

Confirmed Minutes

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

Date of meeting: 14th July 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
Gareth O’Shea, Executive Director of Operations
Sarah Jennings, Executive Director of Communications, Customer and Commercial (Items 1-11)

Additional Attendees Present: Colette Fletcher, Head of Governance & Board Secretary (All items)
Caroline Hawkins, Corporate Planning, Performance & Strategic Assessment Manager Item 6, 7
Sarah Williams, Head of 2050 Vision and Corporate Strategy Item 6, 7
Sue Ginley, Lead Specialist Advisor, Corporate Planning & Performance Item 6
Lyn Williams, Welsh Language Policy Advisor Item 8
Sian Williams, Head of North West Wales Operations Item 9
Nadia De Longhi, Head of Regulation and Permitting Item 9
Mark Squire, Sustainable Water Manager Item 9
Anjali Wainwright, Lead Specialist Advisor, Risk Item 10
Sian Williams, Head of North West Wales Operations Item 11
Martin Cox, Head of North West Wales Operations Item 11
Iwan Williams, Energy Island Programme Manager Item 11
Dylan Williams, Operations Manager Item 11
Elsie Grace, Manager, Business Development Item 12 to 14
Dominic Driver, Head of Land Stewardship Item 12
David Liddy, Specialist Advisor, Recreational Safety Item 12

Peter Gough, Principal Advisor, Fisheries Item 13

Observers: Gareth Wardell
30 members of the public

Declarations: None

Apologies: Dr Rosie Plummer – 1pm to 3pm
Geraint Davies – morning session (part)
Sarah Jennings, Executive Director of Communications, Customer and Commercial – Items 12 to 14

Secretariat: Natalie Williams
Jocelyn Benger
Laura Rees

Item 1. Open Meeting

1. The Chair opened the meeting and welcomed everyone. No declarations of interest were made.

Item 2. Review Minutes and Action Log

2A. Review Minutes from Public 20th May meeting

2. The minutes from the public May meeting were reviewed and agreed.

2B. Review Public Action Log

3. The action log was reviewed. It was noted that the Head of Governance and Board Secretary had provided an update on the public and private actions prior to the meeting.

Item 3: Update from the Chair

4. The Chair welcomed the establishment of the new Climate Change Ministry. The Chief Executive and Chair had met with Julie James, Minister for Climate Change, and Lee Waters, Deputy Minister for Climate Change, on priorities for the NRW agenda.

Item 4: Chief Executive's Report

5. The Chief Executive provided an update on the new Welsh Government (WG). The introductory meeting with the new ministerial team had been very encouraging in terms of their engagement with the agenda and alignment of priorities. Both Ministers contributed to #TeamNRW Day, alongside Board members in order to celebrate the work of NRW staff and the work with partners. Thanks were offered to the Ministers for their attendance.
6. WG published their new Programme for Government on 15th June, which included ten Wellbeing Objectives and contained around 100 of the manifesto commitments; others were contained within the regular Ministerial portfolios. Ministerial focus would be on

embedding the response to the Climate and Nature Emergencies across the board and the key areas of focus were highlighted.

7. Ministers were committed to sharing an early draft of the Remit Letter, which would be refined as other information emerged, including input from the Baseline Review. There would be a UK Government Comprehensive Spending Review (CSR) during this period, which would lead to greater clarity on priorities and funding.
8. The Deputy Minister had made an announcement around increasing tree planting and use of Welsh timber in Wales, which had emerged from a deep dive in which NRW had been closely involved. Future deep dives by WG were likely on renewable energy, nature conservation and biodiversity. The Executive Director of Communication, Customer and Commercial had agreed to chair a small working group on encouraging private investment in woodland creation. These developing areas of work should lead to a joined-up approach between WG, NRW and the third sector.
9. The Counsel General had announced WG legislative priorities for the next year. NRW would continue to be closely involved in the development of the new Agriculture Bill. The Heritage Bill was also noted. This would focus on listed buildings and the historic environment and consolidate existing legislation and bring it into line with the Wellbeing Objectives. The Social Partnership and Public Procurement Bill was also highlighted as important in considering NRW's work with others and would be of particular relevance in projects such as Skyline.
10. Board members queried whether international examples of best practice were being considered in relation to the response to the Climate and Nature Emergencies. The Chief Executive highlighted the work that was ongoing with sister organisations across the UK to produce a joint paper for the Climate Change Conferences (COPs) in order to share best practice. Examples of links with international groups and sharing learning with others were described and the paper relating to international engagement and strategy would be shared with Board members.

