| Title of meeting: | NRW Board Meeting Day 2 - Public Session |
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| Date of meeting: | 22nd September 2022    Time of meeting: 10.00-14.50 |
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| Venue: | **Flintshire** |
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| Time | Item |
|---|---|
| **10.00**<br>**(5 mins)** | **1. Open Meeting**<br><br>• Welcome<br>• Declaration of Interests<br>• Explain conduct of meeting<br><br>Sponsor and Presenter: Sir David Henshaw (Chair)<br><br>**Summary: To NOTE any declarations of interest.** |
| **10.05**<br>**(5 mins)** | **2. Review Minutes and Action Log**<br>**2A. Review Minutes from Public 13th July meeting**<br>**2B. Review Public Action Log**<br>Sponsor and Presenter: Sir David Henshaw (Chair)<br><br>**To APPROVE the minutes of the previous meeting and the action log.** |
| **10.10**<br>**(5 mins)** | **3. Update from the Chair**<br>Sponsor and Presenter: Sir David Henshaw<br><br>**Summary: To NOTE the Chair's update to the Board.** |
| **10.15**<br>**(15 mins)** | **4. Report from the Chief Executive**<br>Sponsor and Presenter: Clare Pillman, Chief Executive<br><br>**Summary: To NOTE the current position and update the Board on key activities.**<br><br>**Paper ref: 22-09-B06** |

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| **10.30**<br>**(20 mins)** | **5. Update Report of Committees**<br>Sponsors and presenters: Committee Chairs<br><br>Audit and Risk Assurance Committee – 8th September<br>Evidence Advisory Committee – No meeting held<br>Finance Committee – 15th September<br>Flood Risk Management Committee – No meeting held<br>People and Remuneration Committee – 13th September<br>Protected Areas Committee – No meeting held<br>**Paper ref: 22-09-B08**<br>Wales Land Management Forum – 5th September<br>**Paper ref: 22-09-B09**<br><br>**Summary: To NOTE the updates from the Board committees, both within and outside of any meetings held.** |
| **10.50**<br>**(20 mins)** | **Break** |
| **11.10**<br>**(15 mins)** | **6. Wellbeing, Health and Safety Quarter 1 Report**<br>Sponsor: Prys Davies, Executive Director of Corporate Strategy and Development<br>Presenter: Charlotte Morgan, Wellbeing, Health and Safety Manager<br><br>**Summary: To APPROVE the Wellbeing, Health and Safety Quarter 1 Report**<br><br>**Paper ref: 22-09-B11** |
| **11.25**<br>**(20 mins)** | **7. Business Plan Performance Dashboard Quarter 1 Report**<br>Sponsor and Presenter: Clare Pillman, Chief Executive<br>Attendees: Caroline Hawkins, Corporate Planning, Performance & Strategic Assessment Manager, Sarah Williams, Head of Corporate Strategy and Programme Management Office; Sue Ginley, Lead Specialist Advisor, Corporate Planning & Performance<br><br>**Summary: To APPROVE the Business Plan Performance Dashboard Quarter 1 Report**<br><br>**Paper ref: 22-09-B10** |
| **11.45**<br>**(20 mins)** | **8. Trail-hunting Decision Review**<br>Sponsor: Ceri Davies, Executive Director of Evidence, Policy and Permitting<br>Presenters: Ieuan Williams, Senior Specialist Surveyor<br><br>**Summary: To ENDORSE the review of the trail-hunting decision**<br><br>**Paper ref: 22-09-B17** |

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| **12.05**<br>**(15 mins)** | **9. Proposed NRW Land Estate Committee**<br>Sponsor: Gareth O'Shea, Executive Director of Operations<br>Presenter: Colette Fletcher, Head of Governance and Board Secretary<br><br>**Summary: To APPROVE the proposed governance arrangements for the new NRW Land Estate Committee**<br><br>**Paper ref: 22-09-B12** |
| **12.20**<br>**(5 mins)** | **10. Proposed Changes to the Statutory and Legal Scheme (SaLS)**<br>Sponsor: Clare Pillman, Chief Executive<br>Presenter: Colette Fletcher, Head of Governance and Board Secretary<br><br>**Summary: To APPROVE changes to the SaLS**<br><br>**Paper ref: 22-09-B13** |
| **12.25**<br>**(40 mins)** | **Lunch** |
| **13.05**<br>**(50 mins)** | **11. Required Evidence Base for Water Quality improvements in Wales and Evidence Strategic Update**<br>Sponsor: Ceri Davies, Executive Director of Evidence, Policy and Permitting<br>Presenter: Chris Collins, Head of Knowledge and Evidence; Alun Attwood, Manager, Monitoring and Reporting<br><br>**Summary: To DISCUSS the required evidence base for Water Quality improvements in Wales and the Evidence Strategic Update**<br><br>**Paper ref: 22-09-B14** |
| **13.55**<br>**(15 mins)** | **12. Public Engagement and Transparency at Board Meetings**<br>Sponsor: Prys Davies, Executive Director of Corporate Strategy and Development<br>Presenter: Colette Fletcher, Head of Governance and Board Secretary<br><br>**Discussion** |
| **14.10**<br>**(5 mins)** | **13. Board Forward Look**<br>Sponsor: Sir David Henshaw<br>Presenter: Colette Fletcher, Head of Governance and Board Secretary<br><br>**Paper ref: 22-09-B15** |
| **14.15**<br>**(5 mins)** | **14. AOB**<br>    a) **Board Terms of Reference** |

Summary: To ARRPOVE the Board Terms of Reference

**Paper ref: 22-09-B16**

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| | **End of Public Board meeting** |
| **14.20 (30 mins)** | **Public Q&A** |
| **14.50** | **Close Meeting** |
| **14.50 (10 mins)** | **Break** |
| **15.00 to 16.30** | **Site Visit**<br><br>Lead: Lyndsey Rawlinson, Head of North East Wales Operations |

# Unconfirmed Minutes

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

| Date of meeting: | 13th July 2022 |
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| Present Board Members: | Prof Steve Ormerod, Acting Chair |
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| | Clare Pillman, Chief Executive |
| | Karen Balmer |
| | Catherine Brown |
| | Julia Cherrett |
| | Geraint Davies |
| | Zoë Henderson |
| | Prof Calvin Jones |
| | Mark McKenna |
| | Dr Rosie Plummer |
| | Prof Peter Rigby |

| Present Executive Team Members: | Rachael Cunningham, Executive Director of Finance and Corporate Services |
| --- | --- |
| | Ceri Davies, Executive Director of Evidence, Policy and Permitting |
| | Prys Davies, Executive Director of Corporate Strategy and Development |
| | Catrin Hornung, Head of Communications and Digital Transformation (deputising for Sarah Jennings, Executive Director of Communications, Customer and Commercial) |
| | Steve Morgan, Head of South East Wales Operations (deputising for Gareth O'Shea, Executive Director of Operations) |

| Additional Attendees Present: | Colette Fletcher, Head of Governance & Board Secretary (All items) |
| --- | --- |
| | Rob Bell, Head of Finance Item 6 |
| | Caroline Hawkins, Corporate Planning, Performance & Strategic Assessment Manager Item 7 |
| | Sarah Williams, Head of Corporate Strategy and Programme Management Office Item 7 |
| | Sue Ginley, Lead Specialist Advisor, Corporate Planning & Performance Item 7 |
| | Sioni Davies, Advisor, Corporate Planning & Performance Item 7 |
| | Sian Williams, Head of Operations North West Wales Item 8 |
| | Ruth Johnston, Lead Specialist Advisor, Water Strategy Item 8 |
| | Natalie Hall, Sustainable Water Manager Item 8 and 9 |
| | Geraint Weber, Team Leader, Water Quality Item 8 and 9 |
| | Mark Squire, Principal Advisor, Strategic Projects Item 8 and 9 |
| | Rhian Thomas2, Principal Advisor, Strategic Projects Item 8 and 9 |
| | Ben Wilson, Principal Advisor, Fisheries Item 10 |
| | Sarah Wood, Biodiversity and Ecosystem Resilience Manager Item 10 |
| | Patrick Lindley, Lead Specialist Advisor, Ornithology Item 10 |
| | David Mee, Lead Specialist Advisor: Freshwater Fisheries Management Item 10 |
| | Ian Williams, Team Leader, Species (Birds) Permitting Item 10 |

| | Lyn Williams, Welsh Language Policy Advisor Item 11 |
| --- | --- |
| | Victoria Painter, Governance and Risk Manager Item 12 |

| **NRW Observers:** | Kate Evans, Public Affairs and Private Secretary (all items) |
| --- | --- |
| | Meinir Wigley, Integrated Communications Team Leader – Items 8 and 9 |
| | Joanne Westlake, Senior Communications Officer – Items 8 and 9 |
| | Martyn Gough, Senior Officer, Communications and Engagement – Item 10 |

| **Public Observers:** | Dr Callum Macgregor, British Trust for Ornithology Cymru |
| --- | --- |
| | Julian Hughes, Head of Species, RSPB Cymru – Item 10 |
| | Paul Adams |
| | Richard Garner Williams – WildFish (Salmon and Trout Conservation Cymru) |
| | Tanglewest Douglas – WildFish |
| | Lynda Makepeace – Plant Health & Environment Protection Branch, Welsh Government |
| | Kim Wardell |
| | Additional members of the public |

| **Declarations:** | Prof Steve Ormerod – Vice President of RSPB; Scientific research carried out on Atlantic salmon and water quality issues; Fellow of the Freshwater Biological Association |
| --- | --- |
| | Dr Rosie Plummer – Pembrokeshire Coast National Park Authority (PCNPA) Board Member – PCNPA has planning responsibility in the Cleddau catchment; Plantlife Trustee – Natur am Byth collaboration and links to Kenfig |

| **Apologies:** | Sir David Henshaw |
| --- | --- |
| | Sarah Jennings, Executive Director of Communications, Customer and Commercial |
| | Gareth O'Shea, Executive Director of Operations |

| **Secretariat:** | Jocelyn Benger |
| --- | --- |
| | Natalie Williams |

## Item 1. Open Meeting

1. The Acting Chair opened the meeting and welcomed everyone. Declarations of interest and apologies were made as noted above. The Acting Chair explained the conduct of the meeting. Julia Cherrett would be chairing the item on Fish-eating Birds as Prof Steve Ormerod had chaired the Advisory Group on this issue. The Acting Chair welcomed Dr Callum Macgregor, British Trust for Ornithology (BTO) Cymru, as an observer to the meeting and noted the BTO's involvement in surveys of the distribution of various river bird species in Wales.

2. The Acting Chair noted that there was no public Q&A session on this occasion and explained that Board public engagement was being reviewed to develop a more complete and inclusive process. However, public observers were welcome to use the Microsoft Teams chat facility for comments or questions. Opportunities for public engagement at the forthcoming Royal Welsh Show and Eisteddfod were highlighted.

## Item 2. Review Minutes and Action Log

### 2A. Review Minutes from Public 26th May meeting

3. The minutes from the public meeting on 26th May were reviewed and amendments agreed.

### 2B. Review Public Action Log

4. The action log was reviewed and noted.

5. The Head of South East Wales Operations gave an update on Action 36 and reported that initial positive meetings had taken place with Forest Industry Safety Accord (FISA) and the Health and Safety Executive (HSE). NRW would play a role in the launch of FISA's new strategy and had been invited by FISA to join various sub-groups. The Executive Director of Evidence, Policy and Permitting (EPP) and Executive Director of Operations had been in discussions with sister organisations in England and Scotland. The Head of Land Stewardship had recently published an article for the Institute of Chartered Foresters (ICF) on improving forestry safety standards.

## Item 3: Update from the Chair

6. The Chair and Deputy Chair had attended the meeting of the Senedd Climate Change, Environment, and Infrastructure Committee and answered questions on Green Recovery, enabling the Environmental Non-governmental (eNGO) sector, and environmental governance. Following the meeting, the Chair of the Committee had written to the First Minister to highlight some of the differences between environmental governance in England and Wales.

7. The Chief Executive and Deputy Chair had met with the Chairs and CEOs of other statutory nature conservation bodies from the UK. Some of the pressures created by the political change in England were considered and a potential review of arms-length environmental bodies in England was noted. The political stability and support for environmental matters in Wales and the opportunities and challenges provided by the breadth of NRW's remit were recognised.

8. Board members highlighted that the Green Recovery Group was not fully within the remit and responsibility of NRW. It was noted that the work and outcomes on this went beyond NRW.

## Item 4: Report from the Chief Executive

9. The Chief Executive provided an update to the written report. Welsh Government (WG) had published the legislative programme for the next session. The five Bills that were included were: Coal Tip Safety; Agriculture; Single Use Plastics; Clean Air; and Infrastructure. The environmental focus was welcomed, and discussions were taking place with WG on NRW's role in respect of each Bill. It was noted that the Bill to fully establish the role of Environmental Assessor in place of the Interim Advisor role would be brought forward in the final session of this Government.

10. An update was provided on a number of events and visits that had recently taken place. The Cwm Carn Forest Drive was formally opened last week. The Prince of Wales had visited the coast path in Pembrokeshire as part of the ten-year anniversary celebrations. Zoe Henderson had welcomed the Minister and other guests to the formal opening of the new wind farm at Clocaenog. The Minister had also visited the curlew project at Pentrefoelas to discuss the project with NRW and RSPB staff. The Royal Welsh Show

would take place next week, and would include the usual NRW stand with a focus on all matters relating to water quality. The First Minister was hosting a summit on water quality issues and the Minister would attend an event at NRW's stand. NRW looked forward to welcoming members of the public.

11. An update was provided on the current water situation. The drought status had moved from Normal to Prolonged Dry Weather, and this was being closely monitored. The Drought Plan for the South Wales' catchments would be followed. Close contact with the water companies was ongoing and restrictions on fishing had been announced.

12. The current position with offshore renewables was described. There were currently 34 offshore renewables applications with NRW. Last week NRW had formally submitted representation on the development consent application at Awel y Mor, and engagement with the applicant would continue into the next phase. The marine licence application relating to Erebus was ongoing.

13. The Executive Director of EPP gave an update on the WG Biodiversity deep dive as the representative for NRW. The focus was on the "30 by 30" commitment to protect 30% of land and seas for nature by 2030 and to put actions in place relating to this. Members of the core group were focussing on a number of themes, including how these could be moved forward, identifying the key partners, and ensuring good connection between sites. The timing for reporting had moved to September, and a conference was planned in October. Expert sub-groups were working on issues and round table discussions were taking place with stakeholders. Prof Steve Ormerod as a representative of Cardiff University gave some personal reflections on the deep dive, including concerns on the condition of some protected sites. It was noted that water quality and biodiversity, and appropriate landscape management to deliver simultaneously on these issues had been an integrating theme.

14. The Executive Director of EPP updated the Board on the current situation with Avian Flu. The UK had been under an Avian Flu protection zone since last autumn and this remained in place, although mandatory housing for poultry had been lifted in May. NRW were working closely with WG and the Animal and Plant Health Agency (APHA) who lead on managing the outbreak. The Board were updated on concerning reports from Scotland, North East England and the Netherlands on increasing impacts on seabird populations. The potential impact on Wales' internationally important seabird colonies was of great concern. The incident management plan response was described. Although there were currently no confirmed cases in Wales, monitoring and surveillance was now necessary and work was ongoing with sister agencies, WG and APHA.

15. Board members considered the content of the report. Clarification was provided on the Landfill Disposals Tax delegation, and it was confirmed that there was no NRW responsibility for disbursement of the resource. The positive news on the signing of a five-year management agreement with the Kenfig Corporation Trust (KCT) at Kenfig National Nature Reserve (NNR) was welcomed by the Board. The success of #TeamNRW Day was noted and the importance of staff reconnecting in person was highlighted.

## Item 5: Update Reports of Committees

16. Catherine Brown as the Chair of the Audit and Risk Assurance Committee (ARAC) updated the Board on the meetings held on 9th June and 8th July. The written report was taken as read. ARAC had been disappointed not to receive the Whistleblowing Report at the last meeting but looked forward to its presentation at the next meeting. The Internal Audit opinion remained Limited, although good discussions were ongoing and it was

recognised that there was a positive direction of travel, although continued work and effort was needed. Some concerns were raised at the proliferation of guidance and the senior team had taken this away to review and relate to the work on assurance mapping to ensure leanness and useability. Thanks were offered to the teams and fellow Committee members at this busy time of year. The Acting Chair offered thanks on behalf of the Board to Catherine Brown for her work and endorsed her thanks to the team and Committee on behalf of the Board. Board members commented on the opportunities for applying digitisation to the simplification of guidance processes.

17. Peter Rigby as the Chair of the Evidence Advisory Committee (EAC) updated the Board on the meeting held on 7th June. This had been the first time that the Committee had met in person and a successful hybrid meeting had taken place. Two new Committee members were welcomed: Dr Tom Nisbet of Forest Research and Prof Melanie Austen from the University of Plymouth. The discussion on the Peatland Programme was highlighted. There had been an authoritative challenge to the costings on the Programme and due to the length of the project and the costings, the Board would need to seek further assurance on this. It would therefore return to EAC and the Board. A detailed discussion had taken place on the approach to citizen science and whether the primary focus should be around public engagement or obtaining robust data.

18. Board members welcomed the discussions on the approach to citizen science and commented that it was helpful to think about how projects could achieve a mix of objectives. The qualitative assessment of evidence and the role of scientific advisory groups in assessing what could be considered as evidence was noted. The role that the farming community could play in supporting citizen science was highlighted. The cost of peatland restoration was discussed and it was recommended that the costings should be re-evaluated. The Executive Director of EPP described the joint work on peat that was taking place with the four UK nations and Ireland.

19. The written report of the Finance Committee (FC) meeting held on 10th June was noted.

20. Julia Cherrett as the Acting Chair of the Flood Risk Management Committee (FRMC) updated the Board on the meeting held on 1st July. A good meeting had taken place which had included a positive site visit to Llyn Tegid. The good management on site was highlighted. The Committee had been very pleased to see the proactive community engagement. It was suggested that positive lessons could be learned from the communication with the community at Llyn Tegid. At the formal afternoon session, FRMC had been reminded that this was still a reactive piece of work rather than proactive as recommended by Prof Balmforth. A follow-up discussion on the strategic direction for Flood Risk Management had taken place and discussions would continue this issue. A presentation on the Flood Review was provided and the move towards closing the Programme was described which would include regular updates to FRMC. The Capital Programme would need to be re-forecasted due to contractual issues. A longer forecasting period was being developed on the reduction in flood risk.

21. Julia Cherrett as the Chair of the People and Remuneration Committee (PaRC) updated the Board on the meeting held on 24th June. PaRC welcomed the appointment of a Programme Manager for the People Transformation Programme. PaRC looked forward to receiving regular updates on the Programme and developing understanding and support on the delivery of a diverse range of projects. A deep dive on sickness absence took place. PaRC were reassured on this and noted that more innovative ways of managing wellbeing could be considered. The Welsh Language Annual Report was scrutinised, and it was recommended Board members could challenge themselves more on the use of Welsh in meetings. A presentation was provided on Customer Engagement and the Committee were now confident that the team were focused on the direction of

travel and were taking forward stabilising the team and benchmarking best practice. The Committee Terms of Reference (ToR) were considered. The inclusion of customer focus into the ToR would need to be refined and work on this would be continued offline.

22. Dr Rosie Plummer as the Chair of the Protected Areas Committee (PrAC) updated the Board on the meeting held on 21st June. The broad span of PrAC and resulting difficulties in ensuring coverage were highlighted. The Integrated Designated Landscapes Programme which PrAC was taking forward on behalf of the Board was noted as being in the relatively early stage of evidence gathering. The importance of communications on topics such as this were emphasised and would be taken forward when the appropriate resource allocated for this was in place. The "30 by 30" considerations were being reviewed by PrAC. Important scrutiny was taking place on the ongoing tracking of terrestrial monitoring. The importance of monitoring of designated protected areas in supporting the recovery of biodiversity and the evaluation of the evidence on this was highlighted. PrAC welcomed the designation of three new Sites of Special Scientific Interest (SSSIs), whilst recognising that the work on these had been very resource intensive.

23. Zoe Henderson as the Chair of the Wales Land Management Forum (WLMF) updated the Board on the meeting held on 6th June. The paper was taken as read. An additional sub-group had been set up to consider the issues around phosphates. Delyth Lewis-Jones of the Agriculture and Horticulture Development Board (AHDB) had agreed to chair this group for a period of time and would also sit on the Special Area of Conservation (SAC) Rivers Phosphate Group to provide agricultural representation. Board members welcomed the addition of updates from the WLMF and discussed the content of the update. A link to the project noted in paragraph 7 of the Report was requested. Two reports were noted as relevant to this topic: the Source Apportionment Report released by Dŵr Cymru/Welsh Water (DCWW); and the RePhoKUs Project from Lancaster University submitted to the Westminster Environmental Audit Committee Report on river quality which had explicitly looked at the River Wye.

