. All committee members are expected to demonstrate NRW's values in all endeavours, individually and collectively, modelling consistency of behaviours across the organisation.
- 9.4. Committee members must declare any potential conflict of interest at the relevant meeting, even if already recorded in the published Register of Interest. Any such declaration will be recorded in the minutes of the meeting.
- 9.5. Committee members are expected to observe appropriate confidentiality and discretion in the conduct of matters of the committee and handling/safe keeping of information and documents, in particular in relation to any personal, proprietary, or commercial information.
- 9.6. An induction programme will be provided for new committee members, covering the role of the committee, its terms of reference, main business and expected time commitment. Further appropriate training will be provided on an on-going and timely basis.
- 9.7. The terms of reference for each individual committee are available on NRW's website.

10. Attendance of executives and others at meetings

- 10.1. The NRW Board Chair has a standing invitation to attend any committee meetings in a non-voting capacity.
- 10.2. Other Board members may attend as an observer. The committee Chair will advise on any restrictions and the appropriate level of participation.
- 10.3. Officials from the sponsor department in Welsh Government also have a standing invitation to attend as observers but will, as a courtesy, always notify the Secretariat sufficiently in advance to enable the Chief Executive, committee Chair, and members to be so advised.
- 10.4. Nominated members of the Executive, suited to the individual responsibilities of each committee and determined in liaison between the Chief Executive and the committee Chair, will normally be expected to attend meetings.
- 10.5. One member of the Executive Team will be designated the Executive lead for each committee and will work with the committee Chair and the Secretariat to ensure the smooth running of the committee.
- 10.6. The Chief Executive can designate attendance by any other members of staff as they think appropriate to support the operation of the committee, particular items, or for reasons of personal development.
- 10.7. Each committee may, without setting any precedent, invite other officials, individuals or representatives of other organisations to attend all, or part of, its meetings.
- 10.8. Attendees who are not members of the committees will not be entitled to vote.
- 10.9. A committee may exclude or ask for the withdrawal of any or all of those executives or others who normally attend or are invited, to facilitate open and frank discussion of particular matters, or where discussion affects their personal situation or performance.
- 10.10. Attendees who are not members of the committee are required to observe the same levels of confidentiality, proper conduct, and declaration of interests as members. The Secretariat will circulate these terms of reference to non-members to alert them to this.

11. Secretariat function and papers

- 11.1. The Secretariat will provide the service support for Board committees. This includes arranging meetings, preparing agendas and papers, collating documents, communicating with Board members, taking minutes, circulating minutes and any relevant follow up or action points, and filing committee documents in the Document Management System to ensure a formal record is kept.
- 11.2. Agenda items will be agreed in advance with the committee Chairs, and agendas and papers will be circulated one week (seven days) in advance of committee meetings.

11.3. Each committee will maintain a 'forward look' of standing items, which will be reviewed at each meeting and maintained by the Secretariat. Additional agenda items will be collated by the Secretariat and planned through the forward look and agreed with the Chair in advance. Items will be supported with written papers and/or oral presentations. Unless authorised by the committee Chair, late papers will not be circulated, and the item will be removed from the agenda.

11.4. The Secretariat will maintain the list of committee Chairs, members, executives and others invited to attend meetings and ensure this is available to the Board.

12. Minutes

12.1. Minutes will be taken of the meetings of each of the committees. This will include a record of decisions and reasons for decisions, and actions, together with a compiled action log to be maintained by the Secretariat and reviewed at each meeting. Draft minutes of the meeting and agreed action points will be agreed by the Chair and circulated within 10 working days of the meeting, with final minutes being circulated within 20 working days. Actions will be closed when a committee has seen sufficient evidence of completion or that the action has become absorbed into business as usual.

12.2. Previous minutes and action logs will be reviewed at each meeting. Minutes will be confirmed at the following meeting.

13. Communication

13.1. Any communication from the committees to staff, beyond those in attendance and prior to formal approval and publication of the minutes, will normally be routed through the Executive lead. Any key developments and messages so distributed will use whatever means and methods are suitable for the matter in hand.



Executive Team Terms of Reference

Terms of Reference agreed: ~~May 2020~~tb
Next review date: ~~May 2024~~tb

1. Purpose

- 1.1. The Executive Team will collectively support the Chief Executive, who is directly accountable to the Board.
- 1.2. The Natural Resources Wales (NRW) Executive Team are charged with developing the vision and strategic direction for the organisation prior to approval by the Board and providing the framework for the vision to be delivered through the strategic plans and organisational policies, allocating resources and overseeing delivery to achieve the objectives set by the Board.