ACTION: The Chief Executive to share the paper relating to international engagement and strategy with Board members.

11. The importance of the focus on climate and wellbeing was recognised, however, Board members were concerned that the nature and biodiversity issue was considered equally. The Chief Executive confirmed that the Climate and Nature Emergencies were key priorities for WG and some early decisions, such as the review of new road schemes, were encouraging.
12. Difficulties in the supply of trees for the new National Forest were discussed. Board members were provided with assurance that NRW's contractor would be supplying the restocking requirements for NRW, but the plan for the National Forest would be the subject of consideration by Welsh Government.

Item 5: Update Reports of Committees

13. The report from the Finance Committee (FC) on 18th June was taken as read. The Chair of FC highlighted that the Annual Report and Accounts had been scrutinised. The emerging evidence from the Baseline Review would be considered at the next meeting on 16th July.

14. The Chair of the Flood Risk Management Committee (FRMC) provided a verbal update on the meeting held on 6th July. The Flood Recovery and Review Implementation Programme was discussed, which had highlighted ongoing recruitment challenges and skills shortages. The level of overprogramming in the Capital Programme was noted, and the risks were discussed, particularly in relation to construction supply issues.
15. The flood warning replacement system was noted as going well and the Programme Management Office (PMO) had approved four Natural Flood Management Schemes. The internal audit on the Flood Recovery Programme would be starting in August. Reservoirs and the outcome of the Toddbrook Report were considered, most of the recommendations of which aligned with NRW's emphasis on safety beyond compliance. An expert user group had been set up in Wales and the draft Biennial Report on Reservoir Safety was reviewed. An initial horizon scanning exercise had been undertaken and further work on the strategic approach would take place.
16. Board members discussed the content of the FRMC update, particularly in relation to shortages in capacity and skills. The Chair of FRMC confirmed that the Flood Team had put themselves forward to be part of the pilot workforce planning scheme. Board members recognised the need for a national debate to raise public awareness of the limitations on addressing flood issues.
17. The Chair of the People and Remuneration Committee (PaRC) provided an update on the meeting held on 17th June and highlighted progress on workforce planning and the developments in management information. The current workforce numbers were monitored and tied into the People Strategy and Workforce Plan. Workforce resource management measures were noted. An update was provided on work on the Equality Diversity and Inclusion (EDI) project. The Performance Management internal audit was noted as disappointing but good work was ongoing with the Three Lines of Defence to address this.
18. Board members raised questions relating to the two fatalities on the Welsh Government Woodland Estate (WGWE) and the approach to risk management, and how this compared with similar organisations. The Chair of PaRC confirmed that the police investigations were ongoing, but that there were no immediate issues for NRW. The Executive Director of Corporate Strategy and Development confirmed that the Wellbeing, Health and Safety Risk would be discussed at the next PaRC meeting in September. The Chief Executive confirmed that regular contact and shared learning took place with sister organisations, but acknowledged that further learning was always beneficial.

Item 6: Business Plan and Performance Dashboard End of Year Report 2020/21

Attendees: Caroline Hawkins, Corporate Planning, Performance & Strategic Assessment Manager, Sarah Williams, Head of 2050 Vision and Corporate Strategy, Sue Ginley, Lead Specialist Advisor, Corporate Planning & Performance

19. The Chief Executive presented an overview of the performance at the end of 2020/21. A review had been undertaken last summer due to the ongoing situation with the pandemic and changes were made to some of the performance indicators. The report was made against these agreed changes. The Red Amber Green (RAG) status was reported as two Red, 12 Amber and 21 Green.

20. Measures in response to strategic priorities were highlighted and the performance as noted in the paper was described. The impact of the pandemic was recognised and had affected the performance in some areas and those measures that were Red or Amber had been scrutinised. The measure relating to 'Response to 'high category' incidents within four hours' was noted as Amber.
21. The Chief Executive offered thanks to all involved in delivering against these targets in a difficult and challenging year.
22. Board members raised the issue of the monitoring of protected sites. This had been rated as Red and had subsequently been scrutinised by the Protected Areas Committee (PrAC). Covid restrictions had been found to have affected progress on field work but it would be difficult to recognise if there were other influences, although it would be an important part of discussions in the Baseline Review.
23. Incident response times were discussed. Board members expressed disappointment at the Amber rating but recognised that it was linked in part to recruitment challenges. Discussion took place on the targets and ensuring that these were achievable and relevant through analysis of the evidence base, particularly in relation to the definition of a high category incident and the effective time to make the biggest difference. The detail of this measure would be the subject of a future Board discussion.