## Item 6: Finance Update
Presenter: Rob Bell, Head of Finance

24. The Head of Finance explained that as it was early in the financial year, the focus would be on some of the emerging pressures and issues. The Flood Risk Capital Programme was likely to be reduced this year as prices had been far higher than expected and did not provide value for money. The Cardiff Council framework and Sell2Wales portal would be used for further procurement. Emerging issues on delays to other schemes within the organisation were being reviewed. The revised forecast on timber income was described. This was likely to be reduced to £36m due to a significant downturn in uplift. The pay award for this year had been discussed with WG. The year had begun with general overprogramming of £4m and reliance on the temporary funding of £7.3m from WG. Mitigations were noted around the energy income forecast, sale of the partnership arrangement of Forest Holidays, and the higher vacancy rate than budget assumption. These would be discussed in more detail at Executive Team (ET) at the end of July and FC in September and an update provided at the next Board meeting.

25. The Board approved the amendments to Managing our Money on removal of the section Covid-19 Payments in Advance.

**APPROVED: The amendments to Managing our Money - Covid-19 Payments in Advance (removal).**

26. The Board noted the financial performance to the end of May 2022. The issues with the Flood Risk Capital Programme were discussed. The approach to the underspend was queried and whether alternative projects could be brought forward. Julia Cherrett as Chair of FRMC confirmed that FRMC had challenged on this point and the team had confirmed that the full funding could not spent during the financial year due to resource limitations. It would therefore need to be returned to WG where it could be spent by Welsh local authorities on flood schemes. Board members were supportive of the value for money approach. It was recognised that there was a need to scrutinise and test the pricing. The Head of Finance explained that the framework had been in place for two years and would confirm when it was due for renewal. The Chair of FRMC confirmed that the framework had been discussed at the recent FRMC meeting and the Lead Specialist Advisor, Strategic Planning, and Investment, was undertaking a review of the approach to framework models.

**ACTION: Head of Finance to confirm the renewal date for the contractor framework for FRM projects.**

27. The Non-Flood Capital Programme was considered. Board members requested clarification on the delay in the signing of the grant offer letters and whether there were implications for the start date of the grants being offered. The Head of Finance confirmed that these would proceed at risk where there had been official confirmation that the funding would be in place which would ensure that there was no unnecessary delay in delivery to others. It was confirmed that WG were aware of this approach.

## Item 7: Business Plan Performance Dashboard End of Year Report 2021/22
Presenter: Clare Pillman, Chief Executive

28. The Chief Executive presented the Business Plan Performance Dashboard End of Year Report for 2021/22. The Annual Report and Accounts for 2021/22 had been approved in the private Board session. The Red Amber Green (RAG) status of the Performance Report measures at the end of Quarter 4 was noted as two Red, six Amber, and 22 Green. The RAG status of the Internal Performance Report measures included one Red, two Amber, and eight Green.

29. Two Amber measures had become Green since Q3. Three Green measures which had become Amber were described: 'Climate Emergency Action across NRW' – vacancies and dependencies had slowed work in this area; 'Area of new woodland created on the NRW estate' - the decision had been made to delay planting to allow time for further stakeholder engagement; 'Delivering targeted action for declining species or those on the edge of extinction' – staff resource had had to be redirected to the JNCC Review. One Amber became Red. The year ended with two Red measures: 'River Basin Management Plans (RBMP) and water related investigations' – a result of the diversion of resources to the work on SAC rivers; 'Progress the Customer Experience Strategy' – due to the lack of suitable suppliers to take the work forward, the re-tendering work on this would now take place in the current financial year. Work on reducing pollution from Metal Mines had moved from Red to Amber.

30. Twenty-two measures were Green at year end, some of which had been Amber for some time and these were highlighted: Flood risk asset maintenance; Incidence response; Completion of actions on protected sites.

31. An update was provided on the Internal Performance measures. The Red measure was explained as relating to the internal Environmental Management System (EMS), which was being reviewed and changes developed. Sickness absence had been reducing and had been considered by PaRC. Improvements were being sought to reporting and the

support to managers and staff. It was noted that payments to suppliers which had been Red and discussed at previous Board meetings was now Green.

32. Board members discussed the Report and requested examples of where progress had not been seen on the integration of addressing the climate emergency across NRW. The Chief Executive explained that although delivering against the climate emergency measures had been embedded there was still work to be done on the nature emergency measures, for example on the measures used through the EMS. Board members recommended that the focus should be on quantifiable targets and outcome measures rather than activities for the new Corporate Plan. The Board welcomed the move to Green status for the measures on 'Flood risk asset management and maintenance' and 'Payments to suppliers' and noted the efforts of the team on this issue. The Board recognised the work involved in delivering on the measures included within the Dashboard and thanked the staff for this but acknowledged the concern felt by all when measures were either Amber or Red.

33. The Board approved the Business Plan Performance Dashboard End of Year Report 2021/22.

**APPROVED: The Business Plan Performance Dashboard End of Year Report 2021/22.**

### Item 8: NRW's Role in the National Environment Programme for Water Resources and Water Quality Improvements (PR24)

Presenters: Sian Williams, Head of Operations North West Wales; Ruth Johnston, Lead Specialist Advisor, Water Strategy; Natalie Hall, Sustainable Water Manager

34. The Executive Director of EPP gave an introduction and explained the format of the item which would focus on the role of the NRW Board in the Price Review 2024 (PR24) process. The following item would provide a wider water quality update. It was highlighted that the role of the Price Review was not siloed and would form a key part of addressing the water quality issues.

35. The Head of Operations North West Wales gave a presentation and explained that it would cover both items 8 and 9 together as they were interlinked. The continued spotlight on water quality (WQ) meant that there was increased pressure to do and achieve more and it was highlighted that this was a priority for the Minister. Thanks were offered to the Board for their ongoing support in this area of work. The First Minister would be chairing a WQ summit at the Royal Welsh Show and actions were expected from this. Improvements in WQ monitoring were a key area alongside understanding WG priorities, and discussions with WG would continue into the autumn. An internal review of WQ was taking place which would bring everything together into one programme and a post would be in place for the autumn to link this together.

36. The Lead Specialist Advisor, Water Strategy gave a presentation to provide the overview of the Ofwat Water Company Price Review. An overview of Ofwat's role was described. It was explained that the Price Review would set the wholesale price for 2024 and the subsequent Asset Management Programme (AMP). Ofwat's key challenges and ambitions for PR24 were shared, which would enable a long term focus rather than the current five-year window. The water companies (Dŵr Cymru/Welsh Water, Hafren Dyfrdwy, and United Utilities in Wales) would be supplying their business plans to Ofwat who would then set the prices from these. It was explained that NRW could influence the business plans directly in its role as the environmental regulator and through the direction of the National Environment Programme (NEP), which would set a priority list of enhancements to meet the statutory environmental obligations. It was explained that

although the approved spend to be invested in the AMP was likely to be in the hundreds of millions, prioritisation would still be necessary.

37. The timeline was shared and the deadline for submission of the business plans to Ofwat was noted as October 2023. The greater pressures due to the climate and nature emergency recognised and an overview of the areas which the spend would affect was provided. It was recognised that the cost of living crisis would have an impact. The Board were requested to allow the water companies to present their business plans at the November Board meeting. This would allow the Board the opportunity to challenge assumptions, address current issues, influence investment priorities, and establish the line of sight to 2050 outcomes.

38. Board members discussed the content of the presentations. It was queried what the approach would be if the Board felt that the water company plans were insufficient. It was also queried whether NRW were acting too collaboratively in the process and if this would make the regulatory role more challenging.

39. The Executive Director of EPP explained the approach to the regulatory role. NRW dealt directly with the Boards of Dŵr Cymru/Welsh Water (DCWW) and Hafren Dyfrdwy (HD), benchmarking took place against England, and environmental performance criteria were in place. Similarly on enforcement actions, comparison and learning took place with the Environment Agency. Quarterly meetings took place with the Drinking Water Inspectorate. Mechanisms were in place to ensure an appropriate level of challenge and the right balance between regulating and collaborating. The roles of Ofwat, NRW, and the Drinking Water Inspectorate in taking actions depending on remit was clarified. Disappointment was expressed at the recent drop in water company performance.

40. An update was requested on the Brecon Beacons mega catchment project, and it was agreed that this would be provided outside the meeting.

**ACTION: An update to be circulated to Board members of the Brecon Beacons mega catchment project.**

41. Board members highlighted the important work on agricultural pollution and welcomed the water companies' involvement in the working group on this issue. It was expected that there would be an increasing focus and scrutiny on this issue, and the increased profile was welcomed in helping to create synergies in reducing agricultural and other pollutions.

42. Clarification was requested on the point in the paper regarding a less adversarial approach. It was emphasised that due to the drop in water company performance, a more trust-based relationship would not be appropriate at this time. The Executive Director of EPP explained that the paper had meant to emphasise a more responsible approach by the water companies.

43. Board members were supportive of the direction of travel, especially the approach to developing a long-term vision, and agreed to the recommendation in the paper. The Board requested a briefing prior to the November meeting to ensure understanding of the expectations.

**ACTION: A briefing session to be arranged for the Board in advance of the November Board meeting on NRW's expectations of the water companies' draft business plans.**

**DECISION: The Board agreed to the recommendation: NRW Board session for the Welsh water companies to present their draft business plan proposals for discussion Autumn 2022. Ofwat Director for Wales Gwenllian Roberts invited to attend.**

## Item 9: Water Quality Update

Presenters: Sian Williams, Head of Operations North West Wales; Ruth Johnston, Lead Specialist Advisor, Water Strategy; Natalie Hall, Sustainable Water Manager

44. The Head of Operations North West Wales gave a presentation to the Board. An overview of the Better River Quality Taskforce including the membership was shared. The Roadmap was launched on 5th July. A partnership approach would be taken, with NRW's focus on regulation and evidence on storm overflows. The strong support and drive from the Chairs of NRW, Ofwat and the water companies was described. Another key output for July would be the publication of the River Basin Management Plans. An overview of actions carried out since 2009 was shared. The importance of collaboration was emphasised. The Water Company Annual Performance Report for DCWW was described and the disappointment at the drop in performance was shared. There had also been a disappointing reduction in performance by HD.

45. An update was provided on the SAC Rivers Project, which had been established to provide steer and advice. The achievements so far were described. Collaboration and action would be key. Marine SACs were being considered and would return to the Board with a full update when this had been finalised. An update was provided on the LIFE Projects on the River Dee and 4Rivers for LIFE, which were partly funded by the EU and other partners. Emerging issues were being considered and work had begun with key partners on the areas of citizen science, pharmaceuticals, antimicrobial resistance, and microplastics.

46. The Board thanked the team for the ongoing work on water quality. Board members queried the reliance on Fixed Term Appointments (FTAs) and expressed concerns around this approach. The value of continuity of staff was highlighted and that it would be important to maximise the attractiveness of the posts in this important project.

47. The work on citizen science and antimicrobial resistance was welcomed. Other pharmaceutical elements affecting water quality were highlighted and it was suggested that universities could collaborate on this area of work. The role of Local Authorities in planning and Local Development Plans, particularly around the issue of phosphates, was highlighted. Issues around social justice and connections to appropriate drainage were also raised.

48. It was recommended that the SAC Rivers Project required a waterfall diagram overview for the Board, which would clarify the critical path and facilitate the governance on this issue. Board members advised that there was a need to engage beyond the usual stakeholder groups and highlighted the advice from Audit Wales on engagement with communities and community groups. A more strategic approach was needed, and the Board welcomed further engagement on this issue. The Head of Operations North West Wales confirmed that a dedicated lead for communications was now in place with the remit to develop an engagement plan.

## Item 10: Regulating the control of Fish-eating Birds: Recommendations

Presenters: Ben Wilson, Principal Advisor, Fisheries; Sarah Wood, Biodiversity and Ecosystem Resilience Manager; Patrick Lindley, Lead Specialist Advisor, Ornithology; David Mee, Lead Specialist Advisor: Freshwater Fisheries Management

49. Julia Cherrett acted as Chair for this item.

50. The Executive Director of EPP gave a brief introduction to the item. The Board were reminded that the commitment on this issue related to the controls on catch and release developed to ensure that there was not a reliance on just one mechanism to support salmon and sea trout populations.

51. The Principal Advisor, Fisheries gave a presentation to the Board. An explanation was provided on the background to the Fish-eating Birds Advisory Group, which comprised a range of conservation bodies with interests in birds, fish, and conservation. It was explained that the main fish-eating bird species of interest were the cormorant and goosander. Their current population levels were described, and evidence was presented on predation risks to salmon and sea trout populations at what were now historically low levels. The serious concerns on the dramatic decline in the freshwater salmon and sea trout population were described and stock assessment maps were shared.

52. The importance of an evidence-led approach when considering wildlife to wildlife issues was highlighted. An overview of the approach was shared, which included an appraisal of catchment-based licencing. There was a general consensus on the outcome and the key areas of agreement from the Fish-eating Birds Advisory Group were shared. NRW's response was described, which used the recommendations from the Advisory Group to form an action plan. An overview of the action plan was described and the predation control hierarchy was shared. The next steps were described for 2022 to 2024 onwards. The likely costs for Year 2 and 3 were explained and it was noted that funding for this would need to be sought.

53. The Board considered the content of presentation. Board members raised issues relating to the complexity of the funding demands from other measures, such as water quality improvement, and whether the potential funders would have the information to make a holistic assessment on this issue. The Principal Advisor, Fisheries, confirmed that it would be important to deliver on multiple benefits and that the funding required could be considered as relatively small.

54. Board members welcomed the important collaborative work on this issue. It was hoped that the process would provide good learning opportunities which could be taken forward and applied to other biodiversity issues. Board members noted that the paper was clear on the limitations on the evidence base and recognised the importance of experts in advising on the appropriate recommendations in these circumstances. It was suggested that collaboration with England and Scotland on the research would be important.

55. Concerns were expressed on Recommendation 12i, as it was not considered appropriate for someone with a vested interest in an affected fishery to make decisions around this and therefore this should not be left open.

56. Board members requested additional information on Recommendation 9, which had not achieved unanimous support. Prof Steve Ormerod as the Chair of the Fish-eating Birds Advisory Group explained that the smolt stage in late spring was the phase of the salmonid life cycle where protection could deliver significant population benefit. The concern from ornithological bodies related to possible effects of control of some of the sensitive bird species at this time and possible implications for their dependent young. However, the bigger picture was described, which included the potential extinction of Atlantic salmon. Action was needed on the full range of issues around climate change, drought, warming, water quality, offshore exploitation, and habitat loss but control of predation was also part of this.

57. The Board thanked all those involved in the work on this issue and approved the recommendations in the paper with a proviso on the amendment to Recommendation 12i as noted above.

**APPROVED: The recommended approach and next steps as detailed in the paper on Regulating the control of Fish-eating Birds with a proviso on the amendment to Recommendation 12i.**

## Item 11: Welsh Language Annual Report 2021/22
Presenter: Lyn Williams, Specialist Advisor, People Management

58. The Executive Director of Corporate Strategy and Development introduced the item. The Board were asked to approve the Report in line with the Welsh Language Standards. PaRC had scrutinised and endorsed the Report at the meeting in June. The difficulties in achieving simultaneous translation during a virtual or hybrid meeting were recognised, particularly the technological limitations of Microsoft Teams in this area. The positives from the Report were highlighted and some of the areas for further work were described There would be a need to develop the broader Welsh Language Strategy going forward, considering the People side, and programming the work on this. The importance of Board leadership in the use of the Welsh language was emphasised.

59. The Specialist Advisor, People Management, provided an update on the progress on working with the Environment Agency, who administered the Fishing Licence Purchase service on NRW's behalf, in developing the Welsh language capability on the .gov website. It was hoped that this service would be in place by the end of the year. A project brief was being written on developing the bilingual service on Flood Lines UK. The team were very pleased that NRW had been awarded Work Welsh Employer of the Year 2021/22, especially as they had been led the way in allowing staff to learn Welsh during work time.

60. The Board thanked the Specialist Advisor, People Management and congratulated the team on achieving the Work Welsh Employer of the Year Award.

61. Board members welcomed the content of the Report and discussed alternative ICT options to Microsoft Teams. The work on the marine species directory was particularly welcomed and the Board were encouraged that 94% of staff could demonstrate some Welsh language ability. It was suggested that a training session could be arranged for Board members on the use of basic Welsh in meetings.

62. The Board approved the Welsh Language Report 2021/22.

**APPROVED: The Welsh Language Annual Report 2021/22.**

## Item 12: Public and Private Board Agenda Items
Presenter: Victoria Painter, Governance and Risk Manager

63. The Executive Director of Corporate Strategy and Development introduced the item, which included proposed criteria for whether items should be considered in either the private or public Board sessions. There was an increasing move towards transparency with the Board holding as much business as possible in the meeting held in public. Work would take place over the summer on an improved approach to Board engagement with the public. Inputs on this were welcomed from Board members and the public.

64. The Board considered the content of the paper and welcomed the review of the criteria. The Head of Governance and Board Secretary explained that a version of this criteria had been applied to Board items in previous meetings and that this was an opportunity to

formalise the approach. Board members commented that Categories 6 and 8 as noted in the annex to the paper would need to be used with discretion, particularly Category 8 which would be more specifically about the loss of launch impact. Some reservations were expressed about Category 9, although it was accepted that this should be trialled.

65. The opportunities raised by the review on internal communication and engagement were highlighted. Discussion took place on the inclusion of the Board Sub-Committees in the criteria. It was recognised that this would be more appropriate for some Committees than others and it was noted that although there was a duty to hold a proportion of Board meetings in public, this duty did not apply to the Committees. The use of the recordings from the Board meetings was discussed and a range of views were expressed on whether these should be shared publicly. The Head of Governance and Board Secretary would consider this subject further.

66. Board approved the criteria as recommended in the paper.

**APPROVED: The criteria for public and private agenda items at NRW Board & Committee meetings.**

## Item 13: Proposed Changes to the Statutory and Legal Scheme (SaLS)
Presenter: Colette Fletcher, Head of Governance and Board Secretary

67. The Head of Governance and Board Secretary gave an overview of the item which followed on from the discussion at the March Board meeting on the system for approving the Public Service Boards' Wellbeing Plans.

68. Board considered the item and approved the changes to the Statutory and Legal Scheme (SaLS) for the Corporate Services Business Board.

**APPROVED: The changes to the SaLS for the Corporate Services Business Board.**

## Item 14:  Board Forward Look
Presenter: Colette Fletcher, Head of Governance and Board Secretary

69. The Head of Governance and Board Secretary shared the Board Forward Look document and provided an overview.

70. It was recommended that the agenda items would need to be prioritised due to the focus on site visits for the September Board meeting. The item on the review of Board Committee membership was discussed and it was agreed that this should be delayed until the new Board members were recruited. Board members requested further details on the location and plan for September's meeting.

**ACTION: Secretariat to circulate further details on the locations and plans for future Board meetings.**

## Item 15: AOB

71. The publication of the Finance Performance Report to March 2022 was noted. This had resulted from an action at the Board meeting in May.

**NOTED: The publication of the Finance Performance Report to March 2022.**

72. The Head of South East Wales Operations informed the Board that the Gwent Public Service Board had now been formed and a formal request had been received for a NRW

Board member to sit on the Scrutiny Committee. It was agreed that this would be considered and agreed by correspondence.

**ACTION: The Gwent Public Service Board formal request for a NRW Board member to sit on the Scrutiny Committee to be considered and agreed by correspondence.**

73. The Acting Chair offered thanks to all presenters and attendees and extended sincere apologies to the members of the public who had been affected by the ICT issues during the course of the meeting.