2. Scope

- 2.1. The Executive Team will develop and scrutinise organisation-wide permanent and long-term strategies prior to approval by the Board, develop and approve plans and policies to deliver the vision and strategy, and monitor top-level performance to enable the Board to hold the Chief Executive to account for performance and delivery. They will delegate consideration of detailed technical/functional or tactical plans and guidance forming part of wider externally-facing strategies.
- 2.2. Members of the Executive Team must support the Board in ensuring that ~~NRW the sustainable management of natural resources is pursued in relation to Wales, and that the principles of sustainable management of natural resources are applied in the exercise of their functions, so far as consistent with their proper exercise. Embeds the principles of sustainable management of natural resources throughout the way we work, and that the environment and natural resources of Wales are:~~

- ~~2.2.1. sustainably maintained;~~
- ~~2.2.2. sustainably enhanced; and~~
- ~~2.2.3. sustainably used.~~

Commented [FC1]: Suggested amendment to reflect new wording adapted from both the Environment Act and the WFG Act.

3. Responsibilities

3.1. The responsibilities of the Executive Team include to:

- 3.1.1. provide inspiring leadership, focusing on strategic and long-term issues, working collaboratively with the Board to develop vision and values, and engaging and building positive working relationships with staff, NRW Board members and external stakeholders;
- 3.1.2. horizon scan for political and policy developments that could influence or impact the work of NRW;
- 3.1.3. undertake contingency and scenario planning as required to support the long-term sustainability of the organisation;
- 3.1.4. ensure NRW activities are within our legal powers and that we comply with external corporate legislation;
- 3.1.5. ensure compliance with NRW internal policies and procedures, challenging and leading change if they are not fit for purpose;
- 3.1.6. demonstrate NRW's values in all endeavours, individually and collectively, modelling consistency of behaviours across the organisation;
- [3.1.7.](#) safeguard NRW assets by ensuring robust internal policies and procedures;
- [3.1.7.3.1.8.](#) [provide general oversight for cybersecurity, including review and scrutiny of quarterly reports from the Cyber and Information Governance Group and monitoring the performance of the group;](#)
- [3.1.8.3.1.9.](#) provide general oversight of performance management, based on more detailed scrutiny by the Leadership Team Group;
- [3.1.9.3.1.10.](#) actively review the strategic risks facing the organisation and their mitigation;
- [3.1.10.3.1.11.](#) facilitate effective decision-making by seeking information that is accurate, objective and timely;
- [3.1.11.3.1.12.](#) consider and approve all papers to be submitted to the Board; and
- [3.1.12.3.1.13.](#) promote high standards of public finance, upholding the principles of regularity, propriety and value for money.

3.2. In the event of a major incident, some elements of Executive Team authority may be devolved to the [Strategic Incident Response, Recovery and Review Group](#) ~~Incident Response and Recovery Group (SIRRRG)~~ to enable it to prioritise business critical activities.

3.3. The Executive Team will normally conduct an annual effectiveness review. This should include a self-review led by the Chief Executive, including feedback from the members, any lessons learned and potential improvements.

3.4. The terms of reference will be reviewed annually, to ensure they are fit for purpose and functionally effective.

3.5. A record of each annual review of effectiveness and terms of reference will be made. Any recommendations for material change will be brought to the attention of the Executive Team and if necessary, to the Board for approval.