ACTION: Secretariat to add a discussion to the Board Forward Look on the Business Plan and Performance Dashboard measure 'Response time to high category incidents within four hours'.

24. The learning opportunities that had arisen from Covid around increased use of technology, agile working and working with others were highlighted. It was confirmed that these would feed into the Adfywio / Renewal Programme. The importance of working with others was recognised.

DECISION: The Business Plan and Performance Dashboard End of Year Report 2020/21 was approved.

Item 7: Business Plan 2022-23

Attendees: Caroline Hawkins, Corporate Planning, Performance & Strategic Assessment Manager, Sarah Williams, Head of 2050 Vision and Corporate Strategy, Sue Ginley, Lead Specialist Advisor, Corporate Planning & Performance

25. The Executive Director of Corporate Strategy and Development introduced the item. It was confirmed that this would be the final Business Plan under the current Corporate Strategy, and it would align to the expected new WG Remit Letter. The paper set out the learning from the current process, along with the timeline and approach. The strategic priorities had been reviewed and refined from five to four and would draw a greater focus on Nature Based Solutions and Biodiversity.
26. Board members appreciated the early engagement on the Business Plan. The approach to permitting, regulatory compliance and enforcement were highlighted as important areas for inclusion into the strategic priorities. The outcomes from previous Board discussions on this subject should be included. It would also be important for the new Business Plan to be flexible in order to incorporate new areas of focus from WG as these developed.

27. The importance of leading on societal shift in behaviour change and the role of social scientists and communications in this area were highlighted. The importance of learning from, and working with, others was emphasised. It was agreed that this would be a key area for development and should be the subject of a more detailed discussion at a future meeting.

ACTION: Secretariat to add a discussion to the Forward Look on the role of social science and communications in behaviour change.

Item 8. Welsh Language Annual Report

Presenter: Lyn Williams, Welsh Language Policy Advisor

28. The Executive Director of Corporate Strategy and Development introduced the item and thanked the Welsh Language Policy Advisor for her work. An overview of the report was presented. Challenges around introducing bilingual ways of working to online and hybrid models were recognised and ways to facilitate this were being discussed. Compliance was noted as good overall but the strategic approach going forward would need to be considered. PaRC had considered the issue of erosion of Welsh place names. Social media activity had been developed alongside an action plan with Operations staff.

29. Board members understood the challenges around creating a bilingual offer and supported the ongoing work in this area. The strategic direction for the Welsh language would be discussed in depth at the November Board meeting.

DECISION: The Welsh Language Annual Report 2020/21 was approved.

Item 9. Strategic Discussion: Combined Storm Overflows (CSO) Water Quality Issues

Presenter: Sian Williams, Head of North West Wales Operations; Nadia De Longhi, Head of Regulation and Permitting; Mark Squire, Sustainable Water Manager

30. The paper was taken as read. The Executive Director of Operations provided an overview of the background to the issue, highlighting discussions at previous Board meetings and the Panorama programme. NRW had taken part in a summit on 18th June with Ofwat, the Environment Agency (EA), WG, Dŵr Cymru, and Hafren Dyfrdwy. Priorities had been assessed following this summit and were outlined in the paper.

31. The Head of North West Wales Operations gave a presentation which focused on the key discussion points. A Frequently Asked Questions paper had been developed and would be circulated after the discussion. Issues with the Victorian drainage infrastructure were highlighted, and the level of investment needed to make significant change to the drainage system was illustrated. Challenges around regulation were described and it was reported that the focus had been on sensitive bathing and shellfish locations. It was noted that 2500 sites had event and duration discharge monitors. Enforcement powers could be used, however, the focus had been on supporting companies to achieve permits and compliance.

32. Potential solutions to storm overflows were explored. The evidence to support interventions would need to be scrutinised and any change would need an assessment of resource levels. The cost of elimination was recognised as prohibitive. Education to reduce the impact of blockages on the system was an important factor, particularly in light

of the increasing recreational use of rivers and the public interest in the ecological health of rivers. Engineering examples and the cost of these were shared.