**- Board meeting closed -**

## Board Meetings

| Action No. | Meeting Category | Meeting Date | Item No | Para No | Paper Sponsor | Action | Owner | Due | Status | Notes/Updates |
|---|---|---|---|---|---|---|---|---|---|---|
| 2 | 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 | 23/06/2022 | Ongoing | Added to the list of potential strategic discussion items, Place presentations, Evidence sessions and site visits. Suggest this is the strategic discussion item for the Sept Board meeting and we delay the theme wrap up on previous strategic discussions to accommodate. Added to Forward Look for November. To be considered as part of the item on Place Presentation cross-cutting themes, moved to July 2022 Board |
| 3 | 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 | 30/09/2022 | Ongoing | The Chair has confirmed that Board Development Days to be on hold until face to face meetings are possible. A suitable date in 2022 to be confirmed. Update: The Board development sessions are now being considered with the onboarding of the Board Members in 2023. |
| 25 | Public | 24/03/2022 | 11 | 58 | Sarah Jennings Executive Director CCC | ACTION: An initial plan on taking the Digital Strategy forward to be developed and brought to a future Board meeting. | Catrin Hornung, Head of Communications and Customer Relations | 26/10/2022 | Ongoing | On the Board Forward Look for November's meeting |
| 36 | Public | 26/05/2022 | 2B | 3 | Sir David Henshaw | ACTION: Actions as a result of the ongoing work on Forestry Safety to be reported to the Board at future meetings. | Gareth O'Shea, Executive Director of Operations | 22/09/2022 | Ongoing | It is proposed that reports are provided to the new Land Estate Committee (subject to it being approved at September Board). |
| 41 | Public | 26/05/2022 | 7 | 46 | Ceri Davies, Executive Director EPP; Sarah Jennings, Executive Director CCC | ACTION: The Chair and Chief Executive to develop the governance on the new Board sub-committee on the approach to NRW managed land. | Chair and CEO | 30/09/2022 | Ongoing | The Head of Governance and Board Secretary to develop the Terms of Reference for the new committee. The Chair to discuss the wider membership of the committee with Prof Calvin Jones. To be considered at September's Board meeting. |
| 50 | Public | 14/07/2022 | 6 | 26 | Rachael Cunningham Executive Director finance | ACTION: Head of Finance to confirm the renewal date for the contractor framework for FRM projects. | Rob Bell, Head of Finance | 17/08/2022 | Completed | Email sent to Board members on 14/09/22 |
| 51 | Public | 14/07/2022 | 8 | 40 | Ceri Davies Executive Director EPP | ACTION: An update to be circulated to Board members of the Brecon Beacons mega catchment project. | Ceri Davies Executive Director EPP | 14/09/2022 | Ongoing | |
| 52 | Public | 14/07/2022 | 8 | 43 | Ceri Davies Executive Director EPP | ACTION: A briefing session to be arranged for the Board in advance of the November Board meeting on NRW's expectations of the water companies' draft business plans. | Sian Williams, Head of Operations North West Wales | 01/09/2022 | Ongoing | |
| 53 | Public | 14/07/2022 | 14 | 70 | Sir David Henshaw | ACTION: Secretariat to circulate further details on the locations and plans for the future Board meetings. | Secretariat | 29/07/2022 | Completed | Email sent 25/07/22 |
| 54 | Public | 14/07/2022 | 15 | 72 | Sir David Henshaw | ACTION: The Gwent Public Service Board formal request for a NRW Board member to sit on the Scrutiny Committee to be considered and agreed by correspondence. | Colette Fletcher, Head of Governance and Board Secretary | 17/08/2022 | Ongoing | |

# Board Paper

| | Paper Details |
|---|---|
| **Paper title:** | CEO Report |
| **Paper Reference:** | 22-09-B06 |
| **Paper sponsored by:** | Clare Pillman, Chief Executive |
| **Paper Presented by:** | Clare Pillman, Chief Executive |
| **Purpose of the paper** | Information/Discussion |

## Introduction

1.  Our summer was, in many ways, a return to normality, with events such as the Royal Welsh Show and the National Eisteddfod returning after two cancelled years. In other ways, it was more of a glimpse of summers to come, with prolonged dry weather turning to drought, with all the consequences of water shortages on society and the environment and wildfires wreaking havoc, both on the Welsh Government Woodland Estate (WGWE) and on some designated sites. Our sites and visitor centres continued to be popular (although not as busy as last year), with all the challenges that presents in terms of visitor safety and staffing.

2.  The Tory leadership race dominated the political agenda over the summer, with both candidates being pressed on their environmental credentials and plans. The election of Liz Truss (a previous DEFRA Secretary of State) may see significant changes in policy in a number of key areas, if the media is to be believed, such as fracking, oil extraction, Environmental Land Management Schemes (ELMS) and environmental regulation.

3.  The cost-of-living crisis remains top of the domestic agenda, and we are seeing its impact in terms of our running costs, on our contractors and supply chain, as well as on our staff. We are managing the risks associated with this closely and will report regularly to the Board and its sub-committees.

**Senior Staff Recruitment**

4.  We have now appointed Ian Johns as the Head of Information and Communication Technology. Ian has worked in the ICT team for over eight years, and we are delighted that he has taken the role at such a critical time in our renewal and transformation journey. This is the last in a series of recent appointments, and it is worth reflecting on the fact that over the past three years we have recruited to sixteen out of our thirty-one Executive Team (ET) and Leadership Team (LT) roles.  Of these sixteen, five have been internal moves or promotions, and eleven have been new to the organisation.

## External Engagement

5.  It was great to spend time with partners, stakeholders and the public, first at the Royal Welsh Show, and then at the Eisteddfod.  There were some useful set piece events, including the First Minister's Water Summit on the Monday of the Show, but also many more informal opportunities to talk about our work and engage people on the huge range of issues that we deal with.  I was particularly pleased with our success in the South East Wales Forestry Awards at the Show.  We have undertaken to sponsor these awards for four years, and this has been really well-received by the Forestry community in Wales.  It was also good to present our Peatlands Programme at the Eisteddfod (many thanks to Geraint Davies for hosting this) and to take a large group of Eisteddfodwyr out to Cors Caron to see our restoration work in progress.

6.  Along with ET colleagues, I got out and about a lot over the summer, spending time with colleagues and stakeholders.  I, too, got to walk Cors Caron with the LIFE team, and to see at first hand the impact of their work over many years on this extraordinary landscape and habitat.  I also had my annual walk and talk with the Woodland Trust at Gregynog, hearing about the work that they are doing with the new Trust to improve their management of this important site.  I also visited the Strata Florida Trust to meet with their Chair, Andrew Green, and Trustees, to talk about their plans for the site, and its relationship with the WGWE and the remediation work that we are doing at the old metal mine at Abbey Consols.

7.  I spent a fabulous day with the Reservoirs team in Gwydir Forest, looking at the work they have done at Cyffty and Prince Llewelyn, and walking some of the new sites they are now tackling.  And the following day I spent on the Llŷn with colleagues from the National Trust, the farmers' unions and Gwynedd Council and Dafydd Wynne Finch walking one of the farms involved in the Payment for Ecosystems Services' pilot and seeing Dafydd's move to a regenerative model of dairy farming at first hand.  When I was in Cardiff, I met up with Auriol Miller from the Institute of Welsh Affairs (IWA), and Tim Moss, who has now started as Chief Operating Officer for Welsh Government.  Online I had a really good introductory meeting with the new(ish) Chief Executive of the Crown Estate, as well as meeting with Ruth Marks to talk about the Wales Council for Voluntary Action's (WCVA) new strategy.

8. Later in August, NRW hosted the Minister, Julie James MS, at Brownhill, the site purchased as compensatory planting and Commemorative Woodland earlier this year. Attended by Sarah Jennings and NRW colleagues, local stakeholders and a representative of the Countryside Alliance, the successful event allowed the visitors to develop a fuller understanding of our proposals and appreciate the site's importance in tackling both the climate and nature emergencies and commemorating those who lost their lives during the Covid pandemic.

9. The Minister also visited NRW's Analytical Services at the laboratory in Swansea University on 26 August. Hosted by Gareth O'Shea, with our Head of Evidence, Chris Collins, and Head of Place for South West Wales, Martyn Evans, in attendance, the Minister was able to meet the wider team and tour the facility, which is based in her Swansea West constituency.

## Communications

10. The summer was, as ever, an extremely busy period for the Communications team. The hot and dry weather experienced over this period and confirmation of drought for South West Wales saw the team working closely with water resources and fisheries colleagues to manage multiple daily media requests for interviews from national and regional TV, radio, print and online outlets seeking updates on environmental impacts. Given the extended period of hot, dry weather and volume of media interest, a designated spokesperson list was compiled to ensure interviews were spread effectively across the organisation.

11. The team also worked with external partners to proactively promote wild and grassfire prevention messages through the #DawnsGlaw campaign and promoted open water safety and responsible recreation messaging over the summer school holidays by highlighting Countryside Code messages widely across our social media platforms.

12. With the summer events calendar fully underway, the Communications team capitalised on opportunities to engage with partners and facilitated the delivery of engagement programmes for colleagues at our stands at the National Eisteddfod and Royal Welsh Agricultural Show (RWAS). The team also worked closely with colleagues internally and at Welsh Government to manage logistics and communications around the water pollution summit at the RWAS.

13. Managing media requests and issues more widely related to water quality continue to dominate the team's activity – most notably around the publication of the annual environmental performance reports for water companies, purchase of land for tree planting and PCBs. The release of figures on salmon and trout stock in Welsh rivers also received widespread coverage as did the story on the rediscovery of the rare fen orchid which attracted national media coverage.

14. Communications around our enforcement activity has continued apace over this period. Several high-profile court outcomes and the sanctions imposed for a range of activities have secured widespread coverage in regional and national media – particularly the conviction for the long-running illegal poaching operation on the Afon Teifi.

15. We have also proactively promoted messaging around illegal waste collection services, waste exemption registration, the call for evidence for regulation around gamebird release and the Board's decision to support the action plan to protect fish stocks. We have contributed to a range of media features, newsletters, columns and briefings and continue to proactively promote face to face public engagement sessions on a number of consultations and projects.

## Strategic Issues

### Natur am Byth

16. In late August the Natur am Byth partnership hosted a two-day site visit from our principal funder the National Lottery Heritage Fund.  This was at the request of the Heritage Fund's Head of Land and Nature Policy at the UK level, Drew Bennellick, and Director for Wales, Andrew White.  Whilst not a formal stage in the review of the partnership's developing stage two funding application, this was an excellent opportunity to demonstrate to the UK's largest investor in natural heritage how partnership working operates in Wales under our legislative framework.  Joined by Martyn Evans, Head of Place for South West Wales, and NRW's strategic funding colleagues, the Natur am Byth team and Non-Governmental Organisation (NGO) staff showcased the importance of taking a multi-partner approach to saving species in Wales.  The Heritage Fund noted the key role NRW brings to complex programmes by building on our unique statutory remit plus a range of experienced staff from legal, financial, and ecological disciplines – all essential skills in tackling biodiversity decline.

17. The detailed site plans and people engagement programming for the stage two application continues at pace with a formal review in mid-October by the Heritage Fund to confirm progress is on track for the Feb 2023 submission.  Each of the ten partners have revisited the baseline inflation and cost of living budgets resulting in an uplift of over £300k across the projected four-year delivery phase (2023 – 27).  NRW continues close dialogue with Welsh Government on their ongoing financial commitment to the programme, and our NGO partners have increased match funding targets from charitable income to reflect the rise in costs.  The NRW Programme Management Office (PMO) undertakes assurance of the entire programme in early Dec 2022 prior to ET and NRW Board approval in January.

**Special Area of Conservation (SAC) Rivers**

18. The First Minister held a Summit at the Royal Welsh Agricultural Show on the 18 July 2022 to which NRW and a wide number of stakeholders were invited. The emphasis was on collective responsibility for reducing excessive use of phosphate on farmland, discharges from sewerage systems and from septic tanks. He made it clear that the solution does not lie in the hands of any one organisation, but that everyone needed to step up and work hard to deliver change. Every organisation was challenged with asking what more they could do, with varying responses.

19. A Ministerial statement has subsequently been published which sets out the agreement reached around eight areas of intervention which includes: developing a long term Roadmap and SAC Rivers Action Plan; funding Nutrient Management Boards including a review of governance structures; enabling Nature Based Solutions; identifying and implementing appropriate short term measures e.g. temporary Package treatment plants whilst the longer term treatment Work improvements are installed; an all-Wales Nutrient Calculator; a consolidated menu of potential mitigating actions and interventions; catchment consenting; and a platform for nutrient offsetting including exploring potential for nutrient trading.

20. NRW is currently considering our role and deliverable actions for the Action Plan recognising that we are already involved and leading on some of these eight areas through our internal SAC Rivers Project.

21. We have finalised the updated version of the Planning Advice for planning authorities which was shared formally with those authorities on the 15 July and subsequently published on our website.  This version includes changes in text to improve clarity, including setting out positions on phosphorus removal in private wastewater treatment works and advice on sludge and it is hoped that this will help in reducing the number of queries we are receiving in respect of individual applications.

22. The draft source apportionment modelling reports have been published for the Dee, the Wye, the Usk and Teifi. Further quality assurance work will be undertaken for inclusion in the wider water company discussions later this year. We have developed our Nutrient Neutrality Policy Position statement currently going through internal sign off.  Arup have been commissioned to develop NRW guidance on use of nutrient calculators.  We are in discussions on phosphate stripping being paid for by developers to allow development but not impact on the SAC.

23. In relation to our monitoring and evidence workstream key tasks have been identified including investigations for SAC failures, assessing our monitoring programme and evidence gaps.  For permitting we have issued a precautionary interim position which does not allow any additional phosphorus into a failing SAC. We are working to develop new screening criteria. We are also looking at options in relation to reviewing

permits to the new tighter targets. We have also set up a new workstream looking at materials to land and what the gaps are in terms of controls.

**Burry Inlet Cockle Fishery Regulating Order**

24. We have undertaken an extensive review of the costs and benefits of a Regulating Order (RO) for the cockle fishery on the Burry Inlet, which NRW has been managing and regulating since 2013. The review has concluded that the costs of running the fishery are greater than the income from the licence fees. The benefits incurred from the RO in terms of safeguarding the conservation interests of the marine protected area in which it sits, as well as the sustainable management of the fishery, can now be covered by its management as a Public Fishery especially if the proposed Welsh Government changes to cockle management measures in Wales are implemented in the period between now and the end of this Regulating Order.

25. We also looked at the value of the fishery and the use that is made of the licenses. As a result, we have decided not to apply for a new RO, so when this RO expires in 2025, the Burry Inlet will revert to a Public Fishery. We have been sharing this decision with the licence holders and other stakeholders including Welsh Government. Welsh Government has noted the decision and has expressed no surprise. The few cocklers that have so far fed back expressed some concern that their livelihoods would be impacted. Their main concern now seems to be focused on the management of the fishery once it reverts to a Public Fishery.

## Operational Issues

**Drought and related incidents**

26. As covered in the August Board Update meeting, we have declared a drought in South West Wales and Dŵr Cymru/Welsh Water (DCWW) have brought in Wales' first Hosepipe ban in 30 years in Pembrokeshire and parts of Carmarthenshire.  At the time of writing, this was the only area in Wales covered but it is likely other areas will follow soon unless conditions change.

27. We have brought this under our incident management procedures, as the impact could be potentially significant on our available staff resource.

28. The need for compliance checking, follow up action and continued incident response to the developing drought could be significant at which point we would need to invoke the Business Impact Risk Assessment (BIRA) to determine what other work will stop as we focus here.  The continued dry weather also heightens the impact of other types of incidents, in particular fire and where other pollutions occur such as spills, then the impacts are far greater and the need for attendance more acute.  Throughout July and August, this has had a considerable impact on operational teams and our policy colleagues in Evidence, Policy and Permitting (EPP).

Cardiff Bay

29. With the recent heatwave there have been low flows from the River Taff into Cardiff Bay along with high temperatures. The local Environment Team has been in discussion with the Harbour Authority for the past couple of weeks to look to reduce the flow down the docks feeder to increase the flow into the Bay, which would help with temperature and dissolved oxygen levels. The initial response had suggested that there was no need to do this as levels within Cardiff Bay appeared fine with the fish pass fully operational.

30. On 18 July 22, we received a request to reduce flow over the fish pass due to low levels within the Bay. We refused due to the need to maintain the fish pass with an adequate flow and consequently the Harbour Authority will need to manage the levels with the Bay via other means (reducing flow to the docks feeder and reduced lock use). There have also been reports of increasing volumes of algae and samples are being taken. If blue green algae is found, water sports/activities within Cardiff Bay would need to be suspended, which may not be well received.

Sinkhole with the River Ewenny

31. Following low-flow reports in early August, the South Central team confirmed the presence of a sinkhole in the River Ewenny's riverbed. Due to the sinkhole, waterflow within the river channel has been diverted underground via the sink hole and left approximately 1km of riverbed exposed with no flow. As a consequence, there were hundreds of fish trapped in isolated small pools of water with no means of escape. Because of the hot weather the fish were almost certain to perish so a fish rescue was undertaken by NRW. Officers successfully netted over 600 fish and moved them to a safer part of the river downstream (mainly small fish such as minnows, stone loach and bullhead, but also included brown trout and grayling). Assessments are ongoing into the longer-term options available to manage the consequences of the sinkhole.

Wildfire training day with SW FRS

32. In partnership with South Wales Fire and Rescue Service (FRS), NRW hosted wildfire and helicopter training days near Llanwynno Forest in South Wales and near Caernarfon in North Wales. FRS and NRW officers from the land management and forest ops teams, including land management duty officers, were given demonstrations of firefighting and land management equipment, such as the new fire break cutting machines bought through the Healthy Hillsides project. They also learnt how we can utilise the on-call helicopter to fight wildfires in or near NRW managed land. They were also treated to a close-up demonstration of the helicopter's firefighting capability. The training also focussed on the need for teams to integrate wildfire management practices into their forest resource planning to manage the risk of wildfires in the future.

**Dee LIFE River**

33. The Dee LIFE River project removed Morlas Ford in September 2021 as it was a partial barrier to migratory fish. This is part of the project's ongoing work to transform the River Dee and its catchment by restoring the river and its surroundings back to their natural state.  On Tuesday 10 August, we completed our electric fishing surveys at Morlas Brook which indicated that returning adult salmon had accessed the brook during the previous winter and successfully spawned above the location of the removal. Previous electric fishing surveys had showed that no salmon had spawned for at least three years prior to the ford's removal.

34. By removing the ford, we have allowed returning adults to access good quality spawning grounds. The structure was only 60 metres from the confluence with the River Ceiriog which joins the Dee downstream, so it meant that virtually the whole of Morlas Brook was inaccessible in most years. On top of the removal of Morlas Ford, the Dee LIFE River project will also fully or partially remove another four weirs in the Dee and tributaries and install fish passage solutions in a further six weirs. This will improve access for fish in 88km of river benefiting a wide range of habitats and species.

35. This is excellent news and shows the difference we are starting to achieve through the Dee LIFE project.

**Marine Renewables**

36. Offshore renewables continue to be a significant part of marine casework, and numbers of cases are increasing.  New and innovative technologies combined with uncertainties regarding how these proposed devices interact with mobile species especially marine mammals is a particular consenting risk. Whilst we have been able to apply an adaptive management approach to managing that risk, with considerable monitoring requirements and a phased approach that allows for small-scale initial deployment, this cannot be scaled up until the monitoring results show that the actual impacts avoid adverse effect on those mobile species, there is still a risk that monitoring may show otherwise.

37. It should also be noted that for developers and for NRW's advice functions, achieving consent is not the end of the process. There is an expectation that our specialists can continue to advise the developers post-consent, particularly with respect to the adaptive management approach, so the resource implications continue to be a challenge.

38. Discussions have been on-going with Welsh Government following the Renewables Deep Dive where there was a recommendation to urgently review resource needs and options for NRW's Offshore Renewable Energy Programme. The current option being progressed involves re-investing the receipts from the Wind Energy generation on the

WGWE to better resource NRW to contribute to address the consenting challenges of the climate emergency in Wales, in particular the marine renewables opportunities, as well as onshore wind.

**Timber Sales**

39. The October E-Sale is currently being prepared; our timber customers are experiencing a flattened market and significant economic challenges. We are conscious of these challenges, particularly around the risks with credit limits and cash flow and are monitoring this closely.

# Internal Business

**Renewal**

40. Our Strategic Space workstream is making good progress and will present a draft accommodation strategy by the end of October, which will be accompanied by a delivery plan for the short to medium term.  An options paper will be published by late summer, which will explore the opportunities offered by upcoming lease breaks.  As part of the accommodation strategy refresh, Cantref Court office in Monmouth is due to close by the end of September.

41. Our Supporting People workstream is in the process of redrafting a range of people polices to ensure they are up to date and enable new ways of working and supporting hybrid working.

42. Our Agile Space workstream is working to deliver trial agile workspaces at six sites over the winter.  Designs have been commissioned and work is expected to start in the Autumn.

43. Hydrotreated Vegetable Oil (HVO) supply contracts are in place to replace red diesel in operational vehicles.

# Forward Look

Protected Areas Committee – Thursday 6 October
Board Update Call – Wednesday 12 October
Evidence Advisory Committee – Monday 17 October
Flood Risk Management Committee – Friday 21 October
NRW's 3rd Internal Evidence Conference – Wednesday 26 and Thursday 27 October
NRW Board Meeting – Wednesday 16 and Thursday 17 November (virtual)

# Board Paper

| | |
|---|---|
| Paper Title: | Protected Areas Committee (PrAC) Update |
| Paper Reference: | 22-09-B08 |
| Paper Sponsored By: | Dr Rosie Plummer - PrAC Chair |
| Paper Presented By: | Dr Rosie Plummer |

| | |
|---|---|
| Purpose of Paper: | Information |
| Recommendation: | To note the update |

## Issue

1. This summary provides an update on matters that in the opinion of the Protected Areas Committee (PrAC) Chair should be brought to the attention of the whole Board following the last PrAC meeting, which was held on 21 June 2022.

## Update

### Potential National Park Designation

2. Following the PrAC decision to commence the formal process of consideration for landscape designation, a Programme Board has been established and is now meeting regularly to plan and review progress. A programme team funded by Welsh Government to work with existing staff will be in place in October. Informal engagement with relevant local authorities and partners continues. The next key stage will be commissioning the evidence base on natural beauty, open air recreational opportunities and forces for change, and assessing the appropriateness of designation including testing alternative management mechanisms and arrangements.

### Nature Networks Fund

3. Natural Resources Wales (NRW) is working closely with Welsh Government (WG) and the National Lottery Heritage Fund (NLHF) to deliver a project to strengthen the resilience of Wales' network of protected land and marine sites and support a green recovery for nature and communities. The Nature Networks Fund (round 2) was launched in August, and in this round will offer grants from £30,000 - £1million for projects that improve the condition and connectivity of Wales' network of protected land and marine sites. The fund will support the active involvement of communities in and around protected sites, helping to deliver health and wellbeing benefits for people who work in, live in and visit the areas. Recognising that site protection relies on strong organisations and good governance, round two funding will support capacity building including: financial resilience, community engagement, training and apprenticeship

programmes and inclusion work. Projects between £30,000 and £250,000 must be completed by 31 March 2025; projects between £250,000 and £1million must be completed by 31 March 2026.