4. Meetings

- 4.1. The Executive Team will meet formally as a single group for at least one full working day each month. Meetings will be chaired by the Chief Executive.
- 4.2. The Executive Team will meet informally once a week for updates on current operational and corporate issues. Formal decisions will not usually be taken during these meetings.
- 4.3. There may occasionally be a need for the Chief Executive or Duty Strategic Manager to consider items between meetings on the Executive Team's behalf in order to expedite urgent business or in the event of a major incident.
- 4.4. The Executive Team is a consultative body that supports the Chief Executive, who is directly accountable to the Board. The primary aim will be to try and reach consensus on key issues and decisions, adopting the principles of collective responsibility if that proves impossible. Therefore, there is no quoracy requirement, although good attendance is expected and highly desirable.
- 4.5. Executive Team members must declare any potential conflict of interest at the relevant meeting, even if already recorded on the Register of Interest on MyNRW. Any such declaration will be recorded in the minutes of the meeting.
- 4.6. Subject to their declarations of interest (the Chair of the meeting may ask an Executive Team member to withdraw from the discussion if they feel that the potential for conflict of interest merits it), each member shall have the right to be heard in any debate and to have their views recorded in the minutes.
- 4.7. Executive Team members are expected to observe appropriate confidentiality and discretion in the conduct of matters and handling/safe-keeping of information and documents, in particular in relation to any personal, proprietary, or commercial information.
- 4.8. NRW staff and external stakeholders will attend to present agenda items or participate in discussions as invited (where relevant).
- 4.9. In general, presenters, Executive Team members and authorised deputies will attend formal meetings in person, but [Skype digital](#) facilities will also be made available.
- 4.10. The schedule of formal meetings and their locations will be published on the intranet.
- 4.11. NRW staff are encouraged to attend Executive Team meetings to observe how executive business is conducted. This is limited to four members of staff per meeting. Staff should email the Secretariat mailbox to request attendance.

5. Administration

- 5.1. The Secretariat will provide the service support for the Executive Team meetings. This includes arranging the meetings, preparing agendas and papers, collating documents, communicating with Executive Team members, taking minutes, circulating minutes and any relevant follow up or action points, and filing Executive Team documents in the Document Management System to ensure a formal record is kept.
- 5.2. Agenda items will be agreed in advance with the Chief Executive (or deputising Chair of the meeting), and agendas and papers will normally be circulated one week (seven days) in advance of meetings. Executive Team members will sponsor agenda items put forward by their Directorate.
- 5.3. The Executive Team will maintain a 'forward look' of standing items, which will be reviewed at each meeting and maintained by the Secretariat. Additional agenda items will be collated by the Secretariat and planned through the forward look. Items will be supported with written papers and/or oral presentations. Unless authorised by the meeting Chair, late papers will not be circulated, and the item will be removed from the agenda.
- 5.4. Minutes will be taken of the formal meetings of the Executive Team. This will include a record of decisions and reasons for decisions, and actions, together with a compiled action log to be maintained by the Secretariat and reviewed at each meeting. Draft action points should be circulated to the Executive Team members within 48 hours of the meeting. Draft minutes of the meeting and agreed action points will be confirmed at the following meeting. Actions will be closed when the Executive Team has seen sufficient evidence of completion or that the action has become absorbed into business as usual.
- 5.5. Minutes from these meetings will be made available within the organisation on the intranet by the Secretariat once confirmed at the following meeting. A link to the confirmed minutes will be a standard item in the Manager's Monthly Guide.

6. Membership

- 6.1. The Executive Team consists of those in the roles of Chief Executive, Executive Director or Director of NRW. Membership is based on permanent organisational roles, therefore there is no fixed time period of membership for this group.
- 6.2. Deputies should be sent in accordance with delegation forms relating to planned absence or as relevant to agenda items at short notice.
- 6.3. These meetings are not open to the general public.

[END OF TERMS OF REFERENCE]

Current Members (as at May 2021¹⁰)

21-05-B11-A3

Clare Pillman, Chief Executive/Accounting Officer
Ceri Davies, Executive Director for Evidence, Policy and Permitting
Gareth O'Shea, Executive Director of Operations
Prys Davies, Director of Corporate Strategy & Development
Rachael Cunningham, Executive Director Finance & Corporate Services
Sarah Jennings, Executive Director of Customer, Communications & Commercial

Paper title:	Proposed changes to the Statutory and Legal Scheme (SaLS) from the NRM business board
Paper Reference:	21-05-B12
Paper sponsored by:	Clare Pillman, Chief Executive Officer
Paper Presented by:	Colette Fletcher, Head of Governance & Board Secretary
Purpose of the paper	To seek approval for proposed changes to the Statutory and Legal Scheme (SaLS) from the NRM business board
Recommendation	To approve the proposed changes to the Statutory and Legal Scheme (SaLS)

Issue

1. This paper presents for approval proposed changes to the Statutory and Legal Scheme (SaLS) from the NRM business board, which have been submitted outside of the annual review process.