33. The challenges of the regulation and monitoring of Special Area of Conservation (SAC) rivers were highlighted, particularly the difficulties of pinpointing the source of issues in a large catchment area such as the River Usk.
34. The areas of focus were shared, which included tackling unpermitted discharges, gathering data, greater environmental impact assessment and monitoring programme, increased public health assessment, and communication.
35. Board members considered the content of the report. It was confirmed that solids from storm discharges were screened and the size of the screen depended on the location of the discharge. Spill data was passed to NRW for consideration. Questions were raised around enforcement action and permitting. Board members were informed that an advice and guidance approach was being taken, working through a programme towards compliance. Each case was considered on its merits and no permits had been refused to date as the focus had been on achieving compliance.
36. The elimination of agricultural pollution was recognised as critical, however, Board members noted that some farmers had experienced reputational harm on this issue. The need for more evidence of the damage caused by sewage and pollution was questioned. Board members were informed that agricultural pollution was monitored in the same way as other pollution events and the response would be the same regardless of the source. The aim would be to monitor longer term inputs rather than the current spot check model of monitoring, particularly in SAC rivers.
37. The issues around monitoring were discussed. Capacity issues and financial pressures were recognised and the challenges of combining new priorities with the current workload were highlighted. It would be important to work with others and ensure that water companies were challenged on this issue. Board members raised the need to consider the bacterial load and the public health risk. Diagnostics and prioritisation would be key to improving the identification of high-level problems and the contribution of micro-plastics, bacterial load, and untreated pharmaceuticals to water quality issues.
38. Board members were concerned to ensure that a robust approach was considered, particularly in view of the public feelings on this issue as highlighted in the Panorama programme. The strategic use of enforcement and taking examples of good practice in leadership on this issue, both nationally and internationally, were recommended. The role of publicity and communications was emphasised. This would be the opportunity to use the momentum to develop a plan to improve water quality and create a step change. The role of NRW as an influencer could be considered for incorporation into NRW's roles and responsibilities.
39. The complexity of the issues was recognised, and it was agreed that the team would consider the content of the discussion and return to the November Board meeting with a draft plan but provide an update on progress to the meeting in September.

ACTION: An Action Plan to be developed from the outcome of the strategic discussion on water quality. An update on progress towards this to be reported to the September Board meeting and a paper provided to the November Board.

Item 10. Risk Strategy Approval

Presenter: Anjali Wainwright, Lead Specialist Advisor, Risk

40. The Executive Director of Corporate Strategy and Development introduced the item and highlighted the one substantive change to the Risk Strategy which clarified the relationship between ARAC and the other Committees.

41. Board members considered the change and approved the changes to the Risk Strategy.

DECISION: The changes to the Risk Strategy were approved.

Item 11. Place Presentation

Presenter: Sian Williams, Head of North West Wales Operations; Martin Cox, Head of North West Wales Operations; Iwan Williams, Energy Island Programme Manager; Dylan Williams, Operations Manager

42. The Executive Director of Operations introduced the item and welcomed Martin Cox as the joint Head of North West Wales Operations.

43. The Heads of North West Wales Operations provided a presentation which gave an overview of the River Conwy and its surroundings from the source to the sea. The diversity of the habitat and the use for agriculture, hydropower, and recreation were described. The successful partnership work with the National Trust at the Migneint peatland area on peat drainage dams was presented. The integrated approach taken at Cwm Penmachno, working with partners and communities, had delivered a successful project. The diverse use of the Gwydir Forest was explained. The challenges around the increase in visitor numbers and pressure on the teams were highlighted, which included dealing with antisocial behaviour and personal attacks on social media.

44. The journey of the Conwy to the valley floor at Llanrwst was described and it was noted that 3% of Wales drained through the valley, creating challenge in managing the flood risk in this area. The work on the Migneint and Cwm Penmachno had proven that small projects could make a difference. The Shoreline Management Plan and challenges around this would require work with communities. Examples were provided of good partnership working, particularly with the Public Services Board (PSB) and funding to help connect people to the environment. Future opportunities and challenges were noted around restoring the natural process, connecting people with their environment, and landscape scale working with partners.

45. Board members thanked the team for an informative presentation. Links to the Gwynedd Wellbeing Plan and the need to deliver a healthy community were noted. The contribution of farmers to partnership working was highlighted. Board members were concerned that the community would need to be informed of the ongoing flood risk issue and that a conversation would be needed going forward. It was suggested that the areas where most of the water was generated could be targeted and the pilot project of the Severn River Partnership was described.