4. The Nature Networks Fund 1 was launched in March 2021. Grants ranging from £53,000 to £500,000 have been awarded to 29 projects tackling climate change and helping nature to thrive.

5. NLHF administer the Nature Networks Fund with NRW and WG support. NRW will therefore cease development of its own Ecosystem Resilience grant programme. The new partnership will allow NRW, its partners and stakeholders to coordinate ambitious funding for nature whilst avoiding a multiplicity of grant schemes and administration.

<u>Biodiversity Ecosystem Resilience Funding from Welsh Government Nature Networks Programme</u>

6. NRW has been allocated £4.5m from the Welsh Government's Nature Networks Fund to help bring protected sites into better condition. Staff to deliver this work, including eight to deliver marine projects, are being recruited. Land agent capacity and contractor availability may affect our ability to deliver all of this work.

<u>Protected Sites Notification and Delivery Programme</u>

7. Five new sites are being prepared for designation as Sites of Special Scientific Interest (SSSIs) in late 2022/early 2023. PrAC has a series of holding dates in the coming year to ensure it is able to consider any unresolved objections prior to designation.

<u>Forthcoming Items: PrAC meeting 6 October 2022</u>

8. In addition to standing agenda items on the Integrated Designated Landscapes Programme and the Biodiversity Deep Dive the next meeting will include:

9. Deep dive of Strategic Risk 05 (Championing SMNR), following the re-development of this Risk which now includes an outward focus on leadership and the opportunities to influence others in addressing the climate and nature emergencies.

10. An update on NRW's advice to planning authorities on developments that would affect phosphorus sensitive river Special Areas of Conservation.

11. A review and update on any prospective legislative or national / international changes and developments with implications for the Committee's remit.

12. A review of PrAC Terms of Reference.

# Board Paper

| | |
|---|---|
| **Date of meeting:** | 22 September 2022 |
| **Title of Paper:** | **Wales Land Management Forum (WLMF) Update** |
| **Paper Reference:** | 22-09-B09 |
| **Paper sponsored by:** | Zoe Henderson, WLMF Chair |
| **Paper prepared by:** | Bronwen Martin, Specialist Advisor: Wales Land Management |
| **Paper presented by:** | Zoe Henderson, WLMF Chair |
| **Purpose of the paper** | Information |

## Wales Land Management Forum (WLMF)

1. The Wales Land Management Forum (WLMF) meetings take place four times per year, and they provide an opportunity for Natural Resources Wales (NRW) and other WLMF membership organisations to share information, identify common interests and work together in a collaborative way on strategic land management issues.

   Natural Resources Wales - Wales Land Management Forum (WLMF)

## Update

**5 September 2022 Meeting**

2. The next WLMF meeting will be held on 5th September 2022 and will include the following:

   - Dry Weather Update

   - Water Efficiency Presentation

   - NRW Corporate Plan Overview

   - NRW Updates

   - Member Organisation Updates

3.  Once the meeting minutes have been reviewed and formally agreed by members, they are published on the WLMF page on the NRW website.

## WLMF Sub Group on Agricultural Pollution

4.  The primary purpose of the WLMF Sub Group is to identify opportunities to eliminate agricultural pollution in Wales whilst maintaining a thriving farming sector following five key themes (advice & guidance, voluntary approach, regulation, innovation, and investment), and working in collaboration with a range of agricultural and environmental stakeholders.

    Natural Resources Wales - Wales Land Management Forum (WLMF) Sub Group on Agricultural Pollution

## Update

**11 July 2022**

5.  WLMF Sub Group member and Chair of the Alternative Measures Task & Finish Group provided a presentation about the ongoing Alternative Measures work. The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 came into force on 1 April 2021 but are subject to transitional periods until 1 August 2024 when all measures are required. Within these Regulations, there is an opportunity for an alternative set of measures to be proposed and submitted to Welsh Government for consideration; Regulation 45 'Alternative Measures'. Following the Minister's announcement of the new Regulations, the WLMF Sub Group set up a small time-limited Task & Finish Group to explore possible alternative measures. The presentation included an overview of how this work is progressing and offered an opportunity for the WLMF Sub Group members to ask questions about the process.

6.  Welsh Government also introduced the new Welsh Government 'Agricultural Ammonia Emissions' leaflet which was due to be launched at the Royal Welsh Agricultural Show.

7.  The next WLMF Sub Group meeting is scheduled for 19th September 2022.

8.  Once the meeting minutes have been reviewed and formally agreed by members, they are published on the WLMF Sub Group page on the NRW website.

# NRW Board Paper

| Date of meeting: | 22nd September 2022 |
|---|---|
| Title of Paper: | Wellbeing, Health and Safety (WH&S) Q1 Update |
| Paper Reference: | 22-09-B11 |
| Paper sponsored by: | Prys Davies, Executive Director of Corporate Strategy and Development |
| Paper prepared by: | Charlotte Morgan, Wellbeing Health & Safety Manager |
| Paper presented by: | Charlotte Morgan, Wellbeing Health & Safety Manager |
| Purpose of the paper | Discussion |
| Summary | To discuss the Q1 Wellbeing, Health & Safety Update |

## Background

1. This is the Quarter 1 summary of our Wellbeing, Health & Safety (WH&S) performance for Natural Resources Wales. The report provides an overview of how NRW have managed WH&S through Quarter 1 2022/2023.

## Summary

2. Headlines from Quarter 1 2022/2023 include: -

3. **Serious incident reviews (SIR).** Two serious incidents have been reviewed using the serious incident review procedure. These incidents involved forestry work activities and a member of the public incident. The forestry SIR has been circulated in draft for final comments. The member of the public SIR has been completed and actions assigned.

4. **Fatal incidents.** Sadly, there were two recent fatalities on the NRW Estate. Both fatalities were members of the public. One of the incidents was a fall from height in waterfall country and the other fatal incident was a mountain bike incident at Bike Park Wales. The relevant statutory authorities are carrying out their investigations to inform any future Coroner's inquest and Serious Incident Reviews have been opened and paused pending the inquest outcomes.

5. **RIDDOR Reportable Lost Time Injuries (LTIs) and Injuries** – Two RIDDOR and zero Lost Time Reportable Injuries for NRW in Quarter 1. These statistics are broadly comparable to this year last year. Hazard reporting has increased this quarter compared to the same quarter last year.

6. **The Corporate Health Standard update.** There will be a virtual re-accreditation process by which NRW can extend our silver award for a further 12 months (called an Enhanced Status Check). This is now planned for December.

7. **Wellbeing**. In June, NRW signed the Menopause Workplace Pledge.  NRW are one of a small number of Welsh public sector organisations who have signed the pledge to commit to the wellbeing of women during the menopause.

# Wider implications

8. **Finance:** It is recognised that the mis-management of WH&S has significant financial implications. We are continuing to put new systems in place in order to manage our WH&S risks and therefore reduce any costs. As well as protecting our staff and those working on and using the estate NRW manage, there could be significant financial implications arising from failures to implement a robust WH&S system.

# Next Steps

9. We will continue to support the business to ensure wellbeing, health and safety risks are being managed effectively by NRW. In looking ahead, NRW will need to maintain and also develop and improve further our strong culture of wellbeing, health and safety monitoring and learning. This will continue to be the key element of our future strategy to move forward.

10. We will use the information gathered and lessons learnt in the development of our future strategy and action plan.

# Recommendation

11. Board are asked to approve the Q1 2022 – 2023 WH&S update.

# Index of Annexes

Annex 1 – Quarter 1 WH&S and Learning and Development Report

# Board Q1 2022/2023 paper
# Serious Incident Reviews Summary

| 1.<br><br>Details: EV Car Charging.<br><br>Reference: ACCB879/A1<br><br>Incident date: 24/08/2019<br><br>Type of SIR: Near miss.<br><br>Full investigation: Completed | Total actions:<br>Of which:<br>• Completed & Closed:<br>• Open:<br>• Overdue: | 10<br><br>10<br>0<br>0 |
| --- | --- | --- |
| | Open actions: Completed | |
| 2.<br><br>Details: Boom had become detached on one side. The worker immediately stopped works and removed the machine from site to prevent any environmental issues.<br><br>Reference: ACCB1092 / A1<br><br>Incident date: 21/10/2019<br><br>Type of SIR: Near miss.<br><br>Full investigation: Completed | Total Actions:<br>Of which:<br>• Completed & Closed:<br>• Open:<br>• Overdue: | 16<br><br>13<br>3<br>0 |
| | Open actions: 3<br><br>Final completion date of March 2023. | |
| 3.<br><br>Details: Digger un-earthed a live cable at approximately 2-3 inches below the surface of the ground car park in Bwlch Nant yr Arian | Total actions<br>Of which:<br>• Completed & Closed:<br>• Open:<br>• Overdue: | 13<br><br>11<br>2<br>0 |
| | Open actions: 2<br><br>Final completion date of March 2023. | |

| Reference: ACCB1092 / A2<br><br>Incident date: 09/01/2020<br><br>Type of SIR: Near miss.<br><br>Full investigation: Completed | | |
|---|---|---|
| 4.<br><br>Details: Chainshot hit `marguard` in front windscreen of harvester<br><br>Reference: ACCB1092/A3<br><br>Incident date: 17/02/2020<br><br>Type of SIR: Near miss.<br><br>Full investigation: Completed | Total actions<br>Of which:<br>• Completed & Closed:<br>• Open:<br>• Overdue: | 9<br><br>9<br>0<br>0 |
| | Open actions: Completed | |
| 5.<br><br>Details: Near miss Ringbarking concerns -Cwm Cletwr near Tre`ddol Village.<br><br>Reference: ACCB1092/A4<br><br>Incident date: 27/03/2020<br><br>Type of SIR: Near miss<br><br>Full investigation: Completed | Total actions<br>Of which:<br>• Completed & Closed:<br>• Open:<br>• Overdue: | 20<br><br>20<br>0<br>0 |
| | Open actions: Completed | |
| 6.<br><br>Details: Felled tree was left leaning (hung-up) against another tree.<br><br>Reference: ACCB1092/A6<br><br>Incident date: 10/03/2020<br><br>Type of SIR: Near miss.<br><br>Full investigation: Completed | Total actions<br>Of which:<br>• Completed & Closed:<br>• Open:<br>• Overdue: | 4<br><br>2<br>2<br>0 |
| | Open actions: 2<br>Final completion date of Oct 2022. | |

| | | |
|---|---|---|
| 7.<br><br>Details: Lorry overturned while transporting stone from Halfway to Glasfynydd.<br><br>Reference: ACCB1092 / A5<br><br>Incident date: 09/07/2020<br><br>Type of SIR: Injury<br><br>Full investigation: Completed | Total actions<br>Of which:<br>• Completed & Closed:<br>• Open:<br>• Overdue: | 13<br><br>11<br>2<br>0 |
| | Open actions: 2<br><br>Final completion date of Oct 2022. | |
| 8.<br><br>Details: BT reported a spurious voltage on equipment at their telephone exchange emanating from Kidwelly flood warning station.<br><br>Reference: ACCB1097/A3<br><br>Incident date: 11/11/2020<br><br>Type of SIR: Near miss.<br><br>Full investigation: Completed | Total actions<br><br>Of which:<br>• Completed & Closed:<br>• Open:<br>• Overdue: | 47<br><br><br>47<br>0<br>0 |
| | Open actions: Completed | |
| 9.<br><br>Details: The incident occurred on the forest road below a clearfell coupe in Afan forest park.<br><br>Reference: ACCB1097/A1<br><br>Incident date: 09/04/2021<br><br>Type of SIR: Near miss.<br><br>Full investigation: SIR completed and undergoing final scrutiny. | Total actions<br><br>Of which:<br><br>• Completed & Closed<br>• Open<br>• Overdue | 57<br><br><br><br>• 28<br>• 29 |
| | Final completion date: March 2023 | |
| 10.<br><br>Details: Fatal accident on NRW estate to member of the public. Blaenrhonnda Forest, near Blaencwm, Penpych. | The SIR has been paused due to further investigation by the police and the coroner has adjourned the case until October 2022. | |

| | |
|---|---|
| Reference: ACCB1097 / A2<br><br>Incident date: 07/05/2021<br><br>Type of SIR: Fatal incident.<br><br>Full investigation: SIR opened and paused. | |
| 11.<br><br>Details: Fatal accident on NRW estate to member of the public. Sgwd Pannwr plunge pool, Brecon Beacon.<br><br>Reference: ACCB1092 / A11<br><br>Incident date: 05/06/2021<br><br>Type of SIR: Fatal incident.<br><br>Full investigation: SIR opened and paused. | The SIR has been paused due to further investigation by the police and the coroner has adjourned the case until October 2022. |
| 12.<br><br>Details: Fatal accident on NRW estate to member of the public. Sgwd Gwladus waterfall in Pontneddfechan, Glynneath.<br><br>Reference:  ACCB1092 / A9<br><br>Incident date: 16/08/2021<br><br>Type of SIR: Fatal incident.<br><br>Full investigation: SIR opened and paused. | The SIR has been paused due to further investigation by the police and the coroner has adjourned the case until October 2023. |
| 13.<br><br>Details: The incident occurred with a fleet vehicle and the handbrake mechanism.<br><br>Reference:  ACCB1092 / A10 & A7<br><br>Incident date: 02/08/2021 & 06/08/2021<br><br>Type of SIR: RIDDOR reportable injury. | Total Actions: 3<br><br>Of Which:<br>Completed & Closed : 3<br>Open: 0<br>Overdue: 0<br><br><br>Open Actions: Completed |

| | |
|---|---|
| Full investigation: The SIR has been completed and closed. | |
| 14.<br><br>Details: Fatal accident on NRW estate to a sub-contractor working on a standing sales site. Coed Taff Forest.<br><br>Reference: ACCB1092/A12<br><br>Incident date: 12/10/2021<br><br>Type of SIR: Fatal incident.<br><br>Full investigation: SIR opened and paused. | The SIR has been paused due to further investigation by the police and Health and Safety Executive. |
| 15.<br><br>Details: Fatal accidents on River Cleddau. NRW has a fish pass asset in the vicinity of the incident and therefore is being recorded on AssessNET as a precautionary measure.<br><br>Reference: ACCB1097/A4<br><br>Incident date: 30/10/2021<br><br>Type of SIR: Fatal incident.<br><br>Full investigation: SIR opened and paused. | The SIR has been paused due to further investigation by the police and Health and Safety Executive. |
| 16.<br><br>Details: Ash tree failed and fell across boundary fence onto third party land allegedly causing injury to third party groundsman and damage to strimmer.<br><br>Reference: ACCB1096/A1<br><br>Incident date: 14/04/2022<br><br>Type of SIR: MOP Injury<br><br>Full investigation: SIR in progress | SIR has been issued in draft for actions to be agreed. Once agreed the report will be formally issued. |

| | | |
|---|---|---|
| 17.<br><br>Details: MoP injured by automatic barrier at Newborough<br><br>Reference:  ACCB969/A208<br><br>Incident date: 04/05/2022<br><br>Type of SIR: MOP Injury<br><br>Full investigation: SIR completed and undergoing final scrutiny | Total actions<br><br>Of which:<br>• Completed & Closed:<br>• Open:<br>• Overdue: | 3<br><br><br><br>3 |
| | Final completion date:  April 2023 | |
| 18.<br><br>Details: MoP fatality at Sgwd Clun-Gwladys, waterfall country<br><br>Reference:  ACCB1092 / A13<br><br>Incident date: 15/05/2022<br><br>Type of SIR: Fatal incident.<br><br>Full investigation: SIR opened and paused pending outcome of statutory investigation and Coroner's inquest | This SIR has been paused pending outcome of statutory investigation and Coroner's inquest | |
| 19.<br><br>Details: MoP fatality at Bike Park Wales<br><br>Reference:  ACCB1095 / A2<br><br>Incident date: 23/05/2022<br><br>Type of SIR: Fatal incident.<br><br>Full investigation: SIR opened and paused pending outcome of statutory investigation and Coroner's inquest | This SIR has been paused pending outcome of statutory investigation and Coroner's inquest | |

# Recent Incidents on NRW Estate

Sadly, we have had 2 more recent fatalities on the NRW estate. Both fatalities were members of the public:

May 22 - A member of the public received a fatal head injury after a fall from height near Sgwd Clun Gwladys waterfall in waterfall country.

May 22 - A member of the public was fatally injured at Bike Park Wales.

The relevant statutory authorities are carrying out their investigations to inform any future coroner's inquest and Serious Incident Reviews have been opened and paused pending the inquest outcomes.

# Incidents

| | Q1 2022-23 | Q1 2021-22 | 2021/22 | 2020/21 | 2019/20 | 2018/19 | 2017/18 |
|---|---|---|---|---|---|---|---|
| **RIDDOR – staff** | 2 | 2 | 7 | 3 | 6 | 2 | 8 |
| **Lost time injuries – staff** | 0 | 2 | 3 | 1 | 4 | 5 | 8 |
| **Injuries, no lost time - staff** | 7 | 14 | 51 | 19 | 121 | 53 | 59 |
| **Near miss – staff** | 30 | 32 | 156 | 109 | 183 | 163 | 201 |
| **Serious incident reviews** | 3 | 3 | 4 | 4 | 5 | 2 | 3 |
| **Injuries - contractors** | 0 | 0 | 3* | 5* | 5 | 9 | 9 |
| **Injuries – public** | 16 | 17 | 38 | 18 | 53 | 53 | 95 |
| **Near miss – contractors** | 12 | 16 | 62 | 46 | 50 | 40 | 44 |
| **Near miss – public** | 6 | 8 | 30 | 23 | 33 | 20 | 39 |
| **Property Damage** | 7 | 4 | 36 | 35 | 32 | 43 | 48 |
| **Hazards Reported** | 32 | 3 | 166 | 65 | 83 | 103 | 78 |

# AssessNET Incident Data Comparison (all NRW) Q1



Q1 21/22 to Q1 22/23 Comparison

Legend: Q1 2022/23, Q1 2021/22
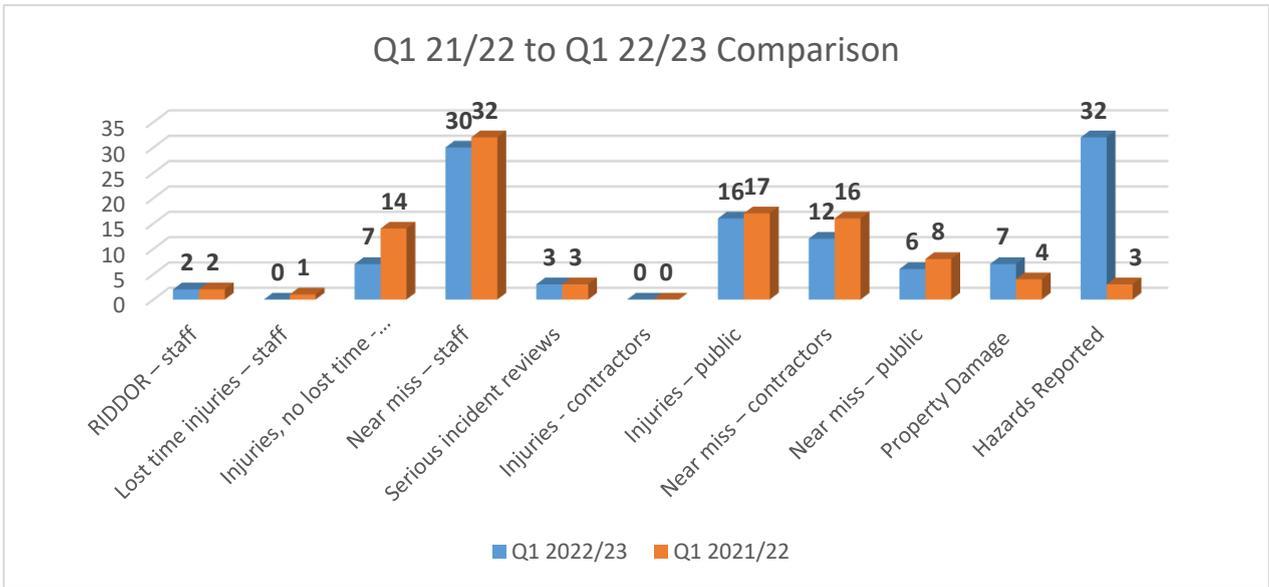
# AssessNET Incident Data Comparison (all NRW) Full Year