Background

2. The Governance Team conducts an annual review of the Statutory and Legal Scheme (SaLS), but occasionally we receive requests for updates outside of that process. We have recently received a request from the NRM business board to amend two entries related to approval of consultation responses.
3. Our procedures state that any new lines or sections in the SaLS, or changes to the delegated authority affecting the CEO herself or Executive Team members, must also be presented to the Board for approval.
4. This paper seeks approval from the Board for changes to the delegated authority of the CEO and Executive Team members. The proposals were approved by the Head of Governance & Board Secretary, Head of Legal Services, and the Chief Executive in May 2021.

Assessment

5. The NRM business board has requested that two existing entries be replaced with three amended ones to bring them more in line with current practice and to remove the disproportionate requirements in terms of seniority of sign off.
6. The current entries delegate authority for sign off of consultation responses based on whether the consultation is likely to be contentious/high profile or not. The business board proposes replacing this binary division with three separate risk categories. They are proposing that the highest risk delegation authority move from the CEO to the relevant Executive Director. Non-contentious consultations that were previously signed off by the relevant Executive Director would continue to be signed off at that level if they were considered to be medium risk and could be signed off by a Grade 9 Manager if they were considered low risk.
7. There is a consequential effect on numbering for the rest of the consultation entries.
8. Annex 1 presents the 3 revised entries to the Board for approval.

Key Risks

9. SaLS is an important part of our governance framework and if we do not keep it current there is a risk that it will no longer be fit for purpose. There would also be a risk if staff did not have clarity about their authorisation and delegation levels.

Financial Implications

10. There are no additional financial implications or considerations.

Equality Impact Assessment (EqIA)

11. The governance requirements affect all members of staff equally. No adverse effects are anticipated for any particular protected groups or characteristics.