Item 12. SMNR Review of Motorsport

Presenters: David Liddy, Specialist Advisor, Recreational Safety, Elsie Grace, Manager, Business Development, Dominic Driver, Head of Land Stewardship

46. The Executive Director of Evidence, Policy and Permitting introduced the item and explained that the Review had been undertaken in the context of the Climate and Nature Emergencies and the Sustainable Management of Natural Resources (SMNR). The

purpose and role of the Welsh Government Woodland Estate (WGWE) was explained, particularly in relation to its role in recreation in Wales alongside its importance in addressing the Climate and Nature Emergencies.

47. The Specialist Advisor, Recreational Safety presented the findings of the Review. There had been extensive stakeholder engagement and although some tensions were recognised, particularly around the level of CO₂ generated, the Review had concluded that motorsports could be compatible with SMNR.
48. Board members discussed the methodology of the Review and queried whether it would pass a legal test for delivering NRW's duties, and this was agreed. Questions were asked on the balance of stakeholder engagement and whether issues beyond CO₂, such as noise, biosecurity and potential fire risk, had been considered. The Review had recommended pursuing measures to reduce carbon emissions. It would be important to consider methods of reducing the environmental impact of all visitors and ensuring that the right protections were in place across the WGWE. It was agreed that a wider piece of work would be necessary in order to look at both the carbon positive programme and the management of the environmental impact of recreational activities. It was agreed that a scoping exercise would take place for consideration of this issue next year.
49. The social and economic benefit brought to Wales by motorsports was acknowledged, and the importance of working with stakeholders to bring about change was recognised. Board members agreed that rallying should continue within the WGWE, however, Board members requested that ambitious and demonstrable improvements were sought with commitments over and above existing plans. A progress report was requested in six months' time.

ACTION – A progress report on the Board recommendations following the SMNR Review of Motorsport to be provided to the March 2022 Board meeting.

DECISION: Permission for motorised rallying to continue in the WGWE subject to ongoing discussions with Motorsports UK and their Affiliated Clubs to improve sustainability and reduce the sport's carbon footprint while operating in the WGWE.

Item 13. Background to Proposed Fishing Byelaws

Presenter: Peter Gough, Principal Advisor, Fisheries

50. The Executive Director of Evidence, Policy and Permitting, introduced the item which would seek support for the recommendations from the Executive Team that a consultation should be launched on the proposed new fishing byelaws. The consultation would take three months and a proposal based on the outcome would return to the November Board meeting.
51. The Principal Advisor, Fisheries, provided an overview of the main points noted in the paper. Salmon, and some sea trout populations, were facing a range of threats including change to the marine environment and water quality challenges, and stocks were considered at risk across Wales. There was an urgent need to maximise their survival. The plans relating to the proposed byelaws were shared. Stakeholders had been involved in discussions and the majority in the Wye and Usk area were engaged and supportive. The Severn had limited stakeholder engagement but were supportive in general.
52. Board members were encouraged to hear about the level of stakeholder engagement. Questions were asked on whether there were any stricter measures that could be put in

place and which could be enforced. The majority of anglers were reported to be concerned with the situation and would continue to act responsibly. Reassurance was provided that the focus would be on the minority who did not comply with the byelaws.

53. The importance of communication was highlighted, particularly around possible future consequences. It was recognised that there were new challenges arising all the time in the freshwater environment and mid-term reviews could be built into byelaws so that changes could be responded to rapidly.

54. Board members congratulated the Principal Advisor, Fisheries, on his OBE and wished him well in his retirement.

DECISION: The launch of the statutory consultation on salmon and sea trout rod fishing controls in the Usk, Wye and Severn (in Wales) was approved.

- Board meeting closed -

Item 14. Public Q&A Session

55. The Chair invited questions from the public.

56. Two questions had been received and a response provided in advance.

57. Gareth Wardell thanked staff for the speed of response to his question posed prior to the meeting regarding the Welsh Water treatment plant at Garnswllt. Mr Wardell noted that 336 spills of untreated sewage had occurred into the Afon Llŵchwr during 2020 in a total of 309 days. Accepting the point made by Professor Ormerod that the quality as well as the volume of spills from CSOs was an important consideration, Mr Wardell asked what evidence NRW currently held which could demonstrate to the people who lived within the catchment of the Afon Llŵchwr that the permit issued to Welsh Water fell below the threshold that required immediate action for enforcement. Mr Wardell emphasised the level of spills required prior to a prosecution and highlighted the relevance to the earlier discussion on Combined Storm Overflows. The Executive Director of Operations would respond outside the meeting.

ACTION: The Executive Director of Operations to respond to Gareth Wardell's question on CSO spills into the Afon Llŵchwr outside the meeting.

- Public Meeting closed -