Full FY 21/22- 20/21 Comparison

Legend: 2021/22, 2020/21
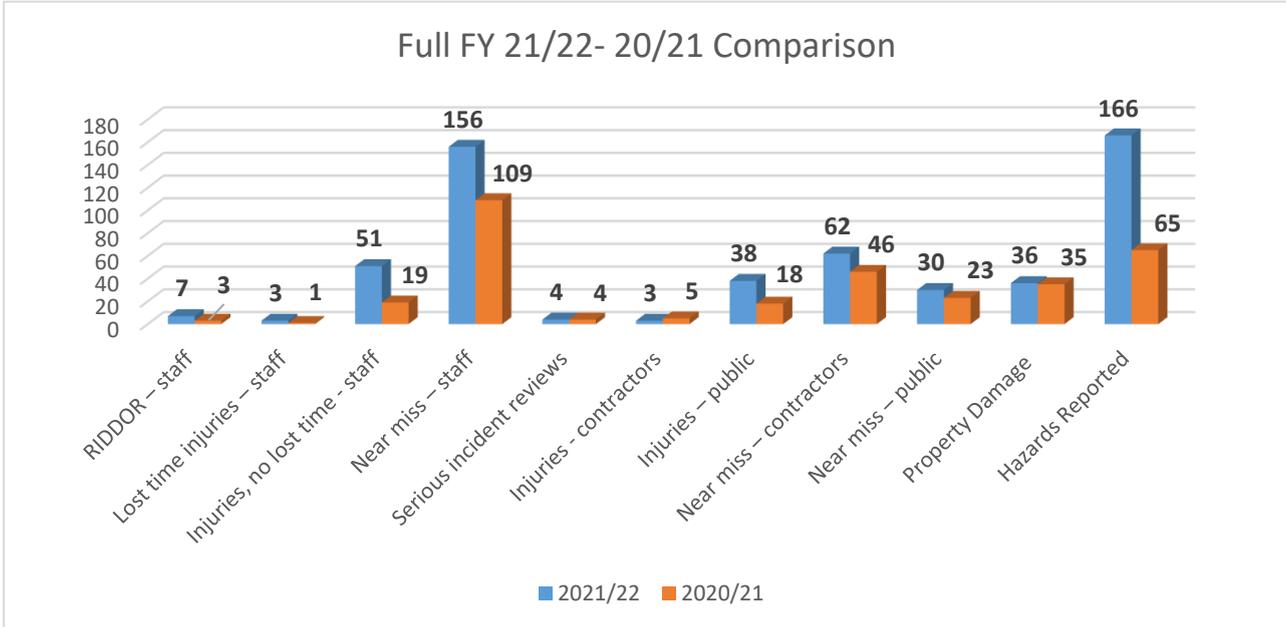
# NRW Quarterly Trend Analysis



Quarterly Injury Trends
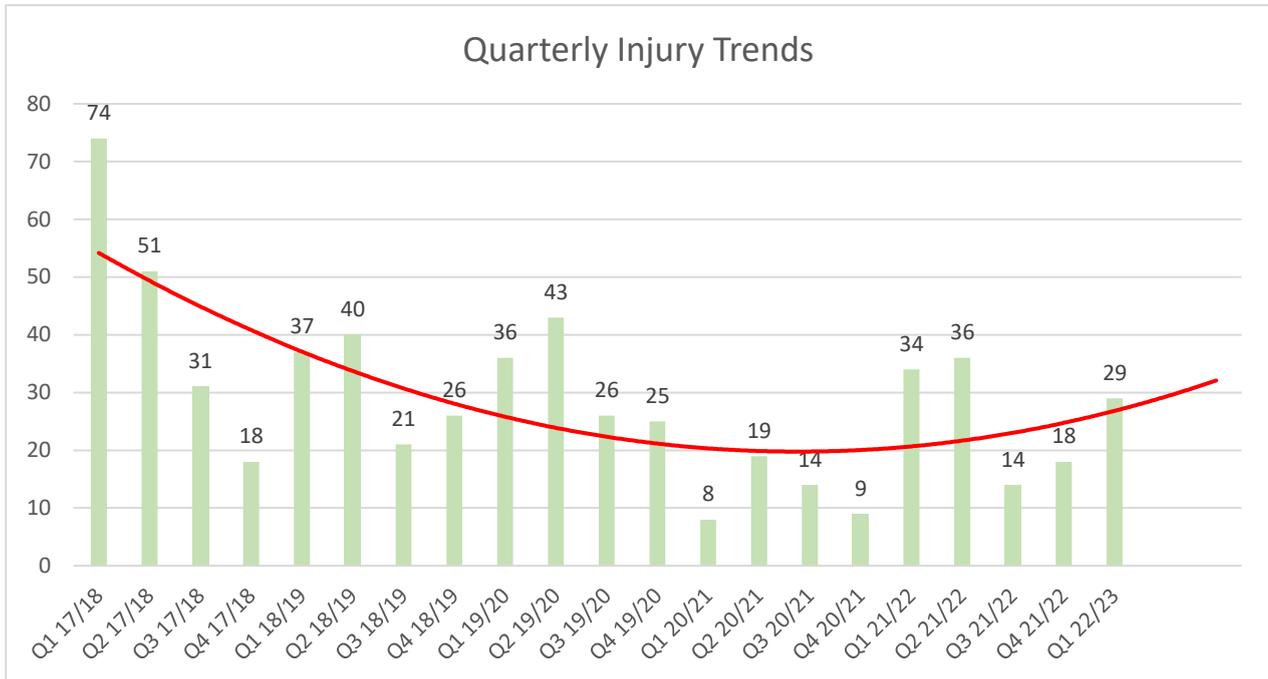
Injuries recorded have declined slightly year on year since 17/18. The decline will be less prominent with 20/21 removed from the stats because of the unique circumstances caused by the pandemic.



Quarterly Near Miss Trends
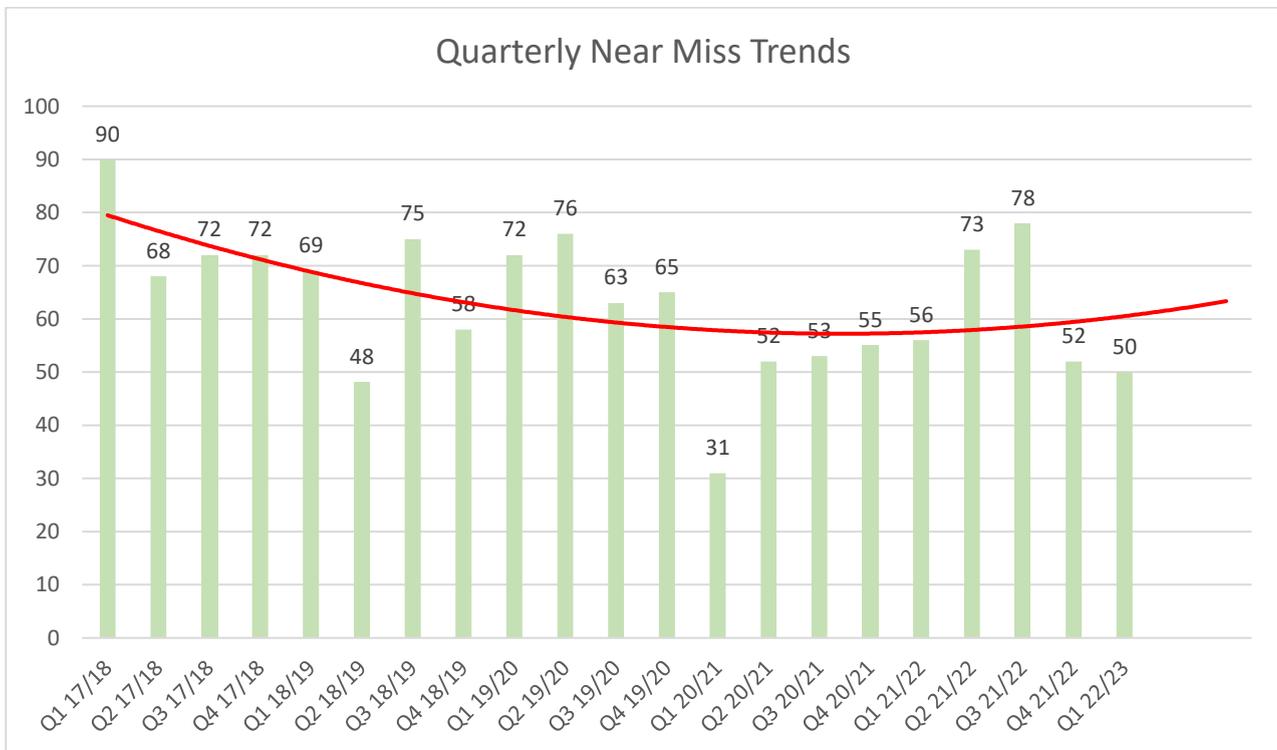
Near misses appear more stable year on year. Again with 20/21 removed the trend line will be flatter.

## Quarterly Property Damage Trends
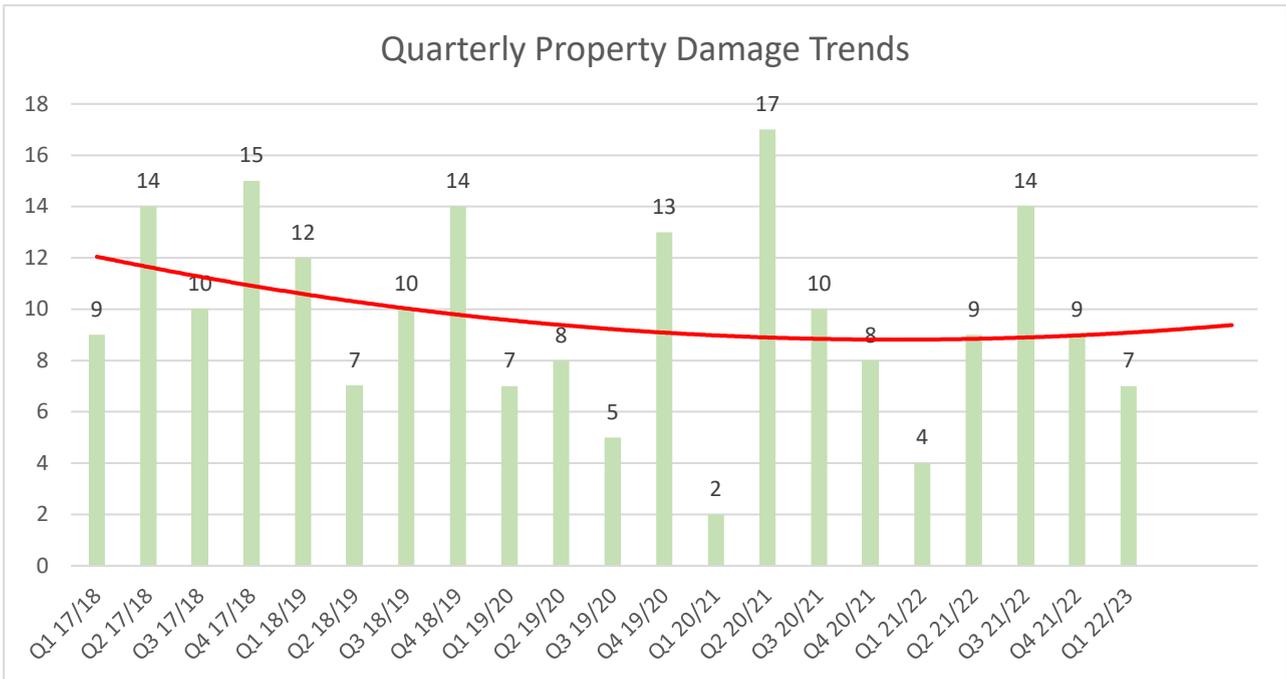


Property damage incidents are declining slightly – this is mainly vehicles being struck by or stiking something. Interestingly not much variation compared to the other trends during 20/21.

## Quarterly Hazard Trends
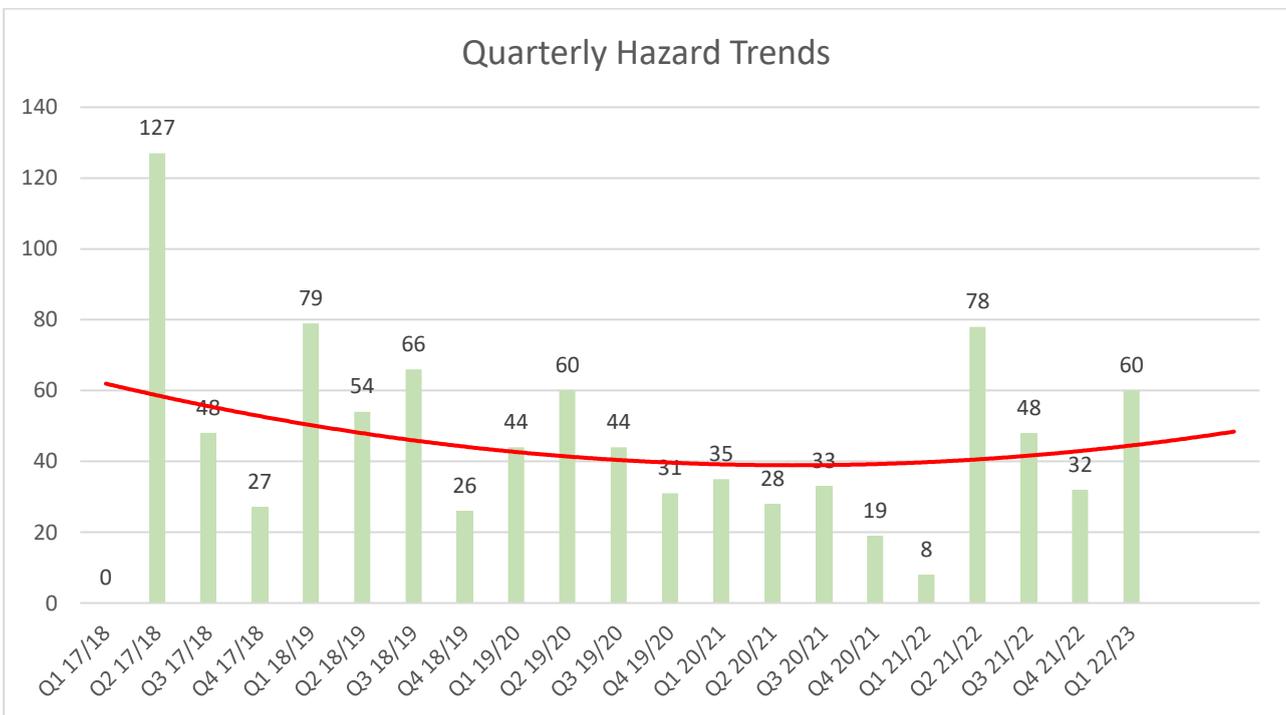


Hazards being reported are declining slightly. Again the trendline will be flatter with 20/21 removed.

## Quarterly Active Monitoring Trends
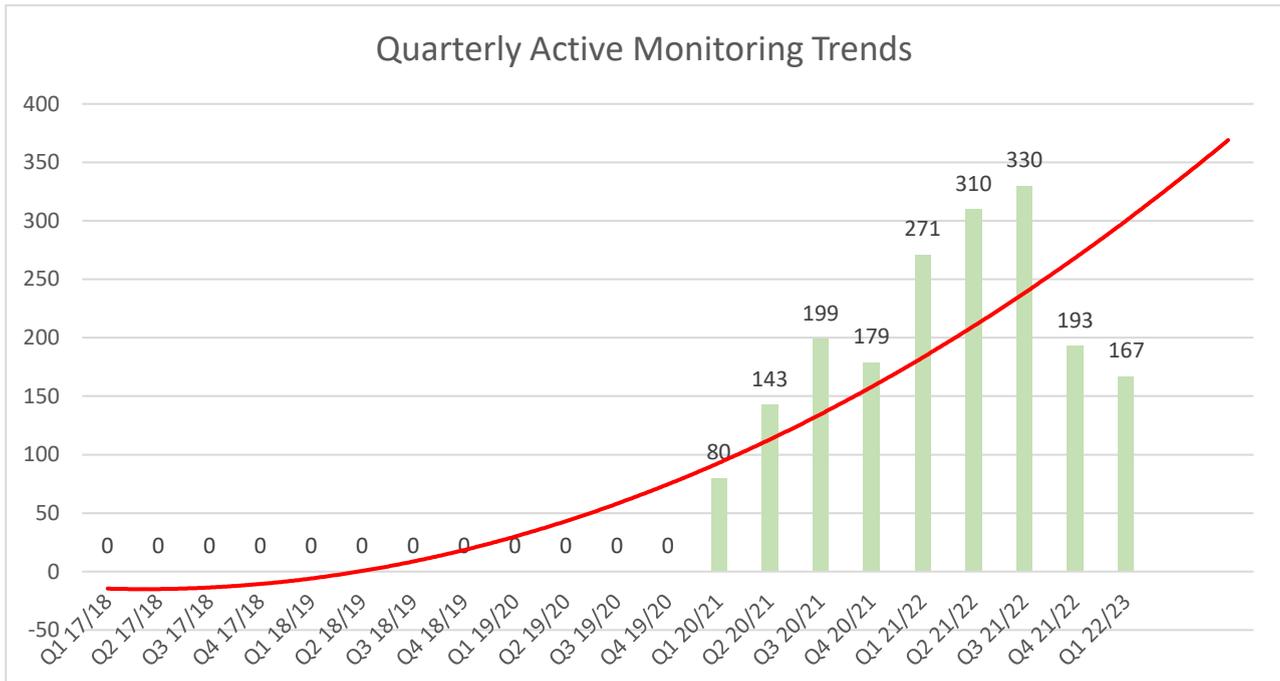


Active Monitoring – there is only 2 full years of active monitoring data available from the MI Report, so it is early in the trend analysis at present, but number of events does seem to be dropping lately. The null recordings skews the trend bar.

## NRW Totals for Q1 2022/23.

We had 2 RIDDOR reportable incidents to staff in Q1 22/23:

- 27th April 2022 – Potential failure of diving apparatus. During routine inspection of diving cylinders, a substance was noted in the regulators after short dives which could potentially have blocked them. Cylinder supplier informed and incident reported to HSE as a precaution.
- 1st April 2022 - Contractor knocked over by horse on land adjacent to NRW land whilst checking NRW livestock. IP fell awkwardly and fractured arm.

# ISO 45001: 2018

As part of the ISO 45001:2018 standard, a series of surveillance visits are required to ensure compliance to the standard. There will be 10 audit days in total and these have now been confirmed and will take place in October and November.

The current minor non-conformities will be assessed and closed off in the surveillance days, this will ensure NRW are improving and fulfilling the legal requirements.

# Internal Audit Programme

The internal audit team notified the WH&S team that one internal audit review would take place in 2023/2024. This will focus on learning and development, which will commence in Q1 of 2023/2024.

# Policy update

A number of the WH&S policies and procedures were reviewed and updated. These included: -

- Smoking policy
- Working in or near water procedure
- Working outdoors procedure
- Management requirements for LOLER and PUWER
- Winching procedure
- Lifting procedure

All policies/procedures going forward will be signed off as per the new Governance Operating Model and Delegated Authority Schedule.

# Updates to existing systems and contracts

We are currently looking to upgrade or put in place new systems for the following:

- DSE Agile working system
- COSHH system
- Work is being done on the retendering for the PPE contract.

The current NPS Occupational health and associated services contract is due to expire March 2023.  A WH&S Advisor sits on the Customer Focus Group (along with other public sector organisations) which is putting together the new specification and evaluating the tender bids.

# Wellbeing Health & Safety Pre-qualification questionnaires

To ensure that contractors and customers who work on NRW land are adequately assessed at the pre-qualification stage and ensure that they are competent and have made suitable arrangements in place to manage WH&S a prequalification assessment is undertaken.

In total, the following have been assessed and approved -

**7** fencing framework assessments – all required further clarification.

**11** vegetation management framework assessments – all required further clarification.

**1** Standing Sales – this required further clarification.

Where potential contractors/customers/suppliers fail the initial assessment, further guidance is provided in that area to allow them to re-submit further supporting evidence. The guidance is reviewed and updated to improve the process for NRW's contractors and customers.

# Wellbeing initiatives and developments

## Corporate Health Standard

Healthy Working Wales are still working on what the new awards programme is going to look like and are currently working on an email which will go out to all organisations engaged with them once the programme has been finalised.

There will be a virtual reaccreditation process by which we can extend our award for a further 12 months (called an Enhanced Status Check) to give everyone some breathing space, the detail of what we will be asked to complete is currently being finalised.

The awards programme going forward will be modular in approach, which hopefully will make it easier for both organisations and their team of advisors, and they are currently working on the health and wellbeing topics for the modules.

It is likely that organisations which are already award holders and were working towards the next level prior to the pandemic will be able to continue their progression but this will also be in a modular format, to align with the new model when it's ready. Organisations will be expected to transition over to the new model but will be able to complete a mixture of actions i.e. have an Enhanced Status Check but also start working on the modules too.

## Wellbeing Initiatives

Stress Awareness month – April 2022 – this year's theme was stress and financial wellbeing.  The Charity for Civil Service provided two awareness sessions for us on the topic of Money and Stress.

## Menopause Workplace Pledge

In June, NRW signed the menopause workplace pledge.  By signing this we have committed to:

- Recognising that the menopause can be an issue in the workplace and more support is needed.
- Talking openly, positively and respectfully about the menopause.
- Actively supporting and informing staff affected by the menopause.

NRW are one of a small number of Welsh public sector organisations who have signed the pledge to commit to the wellbeing of women during the menopause.

## Cambrian Credit Union

NRW have teamed up with Cambrian Credit Union to offer our staff an easy way of building a nest egg or borrowing extra funds when you need them.

With the new payroll savings scheme, staff set the amount of money they want to put aside on a regular basis and this will be paid direct from their salary into their Cambrian Credit Union Savings account.

# Learning and Development

## Training budget 2022-2023

The training budget has been agreed for 2022-23 as £512,500. This will be held centrally to pay for all courses identified under WH&S, Technical/Professional and Land Management as well as a central top slice to cover eLearning and Welsh Language costs. A list of courses covered by the training budget is available for all staff and team leaders. If a course is not listed, then staff are asked to contact the Learning & Development (L&D) team to discuss the requirements, as it is essential that all training is booked using approved suppliers.