Index of Annex

Annex 1 – NRW SaLS 2021 NRM – for Board approval

						Delegated Level						
	REF	Category	Sub-Category	Function	Applicable Board(s)	Section of legislation	Job Grade	Job Description	Link to MoM	Function Comments	Head of Legal & Head of Governance approval	Approved CEO
CURRENT	5.1	Consultations	WG / UK consultation on legislation, policy and guidance	Approve responses to Welsh Government or UK Government consultation on legislation, policy or guidance which is contentious / high profile. Likely to attract media or high profile Government attention e.g. Climate Change	NRMBB	NA		Chief Executive	No	Amended to bring more in line with current practice and to remove the disproportionate requirements in terms of seniority of sign off.		
CURRENT	5.2	Consultations	WG / UK consultation on legislation, policy and guidance	Approve responses to Welsh Government or UK Government consultation on legislation, policy or guidance which is non-contentious consultation	NRMBB	NA		Relevant Executive Director	No	Amended to bring more in line with current practice and to remove the disproportionate requirements in terms of seniority of sign off.		
PROPOSED	5.1	Consultations	WG / UK consultation on legislation, policy and guidance	Approve responses to Welsh Government or UK Government consultation on legislation, policy or guidance which is contentious, high risk and/or impact, high profile, likely to attract media or high-profile Government attention, and/or could result in legal challenge at a national scale	All	NA		Relevant Executive Director	No	NEW ENTRY		
PROPOSED	5.2	Consultations	WG / UK consultation on legislation, policy and guidance	Approve responses to Welsh Government or UK Government consultation on legislation, policy or guidance which is medium to high risk and/or impact, risks likely to occur, and different positions with other relevant functions in NRW and/or other relevant organisations resulting in a contentious consultation. Escalate further on the basis of risk and/or impact.	All	NA	Grade 11	LT	No	NEW ENTRY		
PROPOSED	5.3	Consultations	WG / UK consultation on legislation, policy and guidance	Approve responses to Welsh Government or UK Government consultation on legislation, policy or guidance which is low to medium risk and/or impact for NRW, minimally contentious and no more than minor discrepancies within NRW and between NRW and other organisations' positions. Escalate further on the basis of risk and/or impact.	All	NA	Grade 9	Manager	No	NEW ENTRY		
	5.4	Consultations	Response to planning consultation	Approve response to Nationally Significant Infrastructure Projects (NSIP) consultations	NRMBB	Section 102 (1) Planning Act 2008	Grade 9	Development Planning Manager (Grade 9)	No			
	5.5	Consultations	Response to planning consultation	Approve response to Development of National Significance (DNS) consultations a.) Providing "No Comments" response b.) Providing "No objection" response c.) Providing "Significant concerns" response d.) Providing "Object" response	NRMBB		Grade 7 / Grade 9	a.-c.) Development Planning Team Leader (Grade 7) d.) Development Planning Manager (Grade 9)	No			
	5.6	Consultations	Response to planning consultation	Respond to Planning Appeals	NRMBB	Article 10, and Article 23 Developments of National Significance (Procedure) (Wales) Order 2016	Grade 7	Development Planning Team Leader (Grade 7)	No			
	5.7	Consultations	Response to planning consultation	Planning Inquiry a.) All NRW written responses b.) Other	NRMBB	Section 78 Town and Country Planning Act 1990	Grade 9	Development Planning Manager (Grade 9)	No			
	5.8	Consultations	Response to planning consultation	Call in: a.) Request to WG for application to be called in b.) Response to WG on Call in consultation	NRMBB	Section 78 Town and Country Planning Act 1990	Grade 7 / Grade 9	a.) Development Planning Manager (Grade 9) b.) Development Planning Team Leader (Grade 7)	No			
	5.9	Consultations	Response to planning consultation	Respond to EIA (Environmental Impact Assessment) screening from WG a.) Advise likely significant environmental effects b.) Advise no likely significant environmental effects c.) Cannot advise whether likely significant environmental effects	NRMBB	Section 77 Town and Country Planning Act 1990	Grade 6 / Grade 7	a.) Development Planning Team Leader (Grade 7) b.-c.) Senior Development Planning Advisor (Grade 6)	No			
	5.10	Consultations	Response to planning consultation	Approve response to EIA scoping consultation	NRMBB	Part 5 Town and Country Planning (Environmental Impact Assessment) Regulations 1999 as amended by Regulations 2017	Grade 6	Senior Development Planning Advisor (Grade 6)	No			
	5.11	Consultations	Response to planning consultation	Authorise responses to LDP (Local Development Plans) consultations a.) No constraints b.) No comments c.) No further comments d.) Support e.) Objection	NRMBB	Section 14(4) and Section 15 (a) Town and Country Planning (Environmental Impact Assessment) Regulations 1999 as amended by Regulations 2017	Grade 6 / Grade 7 / Grade 9	a.-c.) Senior Development Planning Advisor (Grade 6) d.) Development Planning Team Leader (Grade 7) e.) Development Planning Manager (Grade 9)	No			
	5.12	Consultations	Response to planning consultation	Authorise responses to Town and Country Planning (T&CP) Planning applications a.) Major no comments b.) Major no objection c.) Major significant concerns d.) Major objection e.) Minor no comment f.) Minor no objection g.) Minor significant concerns h.) Minor objection	NRMBB	Section 14 & 17 Town and Country Planning (Environmental Impact Assessment) Regulations 1999 as amended by Regulations 2017	Grade 4 / Grade 6 / Grade 7 / Grade 9	a.-b.), e.-f.) Development Planning Advisor (Grade 4) c.), h.) Development Planning Team Leader (Grade 7) d.) Development Planning Manager (Grade 9) g.) Senior Development Planning Advisor (Grade 6)	No			
	5.13	Consultations	Response to planning consultation	Approve responses to consultations on discharge of conditions, variation of condition and removal of conditions a.) Provide "No objection" response b.) Significant concerns do not recommend condition discharged / removed	NRMBB	Section 54 Planning and Compulsory Purchase Act 2004, The Town and Country Planning (Development Management Procedure)(Wales) Order 2012 Article 2E & Article 15A (as amended by The Town and Country Planning (Development Management Procedure) (Amendment) Order 2016	Grade 4 / Grade 6	a.) Development Planning Advisor (Grade 4), b.) Senior Development Planning Advisor (Grade 6)	No			
	5.14	Consultations	Response to planning consultation	Approval of charged pre-application advice provided in response to requests on; a.) Quote <5k b.) Quote >5k c.) Nationally Significant Infrastructure Project (NSIP) & Developments of National Significance (DNS) d.) Advice on marine <5k e.) Advice on marine >5k f.) Advice on FCA, contaminated land and groundwater protection	NRMBB	Section 73 Town and Country Planning Act 1990	Grade 7 / Grade 9	a.), c.), d.), f.) Development Planning Team Leader (Grade 7) b.), e.) Development Planning Manager (Grade 9)	See Income section.			
	5.15	Consultations	Response to planning consultation	Approve responses to free pre-application advice consultation. All responses	NRMBB	Section 2 (20) and 22(1) Natural Resources Body for Wales (Functions) Order 2013	Grade 4	Development Planning Advisor (Grade 4)	No			