## Training process 2022-2023

After implementation last year, the Training Tracker is now being used to request and record all training needs. Managers are asked to review their teams' training requirements on the Tracker and inform the L&D Team of any changes, these will then be updated. The Training Tracker and Guidance Note is available to all staff.

## New training course calendar

A new Training Course Calendar has been developed and will be made available on the L&D intranet pages from 2nd May 2022. This will provide a forward look at all courses booked over the next six months and will be updated monthly. If staff wish to book places on the courses, they will need to contact the L&D Team.

## eLearning

The following eLearning courses are now available in Welsh: Health & Wellbeing, Anti-Bribery & Corruption, Anti-Fraud, Computer Security, GDPR and Records Management.

## Training Statistics

| | No of Courses | Delivery Method | | Training Category | | | |
|---|---|---|---|---|---|---|---|
| | | Classroom | Virtual | H&S | Land Mgt | Tech | Personal/Mgt |
| Apr-22 | 31 | 20 | 11 | 16 | 3 | 11 | 1 |
| May-22 | 53 | 31 | 22 | 23 | 0 | 20 | 10 |
| Jun-22 | 43 | 26 | 17 | 15 | 6 | 13 | 9 |
| Qtr Total | 127 | 77 | 50 | 54 | 9 | 44 | 20 |

N.B. of the above, 2 courses were cancelled in May and 1 in June due to low numbers.

# NRW Occupational Health Statistics

## Quarter 1 – April-June 2022

| | Q1 2022-23 | Q1 2021-22 | 2021/2022 (annual total) | 2020/2021 |
|---|---|---|---|---|
| Referrals/reviews | 45 | 31 | 134 | 95 |
| HAVS screening | 9 | 20 | 63 | 50 |
| HAVS Tier 4 | 0 | 0 | 6 | 2 |
| Conflict Resolution screening | 0 | 0 | 26 | 23 |
| Whole Body Vibration assessments | 0 | 66 | 130 | 0 |
| Post offer screening | 0 | 2 | 2 | 1 |

| Night worker assessments | 0 | 0 | 3 | 0 |
| Physio assessments | 0 | 0 | 8 | 23 |

In quarter 1 2022/2023 there was an increase in the total number of referrals made to the external occupational health provider, compared to the same quarter in 2021/2022.  The Whole Body Vibration assessments will be undertaken in Quarter 2 and Quarter 3 of 2022/2023.

# Medical reason for referral
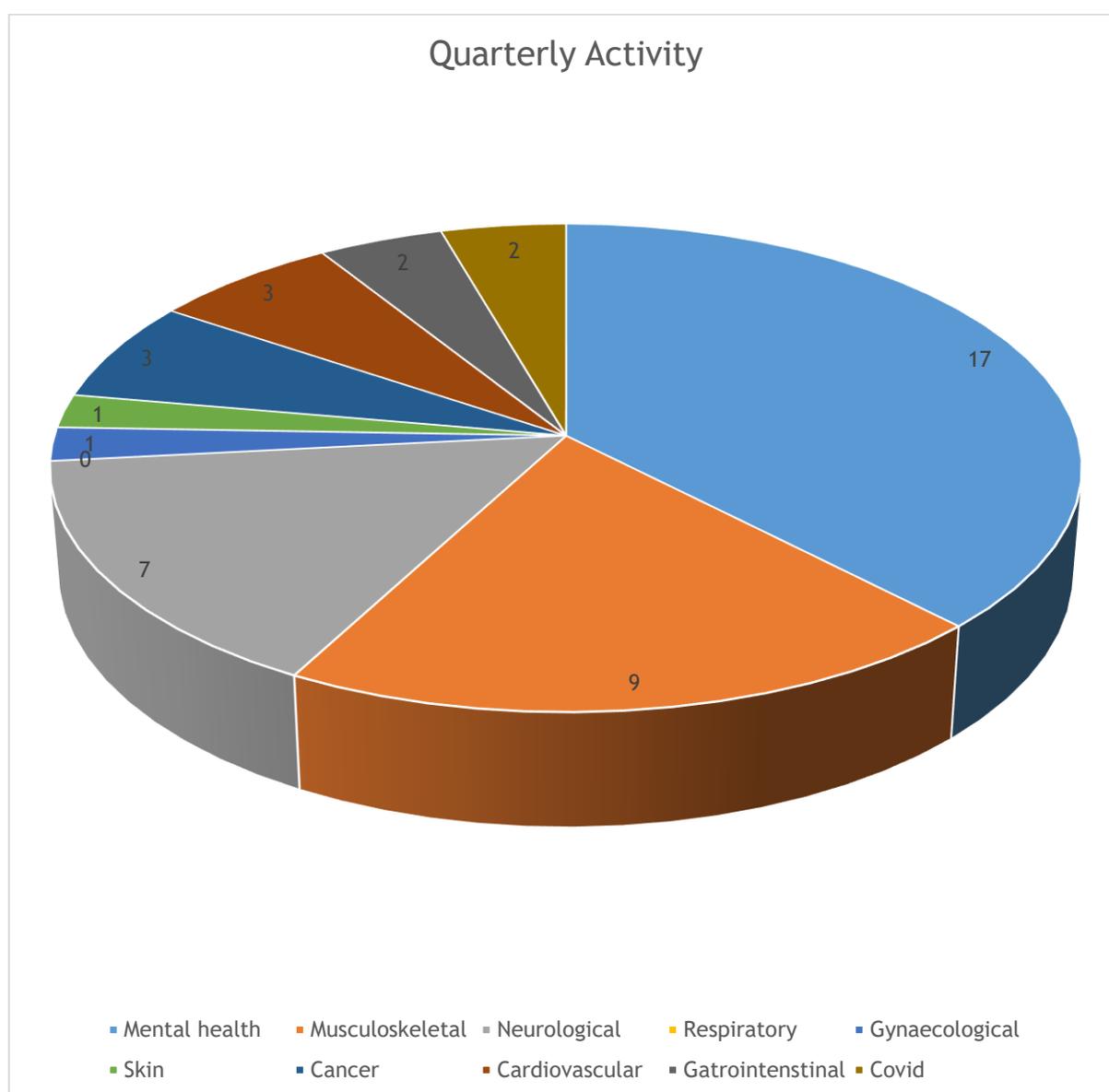


Mental health is the main reason for referrals this quarter at 38%, which is the exact same as the last quarter.

# Mental health categories
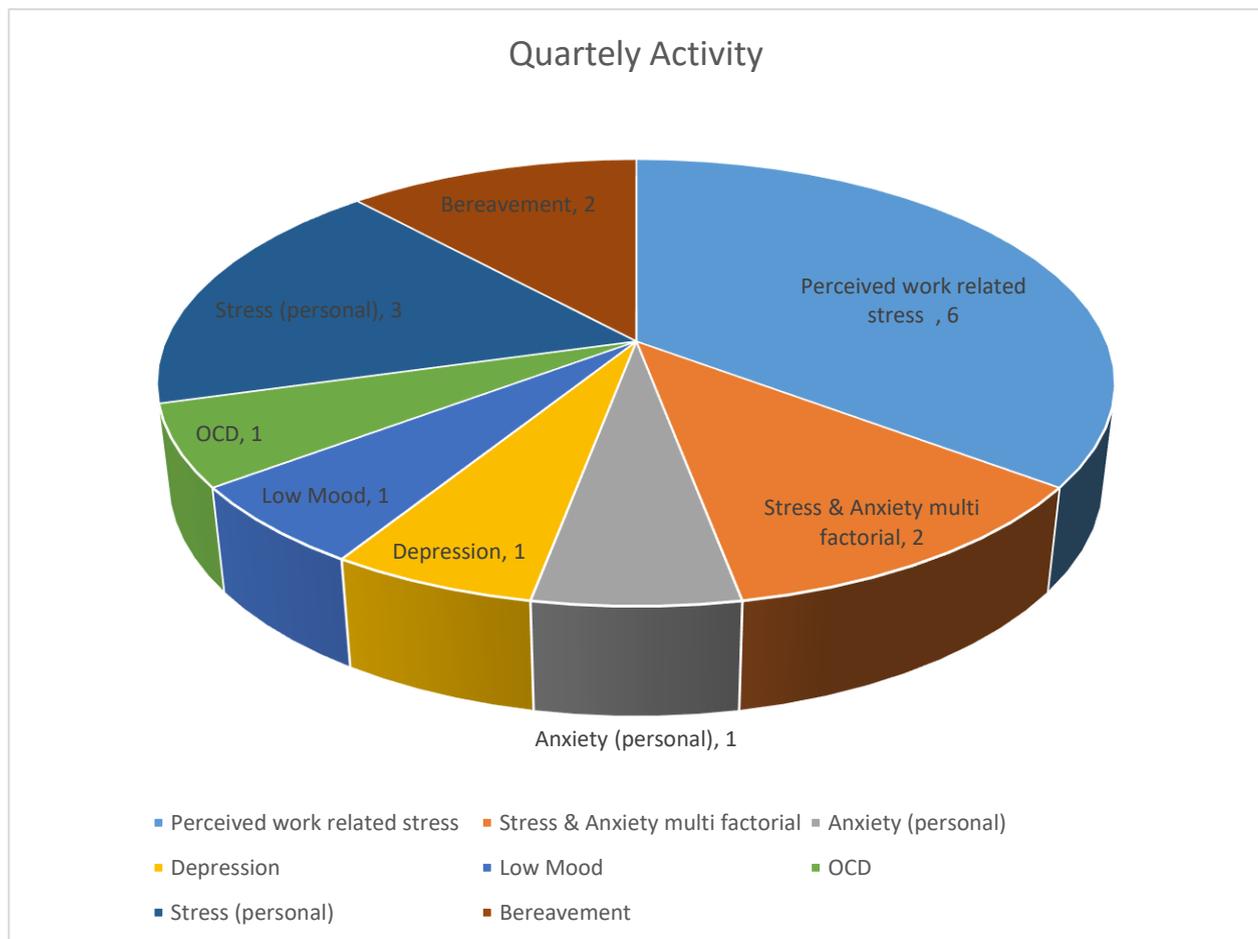


35% of the mental health referrals are perceived to be work related which is a 1% decrease from the last quarter.

Perceived work-related stress is where it is identified that the employee perceives that their stress is solely work related, i.e. work is the stressor.  Where there is both work related and personal related stress this is identified as multi factorial.

We should not view the increase in the referrals to our occupational health provider as a negative.  This could be for a number of reasons, such as NRW raising awareness of burnout and loneliness via the recently run webinar sessions, and that staff are actively seeking support and assistance for their mental health.   People management will continue to monitor trends of sickness absence.

# NRW Board Paper

| Date of meeting: | 22nd September 2022 |
|---|---|
| Title of Paper: | Business Plan Performance Dashboard 2022/23 and Internal Performance Report 2022/23 |
| Paper Reference: | 22-09-B10 |
| Paper sponsored by: | Clare Pillman, Chief Executive |
| Paper prepared by: | Sioni Davies (Advisor, Corporate Planning and Performance); Caroline Hawkins (Corporate Planning, Performance and Strategic Assessment Manager) |
| Paper presented by: | Executive Team |
| Purpose of the paper | Scrutiny by NRW Board |
| Summary | The Board is requested to scrutinise NRW performance for the first quarter of 2022/23 and specifically consider:<br><br>• Progress against each measure reported on the Business Plan Performance Dashboard<br><br>• Progress against each measure reported on the Internal Performance Report |

## Background

1. The Business Plan Performance Dashboard is one of the Board's principal means of scrutinising delivery. It was developed in parallel with the 2022/23 Business Plan working with the Board, Executive Team and Leadership Team. The annual Business Plan relates to our Corporate Plan to March 2023; our new Corporate Plan will be published in Spring 2023. The performance measures shown within this Q1 Report and supporting dashboards reflect the work we are undertaking with the resources we have available in 2022/23 and is separate to the wider focus of the Baseline Exercise.

2. The Business Plan Dashboard Performance Report can be seen at Annex 1 and consists of a:

   • **Dashboard** providing an overview of performance against the 2022/23 measures set out by the strategic priorities reflected in our Business Plan.
   • **Topics index** set out by strategic priority to help navigate the report.

- **Summary for each Topic** reflecting progress across the area of work.
- **Details for each specific measure** with their year-end position.

3. The Internal Performance Report can be seen at Annex 2 and covers 11 internally focused measures.

# Assessment

4. The Board is requested to scrutinise the Business Plan Performance Dashboard Report, noting the key issues below. Further detail can be found in the report itself (Annex 1):

|  | Quarter 1 (1 April – 30 June 2022) | Quarter 2 (1 July to 30 Sept 2022) | Quarter 3 (1 Oct – 31 Dec 2022) | **Expected Year End** (to 31st March 2023) |
|---|---|---|---|---|
| Red | 1 |  |  | 0 |
| N/A | 1 |  |  | 1 |
| Amber | 6 |  |  | 3 |
| Green | 23 |  |  | 27 |
| **Total** | **31** |  |  | **31** |

5. . One measure is Red and for one measure the Red Amber Green (RAG) status is Not Applicable (N/A) at Q1. These are:

- **Category 1 and category 2 compliance breaches are subjected to further assessment**
  This measure means we are tracking follow up compliance effort for breaches which we identified between October 2021 and December 2021. We recorded 16 category 1 and 2 breaches during that period and over the subsequent six months, carried out further compliance work for 13 of those breaches. We have ongoing compliance effort relating to the remaining three breaches which have exceeded the target of six months. We are prioritising these for follow up to ensure operators are taking the appropriate action to come back into compliance promptly.

  For Q1, this gives a performance of 81%. We are on track to achieve our year end milestone activity of 95% (and report on milestones from Regulatory Action Plan within Storm Overflow Roadmap) in Q4. We currently expect to be Green at year end.

- **Inform development of Welsh Government future land management policy & legislation – RAG status is N/A.**
  Publication by Welsh Government of the Agriculture Bill has been delayed until Autumn and therefore the formal consultation process has not started. In the meantime, NRW has been inputting to the Cost Benefit Analysis to support the Bill. There has been good engagement with the Welsh Government Bill team and process and we continue to support and advise the programme.

6. **Six measures** are **Amber** in Q1. These are:

- **Develop a low emission fleet and deliver a low emission and climate adapted built estate**
  Our milestone for this measure is to complete the roll out of hydrotreated waste vegetable oil (HVO) fuel to replace red diesel used by our plant. We are Amber in Q1 as we have not completed this activity. We have engaged with our existing bulk fuel supplier, who were unable to provide the quantities required. We have gone to market for suppliers who can provide the required volumes and will award contracts in early September. We expect to be Green at year end.

- **Implement Flood Review recommendations / actions**
  We have drafted two of the four Work Area Closure Reports which are currently being reviewed for approval, and the two others are 90% drafted. We are satisfied that the recommendations in each work area are being delivered, but the Closure Reports need finalising to provide supporting evidence. The delay is due to changes in the closure format, review process, and the level of scrutiny we are giving on ensuring we have captured the required evidence on completed actions and the transfer of the ongoing actions to outside this programme. We will work to bring the target to Green by completing the outstanding four Reports and the additional four Work Area Closure Reports due next quarter (this totals nine of the 12 work areas closed). We are on track to achieve our target of Work Area and Programme Closure Reports and be Green by year end.

- **Maintain flood risk assets in high risk locations at target condition**
  This measure is Amber as we are at 97.9% at end of June 2022 with 75 below required condition assets across Wales. We require 70 or fewer to achieve the target of 98% so are five assets off being Green. Assets are inspected on a rolling basis, so the performance can go down if our inspections reveal assets below target condition. We expect to be Green at year end.

- **UKWAS Corrective Action Requests (CARs) and Observations progress**
  This measure has moved to Amber as we are not yet confident that the existing CARs and Observations will be closed at audit. Our back to Green pathway is to prepare staff and systems for the 2022 audit scheduled for November in North West and South Central Wales. We expect to be Amber at year end but we are confident of retaining certification.

- **Permits and licences issued within statutory timescales**
  This measure is Amber because we have achieved 89% of the 90% target for permits and licences issued within statutory time period. We will now review action plans developed with permitting team leaders; continue to recruit to full structure and the additional temporary posts recently approved and conduct Continuous Improvement refresher training. We expect to be Green at year end.

- **Deliver programmes to review statutory water quality requirements**
  We are Amber because we have been delayed in completing delivery of the review due to Covid impacts on project timescales in Q4 2021/22 and unanticipated complexities with the Transitional and Coastal Waters assessment. Welsh

Government are aware of our completion date, and we will now work to the revised project plan and are on track to complete the nutrients review in Q2. We expect to be Green at year end.

7.  There are **23 measures** that are **Green** in Q1. Some to note are:

  - **Timber volume offered to market**
    Q1 saw a contract offer ahead of the planned volume but the July eSale volume offer fell below the planned volume. This brought the annual sales forecast into concern and required intervention to bring the offer back into the range prescribed by the marketing plan. Forest Operations team have responded to concerns about the programme shortfall, and the volume offered in the October eSale puts the programme back into the acceptable range. We expect the annual programme to be offered for sale to meet the commitment to offer the minimum 735,000m3 and expect to be Green at year end.

  - **Complete re-design of our freshwater quality monitoring network**
    We are on track to complete the delivery of the 2022-23 monitoring programme. We are **not** on track with our year end milestone activity to complete the redesign of our freshwater quality monitoring network and monitoring programme because of a delay in securing funding for the specialist officer post. We currently expect we will be Amber at year end and complete the redesign work by the end of Q2 2023/4.

  - **Delivering targeted action for declining species or those on the edge of extinction**
    We are Green for Q1 and will now continue to deliver the Freshwater Pearl Mussel strategy alongside other work for declining species. We expect to be Amber against our Q2 milestone to complete the review of NRW's Conservation Translocations Policy and Process (moving / reintroducing populations of particular species to particular sites). This work has been delayed because of staff changes and we are currently recruiting to deliver this work. We are currently on track to achieve our year end milestone activity to progress specific projects illustrating our work in this area (and submit the National Heritage Lottery Fund stage two application for Natur am Byth) in Q4.

8.  The Board is requested to scrutinise the Internal Performance Report, noting the key issues below. Further detail can be found in Annex 2.

|  | Quarter 1 (1 April – 30 June 2022) | Quarter 2 (1 July to 30 Sept 2022) | Quarter 3 (1 Oct – 31 Dec 2022) | **Year End** (to 31st March 2023) |
|---|---|---|---|---|
| Red | 1 |  |  | 0 |
| Amber | 5 |  |  | 3 |
| Green | 5 |  |  | 8 |
| **Total** | **11** |  |  | **11** |

Below are the measures to note for Q1. For further details, please refer to Annex 2.

- One measure is Red for Q1 (Health and Safety Active Monitoring). Active Monitoring events are down compared with last year, but action has been taken to improve ease of reporting and re-promote with managers the importance of this work. Amber is currently expected for year end.

- 'Sgrws' (the new staff priorities and development 'conversation') is Amber (56% in place). A significant improvement is expected for the next quarter due to the latest managers' action on this. Green would be 90% or higher and we expect to be Green at year end.

- Payments performance to our suppliers is Amber at the end of June (at 89%). A new process is being implemented to resolve the invoice queries backlog, supported by a new report to identify any issues or training needs. We expect to be Green at year end.

- In relation to non-compliance (enforcement response) within NRW, our response is Amber at the end of June, with one enforcement notice issued to NRW this year (our ambition to meet Green is to have zero). Any response is reviewed internally and by our external auditors (e.g. for ISO14001 and UKWAS). We expect to be Amber at year end, as this measure reports cumulatively through the year and cannot be turned around in year.

- Absence is Green and at its lowest level in the last year (at 2.6%) with the main reason for absence due to mental health issues. To support staff, we are focusing our efforts on a number of activities, through the work of our mental health first aiders and access to a range of external resources and practical advice.

# Risks and opportunities

9. If the performance information provided does not accurately reflect progress towards delivery of the Business Plan, and the operation of NRW as an organisation, then the Board will be unable to fulfil their role to scrutinise delivery.

# Wider implications

(a) **Finance:** There are no significant financial implications in providing the performance report itself, however part of our quarterly review obviously considers allocation of our resources and finance and performance papers are therefore closely linked.

(b) **Equality:** The relevant equality impact assessment covers our Well-being Statement, Business Plan 2022/23 and Corporate Plan up to 2023.

# Next Steps

10. Both performance reports will be discussed with Welsh Government and submitted to the Minister for Climate Change. They will be published on the Natural Resources Wales website.

# Recommendation

11. The Board is requested to scrutinise and agree the Business Plan Performance Dashboard Report and the Internal Performance Report, and confirm suitability for publication.

# Index of Annexes

- Annex 1 – Business Plan Performance Dashboard 2022/23
- Annex 2 – Internal Performance Report 2022/23

# Annex 1: Business Plan Performance Dashboard 22/23 (Q1)

The green, amber or red status* of each of our Business Plan's dashboard measures.

## Responding to the climate emergency and the nature emergency…

| Current | Measure | Year end | Page |
|---------|---------|----------|------|
| Green | Support delivery of recommendations and actions from Renewable Energy deep dive | Green | 6 |
| Amber | Develop a low emission fleet and deliver a low emission and climate adapted built estate | Green | 7 |
| Amber | Implement Flood Review recommendations / actions | Green | 9 |
| Amber | Maintain flood risk assets in high risk locations at target condition | Green | 10 |
| Green | Properties with reduced level of risk or sustained protection through capital work | Green | 11 |
| Green | Produce Flood Risk Management Plans | Green | 12 |
| Green | Priority actions undertaken on protected sites across Wales to improve condition of features | Green | 14 |
| Green | Delivering targeted action for declining species or those on the edge of extinction | Green | 15 |
| Green | Management of programmes to address and restore habitats across Wales | Green | 17 |
| Green | Action undertaken to restore Welsh peatlands including degraded NRW Estate peatland | Green | 18 |
| Green | Develop the biodiversity and cultural value of the NNRs in our direct care | Green | 20 |
| Amber | UKWAS Corrective Action Requests and Observations progress | Amber | 21 |
| Green | Area of new woodland created on the NRW Estate | Green | 22 |
| Green | Timber volume offered to market | Green | 23 |
| Green | Deliver actions in the Wales Marine Protected Area (MPA) Network Management Action Plan | Green | 25 |
| Amber | Permits and licences issued within statutory timescales | Green | 27 |
| Red | Category 1 and category 2 compliance breaches are subjected to further assessment | Green | 28 |
| Green | Decision on an appropriate enforcement response within 3 months | Green | 29 |
| Green | Response to incidents initially categorised as 'High' within 4 hours | Green | 31 |

*For key to green, amber and red performance assessment: see page 54.

## Using our expertise, alongside that of others…

| Current | Measure | Year end | Page |
|---|---|---|---|
| Green | Complete re-design of our freshwater quality monitoring network… | Amber | 34 |
| Green | Response to environmental governance issues and liaison with Interim Assessor | Green | 36 |
| N/A | Inform development of Welsh Government future land management policy & legislation | N/A | 37 |
| Green | Develop and implement programme to examine a proposed new National Park | Green | 38 |
| Green | Work to set strategic direction for development and implementation of projects | Green | 40 |

## Improve water quality through raising awareness…

| Current | Measure | Year end | Page |
|---|---|---|---|
| Amber | Deliver programmes to review statutory water quality requirements | Green | 43 |
| Green | Deliver NRW input to the various Water Company Planning Programmes | Green | 44 |
| Green | NRW progress on key deliverables for Special Areas of Conservation (SAC) Rivers Project | Green | 46 |
| Green | Progress of our work to reduce pollution from metal mines | Green | 47 |

## Involving a diverse range of stakeholders…

| Current | Measure | Year end | Page |
|---|---|---|---|
| Green | Deliver against agreed actions for Year 1 of 'All Together' (Diversity and Inclusion Strategy) | Green | 50 |
| Green | Ongoing development and delivery of combined training, resource and projects | Green | 51 |
| Green | Progress of Nature and Us / Natur a Ni programme | Green | 53 |

## Developing NRW into an excellent organisation…

See 'Internal Performance report' for measure positions related to this priority

For key to green, amber and red performance assessment: see page 54.

Direct links to each Topic in this performance report *(links below / right)*

**Responding to the climate emergency and the nature emergency…**

**Using our expertise, alongside that of others…**

**Improve water quality through raising awareness…**

**Involving a diverse range of stakeholders…**

Each topic report *(linked above / left)* reflects a short summary of recent progress in relation to that topic and also states the Business Plan dashboard measures related to that topic

# Priority: Responding to the climate emergency and the nature emergency, focussing on Nature Based Solutions and Decarbonisation

The climate and nature emergencies are inextricably linked - what we deliver to address climate change can also help reduce biodiversity loss and vice versa. Nature based solutions lie at the heart of this. Much of our work provides these multiple benefits, improving biodiversity and locking in carbon through our planned work on peatland restoration, woodland creation, and management of marine inter-tidal habitats.

Our business as usual work reflects a huge part of many people's jobs. For example, monitoring and collating data to inform our decision making on reducing Wales' and NRW's carbon footprint; managing our estate to maximise carbon sequestration opportunities; planning for and responding to drought and flooding incidents as well as the emergence of new threats to our natural environment such as pests and diseases. We control carbon emissions through our regulatory duties, permitting the use of emerging technologies that contribute to the decarbonisation of our economy.

Our NRW Business Plan sets out the following topics in relation to this priority:

- Responding to the climate emergency - decarbonisation
- Responding to the climate emergency - managing flood risk
- Responding to the nature emergency
- Nature based solutions - habitat restoration
- Nature based solutions - enabling tree planting and woodland creation
- Nature based solutions - managing the NRW Estate
- Nature based solutions - managing the marine environment
- Responding to the climate and nature emergencies - regulation
- Responding to the climate and nature emergencies - incident management and response


The following pages reflect recent progress for topics with measures in the Business Plan dashboard, along with the latest performance position in relation to the Business Plan dashboard measure/s for each.

## Topic: Responding to the climate emergency - decarbonisation

### Topic summary progress:

- The Climate Change and Decarbonisation Programme has been reviewed and scaled to available capacity for 2022/23.
- Key areas include supporting decarbonisation in our fleet, built estate and procurement, rolling out climate change training, completing and implementing NRW's climate change adaptation plan.
- Work will commence this year to review the climate emergency work programme to incorporate all key climate emergency action in NRW, to be led by the new Team Leader starting in August.
- The new Team Leader and technical support role (to start in September) will provide essential extra capacity to expand the reach of this programme of work.
- Leadership Team Group have also agreed to move ownership of climate emergency action, monitoring and reporting to Leadership Team and a new group is being set up to oversee this shift.

Topic owner: Ruth Jenkins

### Business Plan dashboard measure/s for this topic:

- **Support delivery of recommendations and actions from Renewable Energy deep dive**
- **Develop a low emission fleet and deliver a low emission and climate adapted built estate**

## Measure: Support delivery of recommendations and actions from Renewable Energy deep dive

This measure reflects our activity to support delivery of recommendations and actions arising from Welsh Government's (WG) Renewable Energy deep dive, recognising our contribution in relation to these in order for Wales to at least fully meet its energy needs and tackle the nature and climate emergencies.

**Latest position** (to end of June 2022):

- Our **milestone for this measure is to agree the delivery plan for NRW's contribution to delivery of the deep dive recommendations.**
- We have completed this activity - all key actions for NRW are being implemented and have a forward plan for delivery this year. Key NRW-related actions relate to our consenting and advisory functions. We have submitted a business case to WG to retain wind farm income to invest in our terrestrial and marine renewable energy work (including the Offshore Renewable Energy Programme and our development planning advice service) to support the Government's energy agenda.
- **This measure is green.**

**What we are doing next:**

- We will continue scoping the options with the Joint Nature Conservation Committee (JNCC) for conferring the offshore advisory function from JNCC to NRW.
- Our **milestone for the next reporting period is to progress NRW's deep dive actions.**
- We are currently on track to achieve our **year end milestone activity to complete the first year of NRW's contribution to Welsh Government's Renewable Energy Deep Dive Recommendations** in quarter four.
  We currently expect we will be green at year end.

Measure owner: Ruth Jenkins

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Green | | | Green |

See here for key used for green, amber or red status
*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

## Measure: Develop a low emission fleet and deliver a low emission and climate adapted built estate

This measure reflects activity forming part of our Adfywio/Renewal programme to develop a low emission fleet and deliver a low emission and climate adapted built estate.

### Latest position (to end of June 2022):

- Our **milestone for this measure is to complete the roll out of hydrotreated waste vegetable oil (HVO) fuel to replace red diesel used by our plant.**
- We have not completed this activity. We have engaged with our existing bulk fuel supplier, who were unable to provide the quantities required. We have gone to market for suppliers who can provide the required volumes.
- **This measure is amber.**

### What we are doing next:

- We will now let two contracts for the supply of HVO in North and South Wales in late August, early September.
- Our **milestone for the next reporting period is completion of our Accommodation Strategy – The Right Space in the Right Place - along with its associated long-term delivery plan with a focus on addressing the climate emergency.**
- We are currently on track to achieve our **year end milestone activity to deliver Adfwyio programme commitments for 2022/23** in quarter four and are expecting to be green at year end.

Measure owner: Victoria Rose-Piper

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Amber | | | Green |

See here for key used for green, amber or red status

*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

# Topic: Responding to the climate emergency - managing flood risk

## Topic summary progress:

- Our **Capital Programme** is progressing well, with significant schemes at Llyn Tegid and Cowbridge advancing, plus development work for schemes in future years.
- The **Flood Recovery and Review Implementation Programme** continues to oversee delivery of the recommendations from the February 2020 Flood Review. We are on track to deliver the short and medium term actions, with longer term actions being transferred to Business Boards for ongoing delivery.
- Our routine **Annual Maintenance Programmes** are underway, as we continue to operate on a prioritised basis within the budgets available to us. We continue to make process and delivery improvements in this area.
- We have **32 projects** in our **Improvements Programme** at various stages. Several are significant ICT projects which are delivering core customer-facing systems, such as the **Flood Warning Service** replacement project, which is progressing well.
- We have continued to address the relevant recommendations from the 'Toddbrook review' into **reservoir safety**, as we seek to do more to go beyond compliance to ensure safety.
- We continue to push for recognition of and action against the challenges ahead, particularly with regard to the need for significant **adaptation** in response to the **Climate Emergency.**
- Overall, much significant work continues to be delivered. The main challenge is volume of work and rising external expectations, with high workload on our staff. **Recruitmen**t is challenging, with **skills shortages** across the industry. We have increased our activities on the **skills and capability** agenda in response to this issue and risk.

Topic owner: Jeremy Parr

## Business Plan dashboard measure/s for this topic:

- **Implement Flood Review recommendations / actions**
- **Maintain flood risk assets in high risk locations at target condition**
- **Properties with reduced level of risk or sustained protection through capital work**
- **Produce Flood Risk Management Plans**

## Measure: Implement Flood Review recommendations / actions

The February 2020 floods were the most significant floods in Wales since the 1970s, and our Review into our own performance identified areas for improvement and recommended actions. This measure reflects delivery tracking of the remaining improvements identified in our Review.

**Latest position** (to end of June 2022):

- Our **milestone for this measure for the quarter is to draft, review and approve 4 Work Area Closure Reports** (bringing the total to 5 of the 12 work areas closed).
- **This measure is amber.** We have not fully completed this activity. We have drafted two of the four Work Area Closure Reports which are currently being reviewed for approval, and the two others are 90% drafted.
- We are satisfied that the recommendations in each work area are being delivered, but the Closure Reports need finalising to provide supporting evidence. The delay is due to changes in the closure format, review process, and the level of scrutiny we are giving on ensuring we have captured the required evidence on completed actions and the transfer of the ongoing actions to outside this programme.

**What we are doing next:**

- We will work to bring the target to Green by completing the outstanding **4 Reports and the additional 4 Work Area Closure Reports due next quarter (this totals 9 of the 12 work areas closed).**
- **We are on track to achieve our target of Work Area and Programme Closure Reports by year end**. We have factored in the risk of further delays at the end of Q2 by developing a mitigation plan to ensure completion of all 9 closure reports in October if required.  Delivery of the 59 (of the 74) actions scheduled for completion by this year is on track, and the 15 longer term actions will be transferred to the relevant NRW Business Boards for tracking.
- We currently expect we will be green at year end.

Measure owner: Jeremy Parr

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Amber | | | Green |

See here for key used for green, amber or red status
*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

## Measure: Maintain flood risk assets in high risk locations at target condition

NRW owns and/or maintains 3,500 assets in high risk systems, forming part of the national flood defence infrastructure, providing benefit to thousands of properties in Wales. It is vitally important that these assets are maintained, as a poor condition asset anywhere within the system can impact that location – it is only as good as its weakest link.

### Latest position (to end of June 2022):

- Our **target for this measure is 98% of flood risk assets** in high risk systems at target condition. We are at **97.9%** at end of June 2022.
- **This measure is amber**. We currently have 75 below required condition assets across Wales and require 70 or fewer to achieve the target – we are 5 assets off being green.
- Assets are inspected on a rolling basis, so the performance can go down if our inspections reveal assets below target condition. The measure is therefore a snapshot at the time of reporting. The total number of assets does fluctuate slightly as data improvements are made by the area Asset Performance teams.

### What we are doing next:

- For the 75 assets that are below required condition: 22 are expected to be short term fixes (within next Quarter), 33 are expected to be medium term (within this or possibly the next Financial Year) and 20 are expected to be longer term (after the next Financial Year, as they require more substantial work).  We will target the most urgent fixes on a risk basis, although our inspection programme will uncover further assets below required condition as we fix these others.
- We will work to develop the plans to return the longer term defective assets to required condition.
- We will continue making improvements to our reporting and scheduling systems.
- Our **target for the next reporting period is 98%**.

Measure owner: Jeremy Parr

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Amber | | | Green |

See here for key used for green, amber or red status
*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

## Measure: Properties with reduced level of risk or sustained protection through capital work

This measure reflects the number of properties benefitting from a reduced level of flood risk (moving from a higher risk category to a lower through a new scheme or improvement works) or sustained level of flood risk (through capital maintenance work).

**Latest position** (to end of June 2022):

- Our **milestone for this measure is to provide a progress update.**
- Our target is 1,000 properties by year end. Key projects are progressing well, and we are currently forecasting that we will surpass our target at year end. The majority of properties will be claimed as we reach key delivery windows, including working on sea defences (September), fisheries embargo for in-river work (October) and financial year end (March). This is reflected in our profiles for the year. Key projects this year include Llanfair TH (33 properties), Llyn Tegid (800 properties), Afon Wydden (150 properties) and Cowbridge (150 properties), and these are on track.
- **This measure is green** as we are on track for delivery.

**What we are doing next:**

- We will now monitor the progress of key projects and ensure that we meet the target of 1,000 properties. We are also continuing to develop projects that will contribute to delivery of this target in future years.
- We are currently on track to achieve our **year end milestone activity of 1,000 additional properties directly provided with reduced risk / sustained level of protection** in quarter four and are set to be green at year end.

Measure owner: Jeremy Parr

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Green | | | Green |

See here for key used for green, amber or red status

*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

## Measure: Produce Flood Risk Management Plans

This measure reflect our progress in producing updated Flood Risk Management Plans (FRMPs) and includes updates in relation to their development, consultation around them, their publication and future monitoring. The updated plans will identify what is at risk of flooding alongside the objectives and measures that we propose to manage the risk of flooding.

**Latest position** (to end of June 2022):

- Our **milestone for this measure is to finalise drafting of FRMPs.**
- We have completed this activity with a draft version of the plan being shared internally for initial comments, the outline of the proposed FRMPs and objectives being proposed have also been shared with the FRM Committee and Executive Team as part of strategic discussions on the future of FRM in Wales.
- **This measure is green** as the expected milestones for this work are being met, there are however risks in regard to resourcing with the key project lead leaving for maternity leave and unsuccessfully being replaced through internal recruitment currently. The team are re-prioritising other work demands to keep this work on track.

**What we are doing next:**

- We will now take account of the internal discussions and comments received and issue an updated set of plans to full external consultation, this is planned to start in late summer.
- Once the consultation response has been received the plans will be finalised later this year with an ambition to publish the updated FRMPs by the end of this calendar year.
- Our **milestone for the next reporting period is FRMPs consultation completed.**
- We are currently on track to achieve our **year end milestone activity of all FRMPs published (and FRMPs incorporated into Business as Usual and monitored**) in quarter four, and are therefore forecasting this measure to be **green** at year end.

Measure owner: Jeremy Parr

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Green | | | Green |

See here for key used for green, amber or red status
*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

# Topic: Responding to the nature emergency

## Topic summary progress:

The Senedd have declared a nature emergency for Wales. NRW is progressing the priorities of the Vital Nature Strategy and Work Programme, putting biodiversity and ecosystem resilience at the very centre of our work. Examples include:

- Working with Welsh Government to develop Nature Networks, a Welsh 3-year costed programme to enhance biodiversity and build ecosystem resilience with protected sites at its core.
- Contributing to the Welsh Government Deep Dive into biodiversity looking at actions we can take in Wales take to contribute to the global target to protect 30% of the land and sea by 2030, tackling our nature and climate crises.
- Engaging with eNGO and voluntary sector interests via the NRW/WEL Forum in the development of 'Nature and Us'.
- Finalising stage one of the work on Habitats and Species Section 7 Lists for handover to WG for their stage two work.
- Working with and supporting partners such Wales Biodiversity Partnership, Public Services Boards, Wales Environment Link and the Local Nature Partnerships to maximise opportunities for biodiversity.

Topic owner: Martyn P. Evans

## Business Plan dashboard measure/s for this topic:
- **Priority actions undertaken on protected sites across Wales to improve condition of features**
- **Delivering targeted action for declining species or those on the edge of extinction**

## Measure: Priority actions undertaken on protected sites across Wales to improve condition of features

Improving protected site condition is essential for maintaining biodiversity and building ecosystem resilience. This measure reflects how we are progressing with actions to improve protected sites across Wales to fully provide ecosystem service benefits and function as a core part of a resilient ecological network - enabling habitats and wildlife to thrive.

**Latest position** (to end of June 2022):
- Our **milestone for this measure is to confirm annual plan and resources and have 15% of actions completed or underway**.
- We have completed this activity. Environment Teams have completed the plan and reported that in Q1 27% of the 199 actions are now underway or complete.
- **This measure is green.**

**What we are doing next:**
- We will now continue with delivery of NRW actions for designated sites and on the NRW Estate, working with stakeholders, partly funded through the Welsh Government Nature Networks Fund.
- Our **milestone for the next reporting period is 30% of actions completed or underway**
- We are currently on track to achieve our **year end milestone activity of 80% of planned actions completed** in quarter four.
- We currently expect we will be green at year end.

Measure owner: Martyn P. Evans

| Q1 | to Q2 | to Q3 | Expected year end |
|:---:|:---:|:---:|:---:|
| Green | | | Green |

See here for key used for green, amber or red status

*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

## Measure: Delivering targeted action for declining species or those on the edge of extinction

This measure reflects actions to address biodiversity loss and build ecosystems resilience - what we are doing as targeted actions for declining species or those on the edge of extinction in Wales. Unless we reverse biodiversity decline and build resilient ecosystems, our well-being and that of future generations will suffer.

**Latest position** (to end of June 2022):

- Our **milestone for this measure is to deliver planned habitat restoration work for Fresh Water Pearl Mussel at Cae Gwyn (Afon Eden Special Area of Conservation, North Wales).** We have completed this activity. We have taken away the embanked boulders and returned the large material back into the channel over a 600m stretch, replaced the smaller cobbles in amongst the boulders to give the structure for gravels to be retained and bundled the large woody material and secured that in the river channel. All of this has re-connected the floodplain and restored the diversity of the riverbed, providing suitable habitat for pearl mussels. This results in multiple benefits for biodiversity, fisheries and flooding.
- **This measure is green.**

**What we are doing next:**

- We will now continue to deliver the Freshwater Pearl Mussel strategy alongside other work for declining species.
- Our **milestone for the next reporting period is to complete the review of NRW's Conservation Translocations Policy and Process (moving / reintroducing populations of particular species to particular sites)**. This work has been delayed because of staff changes. We are currently undertaking recruitment to enable this work to be undertaken but expect to have to report this milestone at amber in Q2.
- We are currently on track to achieve our **year end milestone activity to progress specific projects illustrating our work in this area (and submit the National Heritage Lottery Fund stage two application for Natur am Byth)** in quarter four. We currently expect we will be green at year end.

Measure owner: Martyn P. Evans

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Green | | | Green |

See here for key used for green, amber or red status
*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

## Topic: Nature based solutions - habitat restoration

### Topic summary progress:

- NRW is progressing the priorities of the Vital Nature Strategy and Work Programme, putting biodiversity and ecosystem resilience at the very centre of our work.
- Examples include working with Welsh Government to develop Nature Networks, a Welsh 3-year costed programme to enhance biodiversity and build ecosystem resilience with protected sites at its core.
- NRW is continuing to progress work on its peatland restoration programme. We are ensuring that peatlands are sustainably managed and safeguarded to recover their critical biodiversity resource, store carbon, reduce greenhouse gas emissions and play their role as a component of Natural Flood Risk Management.
- NRW is working to build a programme for grassland restoration with a Pilot Project underway in Carmarthenshire and Pembrokeshire.

Topic owner: Ruth Jenkins

### Business Plan dashboard measure/s for this topic:

- **Management of programmes to address and restore habitats across Wales**
- **Action undertaken to restore Welsh peatlands including degraded NRW Estate peatland**

## Measure: Management of programmes to address and restore habitats across Wales

This measure reflects our progress with management of programmes to address and restore habitats across Wales, including updates through the year on the Nature Networks Programme, Grassland programme and LIFE Quake project.

**Latest position** (to end of June 2022):
- Our **milestone for this measure is to commence the development of Nature Networks Programme**
- We have completed this activity having planned a programme of works with the Environment and other Operations Teams.
- **This measure is green.**

**What we are doing next:**
- We will now start to deliver the planned works.
- Our **milestone for the next reporting period is complete recruitment for LIFE Quake project.**
- We are currently on track to achieve our **year end milestone activity to establish new Welsh Government and EU LIFE restoration programmes (including complete the implementation of the LIFE Quake project set up phase)** in quarter four. However, we have identified recruitment risk and are working to mitigate these issues.
- We currently expect we will be green at year end.

Measure owner: Ruth Jenkins

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Green | | | Green |

See here for key used for green, amber or red status

[To return *to start of report - see* *Business Plan Performance Dashboard* *- pages 1 and 2]*

## Measure: Action undertaken to restore Welsh peatlands including degraded NRW Estate peatland

We are continuing to progress a national programme of peatland restoration across Wales. This measure reflects key action taken to restore Welsh peatlands, including on the NRW Estate. It includes an update on the number of hectares of peatland restoration activity undertaken on the NRW Estate and on other land.

### Latest position (to end of June 2022):

- Our **milestone for this measure is to launch the Wales Peatland Data Portal and the new Competitive Development Grant.** We have completed this activity. We have launched the new Wales peat data portal, launched the new competitive peatland restoration development grant. We have also achieved our Q2 milestone of awarding all Strategic Allocated Funding grant letters to 9 partners.
- **This measure is green.**

### What we are doing next:

- We will now support prompt award of the competitive grant, continue to develop contract specifications for direct delivery of groundworks on the Welsh Government Woodland Estate, liaise with grant partners and develop plans for next financial year.
- Our **milestone for the next reporting period is to award National Peatland Action Programme (NPAP) Strategic Allocated Fund grants to partners.**
- We are currently on track to achieve our **year end milestone activity to deliver 450 ha of peatland restoration activity as part of the National Peatland Action Plan (including approximately 120ha on the NRW Estate)** in quarter four. We currently expect we will be green at year end.

Measure owner: Martyn P. Evans

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Green | | | Green |

See here for key used for green, amber or red status

*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

# Topic: Nature based solutions - managing the NRW Estate

## Topic summary progress:

- The NRW land estate is the Welsh Government Woodland Estate and National Nature Reserves (NNRs) for which we are responsible.  At 160,000ha it is 7% of the size of Wales because it is 7% of Wales. It includes among other things:
  - 80 designated Special Areas of Conservation and Sites of Special Scientific Interest, 56 NNRs.
  - 40% of Wales woodland, 19,000ha of ancient woodland sites, and 60% of Wales' sustainable timber harvest.
  - 3.5M visits per year on 955km walking, 25 accessible; and 8 horse-riding trails; 566km mountain biking trails; 6 visitor centres; and 3,702km of forest roads for recreation as well as forest management.
  - 441MW installed capacity of renewable energy. 32.9MtC carbon stocks (81% woodland, 9% bog/fen, 10% other).
  - 27 reservoirs, 160 ex-industrial spoil tips, 18,000 ash trees to make safe, 200km unauthorised bike trails to sort.
- Our main aim for the Estate is sustainable management of natural resources. This costs £50M per year of which £30M to £40m is funded by sustainable enterprise. With these resources we are:
  - Adapting to climate change and enabling society to adapt, especially for flood risk and to safeguard clean water.
  - Reducing greenhouse gas emissions by maintaining the area of woodland, converting degraded deep peat into healthy wet peatland habitat, providing harvestable timber; and supporting increases in on-shore wind-power.
  - Improving ecological processes to enable nature to adapt to climate change and protecting key species / habitats.
  - Providing opportunities for people to enjoy the outdoors benefiting health, well-being and social capital.
  - Enabling communities to use their local NRW Estate. Supporting sustainable private enterprise.
- The measures in this topic illustrate this range of services. "Action undertaken to restore Welsh peatlands including NRW Estate peatland" and "Management to address and restore habitats across Wales" are also relevant.

- We hold ourselves to high standards of sustainable land management, including for example Forest Industry Safety Accord (FISA) requirements and ISO45001 health and safety management standards; UK Woodland Assurance Standard (UKWAS), and ISO14001 environmental management system.

Topic owner: Dominic Driver

## Business Plan dashboard measure/s for this topic:

- **Develop the biodiversity and cultural value of the NNRs in our direct care**
- **UKWAS Corrective Action Requests and Observations progress**
- **Area of new woodland created on the NRW Estate**
- **Timber volume offered to market**

## Measure: Further develop the biodiversity and cultural value of the NNRs in our direct care

This measure reflects the delivery of priority actions being carried out to further develop the value of National Nature Reserves (NNRs) in NRW's direct care.  The priority actions reflect those we have deemed the most important to generate beneficial ecological processes.

### Latest position (to end of June 2022):

- Our **milestone for this measure is to have made sufficient progress to be confident about reaching the year-end milestone**
- We have completed this activity. Of the 133 priority actions, 14 are underway, 9 have contracts awarded and 22 are out for tender. The remainder have yet to be started but this is normal and reflects the fact that most works on NNRs take place in the winter months.
- **This measure is green.**

### What we are doing next:

- We will now continue to deliver the planned program of works in accordance with the agreed timetable.
- Our **milestone for the next reporting period is have made sufficient progress to be confident about reaching the year-end milestone**
- We are currently on track to achieve our **year end milestone activity of 80% of 133 priority actions across 44 NNRs delivered (80% of planned priority actions)** in quarter four and are on track to be green at year end.
- We currently expect we will be green at year end.

Measure owner: Dominic Driver

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Green | | | Green |

See here for key used for green, amber or red status

*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

## Measure: UKWAS Corrective Action Requests and Observations progress

This measure reports on the annual UK Woodland Assurance Standard (UKWAS) external audit. Being certified via UKWAS shows we sustainably manage the Welsh Government Woodland Estate (WGWE) to Forest Stewardship Council® (FSC®) and Programme for the Endorsement of Forest Certification (PEFC) international standards.

**Latest position** (to end of June 2022):

- Our **milestone for this measure is to have made sufficient progress to be confident of achieving the year-end milestone.** In 2021, we had 1 major Corrective Action Request (CAR), 1 minor CAR and 5 Observations (Obs), fewer than in 2020 and we want fewer still. We have therefore defined success as continuing to show improvement rather than simply retaining certification.
- Our auditors assess evidence of closure of CARs / Obs. They have closed the major CAR. We believe we have evidence to close 2 of the Obs, the minor CAR and 2 other Obs will be assessed at audit. 1 Obs will remain open during the period of the certificate with progress assessed each year.
- **This measure has moved to Amber**. We are not yet confident that the CARs and Obs will be closed at audit and few enough new CARs opened that we achieve our year-end milestone. Our back to green pathway is to prepare staff and systems for the 2022 audit scheduled for November in North West and South Central.

**What we are doing next:**

- Our milestone **for the next period is to make sufficient progress to be confident of achieving the year-end milestone.**
- We will further embed progress on sustainable forest management and prepare for the 2022 audit.
- **We currently have more work to do to achieve fewer CARs open after this year's audit than after last year's audit**.  We are confident of retaining certification.

Measure owner: Dominic Driver

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Amber | | | Amber |

See here for key used for green, amber or red status

*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

## Measure: Area of new woodland created on the NRW Estate

This measure reflects the area of new woodland created on the NRW Estate (hectares acquired / identified if already in ownership and hectares where work is done to establish new woodland by planting and/or natural colonisation). It covers the contribution of NRW's land estate to woodland creation and progress on the commitment to the Welsh Government Woodland Estate (WGWE) being bigger in 25 years than it was in 2018.

**Latest position** (to end of June 2022):

- Our **milestone for this measure is to have made sufficient progress to be confident about reaching the year-end milestone.**
- We have completed this activity. We have acquired 44ha and have 118ha in progress. We have 164ha (sites acquired in 2021/22) for planting this year. Further progress on acquisitions is subject to approval from Welsh Government.
- **This measure is green**.

**What we are doing next:**

- We will continue to carry out public engagement and plan sites for planting in Q3/4. We will continue work to acquire sites through a range of mechanisms subject to approval from Welsh Government.
- Our **milestone for the next reporting period is to have made sufficient progress to be confident about reaching the year-end milestone.**
- We are currently on track to achieve our **year end milestone activity of an additional 150 ha of land acquired / identified for woodland creation (contributing to 350 ha total over the life of the programme) plus 150 ha woodland created in 2022/23.**
- We currently expect we will be green at year end.

Measure owner: Dominic Driver

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Green | | | Green |

See here for key used for green, amber or red status
*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

## Measure: Timber volume offered to market

This measure reflects a commitment set out in the Timber Sales and Marketing Plan. We currently offer an available timber harvest of around two thirds of the total Welsh market, generating significant income and supporting the timber economy in Wales.

**Latest position** (to end of June 2022):
- Our **target for this measure is 154,000m³ offered to market.**
- We have achieved this. We offered 173,000m3 to market in the April 2022 sale.
- **This measure is green** for Q1.

**What we are doing next:**
- The July eSale volume offer fell below the planned volume, which brought the annual sales forecast into concern and required intervention to bring the offer back into the range prescribed by the marketing plan. We have responded to concerns about the programme shortfall, and the volume offered in October eSale puts the programme back into the acceptable range.
- Our cumulative **target for the next reporting period is 352,000m³ offered to market.**
- We are currently on track to meet our **year-end target of 750,000m³ offered to market,** in quarter four.

Measure owner: Elsie Grace

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Green | | | Green |

See here for key used for green, amber or red status

*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

# Topic: Nature based solutions – managing the marine environment

## Topic summary progress:

The marine programme continues to be steered as a single integrated programme of marine work across NRW. Work has continued/commenced this year in priority areas such as:

- Delivery of the Offshore Renewable Energy Programme and support of renewable energy deep dive implementation including a business case to WG for resources to expand to keep pace with renewables development.
- Establishing a new marine projects team to delivery capital funded projects under Nature Networks to improve the condition of Marine Protected Areas.
- Advising WG on environmental considerations in developing a spatial approach to marine planning.
- Progressing our advice on assessing coastal squeeze.
- Working with partners to deliver the marine Area Statement.
- Managing the Burry and Dee cockle fisheries; delivery our Dee conservancy function.
- Continuing to delivery fisheries environmental impact assessments under the assessing Welsh Fishing Activity project to Welsh Government.
- Delivering our marine evidence programme and revising our priority evidence needs.
- Responding to proposed changes in environmental management policy and legislation from Defra.

Topic owner: Rhian Jardine

## Business Plan dashboard measure/s for this topic:
- **Deliver actions in the Wales Marine Protected Area (MPA) Network Management Action Plan**

*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

## Measure: Deliver actions in the Wales Marine Protected Area (MPA) Network Management Action Plan

This measure reflects progress with Marine Protected Areas network management actions. The marine protected area network is a key tool in developing greater resilience in the marine environment and is an integral consideration for all developments in the marine area, through Wales National Marine Plan policy (WNMP).

### Latest position (to end of June 2022):

- Our **milestone for this measure is to commence NRW's agreed annual actions in the MPA Network Management Action Plan.**
- We have completed this activity. We have started the one new funded action in the action plan and all others are under way. The new funded action is on landfill impacts on MPAs, looking at coastal landfill sites in the context of different climate change scenarios to see which ones pose the most risk to our MPAs and look at how that risk could be managed. All other NRW actions this year are ongoing or longer-term projects, and all are progressing well, a mid-year review meeting for the Steering Group is planned for September 2022. We have also added the marine Nature Networks projects into the MPA Management Action Plan as an action to report on. NRW are also working closely on a few actions led by other organisations e.g., action on developing new project with European Marine Site Officers.
- **This measure is green.**

### What we are doing next:

- We will now continue to work on projects.
- Our **milestone for the next reporting period is to review action progress and report to NRW's Marine Subgroup**
- We are currently on track to achieve our **year end milestone activity to deliver 100% actions by year end (and sign off and report on final delivery)** in quarter four.
- We currently expect we will be green at year end.

Measure owner: Rhian Jardine

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Green | | | Green |

See here for key used for green, amber or red status
*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

## Topic: Responding to the climate and nature emergencies - Regulation

### Topic summary progress:

- The measures for Regulation show performance is on track, except for Compliance. 89% of permits and licences were issued within statutory timescales. Permit reviews for sites within the Food, Milk and Drink sector were completed which will further limit emissions from these sites. The NRW / Environmental permit review focuses on food, drink and milk processing sector. We have responded to the findings of the waste permitting audit and implemented an action plan. We continue to liaise closely with WG in relation to their end-to-end review of marine licensing. New general licences have been issued following conclusion of the Wild Bird Review. Recruitment has progressed and has included the creation of temporary posts to help improve performance, due to a backlog in the work queue before applications are duly made. Planning for Special Area of Conservation (SAC) River Phosphorus permit reviews is commencing.
- For Compliance, more site visits have been occurring after the Covid restrictions have been lifted, leading to more Category 1 and 2 Compliance breaches being discovered. However, inspection frequency is below that expected. This is a consequence of cross-subsidy to permitting activity and increased incident response (GiA) which reduce the resources available for planned compliance activities. Recent events at COMAH sites have resulted in resources being diverted to reactive work, with non nuclear Radioactive Substances Regulation (RSR) inspections particularly impacted.
- Enforcement activity has also been returning to expected pre-pandemic levels. An increasing number of cases, including some high-profile cases have progressed through to court. An increased focus on Enforcement is in progress the results of which will become clearer over 2022-23.

Topic owner: Nadia De Longhi

### Business Plan dashboard measure/s for this topic:

- **Permits and licences issued within statutory timescales**
- **Category 1 and category 2 compliance breaches are subjected to further assessment**
- **Decision on an appropriate enforcement response within 3 months**

*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

## Measure: Permits and licences issued within statutory timescales

This measure reflects permits and licences issued within statutory timescales (which vary by permit), and additionally includes an additional progress update in quarter three on completion of specific permit reviews (for energy from waste installations) and new authorisations applications (in relation to water resources).

**Latest position** (to end of June 2022):
- Our **milestone for this measure is 90% of permits and licences issued within statutory time period.**
- We have achieved 89% of permits and licences issued within statutory time period.
- **This measure is amber**.

**What we are doing next:**
- We will now…
  - Review action plans developed with permitting team leaders
  - Continue to recruit to full structure and the additional temporary posts recently approved
  - Conduct Continuous Improvement refresher training
  - Progress continuous improvement opportunities of the determination process
    e.g. risk based internal consultations    within the felling licence process
  - Engage with WG in relation to the end-to-end review of marine licensing.
- Our **milestone for the next reporting period is 90% of permits and licences issued within statutory time period**
- We are currently on track to achieve our **year end milestone activity of 90% of permits and licences issued within statutory time period** in quarter four.
- We currently expect we will be green at year end.

Measure owner: Nadia De Longhi

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Amber | | | Green |

See here for key used for green, amber or red status

*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

## Measure: Category 1 and category 2 compliance breaches are subjected to further assessment

This measure reflects the number of category 1 and category 2 compliance breaches and provides assurance that they have been subjected to follow up compliance effort in the subsequent 6 months. Poor performance at permitted sites has the potential for a wide range of impacts. This measure also reflects additional updates each quarter, including in relation to service standards, compliance performance, water company performance and storm overflows action.

**Latest position** (to end of June 2022):

- Our **milestone for this measure is 95% category 1 and category 2 compliance breaches are subjected to further compliance assessment within 6 months.**
- This measure means that in Q1, we are tracking follow up compliance effort for breaches which we identified between October 2021 and December 2021. We recorded 16 category 1 and 2 breaches during that period and over the subsequent 6 months carried out further compliance work for 13 of those breaches. We have ongoing compliance effort relating to the remaining 3 breaches which have exceeded the target of 6 months and are showing as Red. For Q1 this gives a performance of 81%.
- **This measure is red.**

**What we are doing next:**

- The compliance activity at sites where we have identified Category 1 and 2 breaches, in particular the three flagged here, have been prioritised for follow up to ensure we are confident that operators are taking the appropriate action to come back into compliance promptly during Q2.
- Our **milestone for the next reporting period is 95% (and finalise Regulatory Service Standards - the level of compliance activities and performance monitoring framework) and publish water company Environmental Performance Assessment report.**
- We will proactively monitor delivery of this measure. This will help ensure we achieve our **year end milestone activity of 95% (and report on milestones from Regulatory Action Plan within Storm Overflow Roadmap)** in quarter four.

Measure owner: Nadia De Longhi

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Red | | | Green |

See here for key used for green, amber or red status

*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

## Measure: Decision on an appropriate enforcement response within 3 months

This measure reflects decisions on appropriate enforcement response in relation to environmental crime being made within three months. This measure also reflects additional updates each quarter, including in relation to enforcement priorities and annual regulatory and waste crime reporting.

### Latest position (to end of June 2022):

- Our **milestone for this measure is 95% of decisions in relation to environmental crime being made within three months.**
- In Q1 of 2022/23, we have made **172** decisions in relation to environmental crime, **100%** of which were made within three months.
- **This measure is green.**

### What we are doing next:

- Our **milestone for the next reporting period is 95% of decisions in relation to environmental crime being made within three months (and complete strategic assessment of enforcement priorities).**
- We are currently on track to achieve our **year end milestone activity of 95% of decisions in relation to environmental crime being made within three months (and complete the annual regulatory report and tackling waste crime annual report)** in quarter three and four, and are expected to be green at year end.

Measure owner: Nadia De Longhi

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Green | | | Green |

See here for key used for green, amber or red status

*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

# Topic: Responding to the climate and nature emergencies - incident management and response

## Topic summary progress:

- **Preparedness:** We are putting out for tender a new framework contract to provide a consistent air quality incident monitoring response across Wales. We have also been working closely with multi-agency partners to review and improve our wildfire response.
    - **Guidance:** We have been developing and updating a range of internal guidance, including air quality incident response handbooks, our incident categorisation and guidance on operating incident rooms virtually.
    - **Training:** To enable increases in resilience (below), we are improving our procedures for training staff to carry out incident response roles, including clarifying roles and responsibilities. New cohorts of staff have been scheduled to undertake Incident Management Foundation Programme and Land Management Duty Officer training.
    - **Exercising:** To support improvements in our wildfire incident response (above), exercises with our contracted response helicopter and Fire & Rescue Services have been held in North and South Wales.
    - **Resilience:** Rota resilience will start to improve following the recent rota contractual consultation work and subsequent implementation which will mean more staff will be joining rotas following completion of their training. The implementation of this work is underway, with prioritisation being given to those rotas with significant resilience issues.
- **Response:** Over 600 incidents were reported to us each month of Q1, which we responded to in line with our policies and procedures. Along with our ongoing response to Avian Influenza and *Phytopthora pluvialis*, our drought plans have been initiated, where required.
- **Review:** We have carried out reviews of our response to Storms Dudley, Eunice & Franklin and the March wildfires, as well as other environmental and business continuity incidents, and continue to embed our learning from incidents.
- **Business continuity:** We are continuing with work to improve our ability to respond and maintain continuity of our key services, with a focus on planning for ICT related disruptions, including potential ICT Critical Incidents.

Topic owner: Lyndsey Rawlinson

## Business Plan dashboard measure/s for this topic:

- **Response to incidents initially categorised as 'High' within 4 hours**

## Measure: Response to incidents initially categorised as 'High' within 4 hours

For incidents we initially class as High Level (using our Incident Categorisation Guidance criteria), we aim to respond within four hours of being notified. This is to ensure we prioritise our efforts on the high impact incidents, and we act within a suitable timeframe to minimise harm and impact. Response may include physical attendance at the site, but also includes other activities, such as contacting professional partners.

**Latest position** (to end of June 2022):

- Our **target is responding to 95% of these incidents within four hours,** with this being calculated for incidents with accurate data only (i.e., not missing or negative times). We report on records with these data quality issues separately.
- **We have achieved this in Quarter 1, with 98%.** In relation to data quality, 9 out of the 407 incidents initially categorised as High-level have missing response details. While response times for these 9 would not affect our overall compliance for this measure, we are addressing them with specific officers (as outlined below). A further 6 records have a negative response time, i.e., the response time was recorded as being before the notification time in error.
- **This measure is green.**

**What we are doing next:**

- We are continuing to check all incident records that have missing response details and are asking managers to ensure their teams review the records and correctly record these details. We are also updating our guidance and recording system to improve clarity and awareness as to what information staff need to record about their response.
- Our **target for the next reporting period remains 95%.**
- We are currently on track to meet our **year end target of 95%** in quarter four.
- We currently expect we will be green at year end.

Measure owner: Lyndsey Rawlinson

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Green | | | Green |

See here for key used for green, amber or red status

*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

# Priority: Using our expertise, alongside that of others, with evidence from SoNaRR2020, to support innovative, integrated decision making to tackle the climate emergency and nature emergency

Our business as usual activity here involves working with national stakeholders to gather, share, promote and update evidence on the state of natural resources in Wales, and using evidence based Area Statements to inform our priorities, projects and engagement with stakeholders in our seven places, particularly the Public Services Boards as they prepare their well-being assessments and plans.  All our work is rooted in good evidence and using and sharing it with partners and communities to advocate for and deliver SMNR.

Our NRW Business Plan sets out the following topics in relation to this priority:

- Improving and presenting evidence about the natural environment
- Providing advice and guidance
- Work with partners and communities using area statements

The following pages reflect recent progress for topics with measures in the Business Plan dashboard, along with the latest performance position in relation to the Business Plan dashboard measure/s for each.

# Topic: Improving and presenting evidence about the natural environment

## Topic summary progress:

- We are engaging with the Ofwat-funded and Rivers Trust led Catchment Systems Thinking Cooperative (CaSTCo) project. The project is exploring citizen science-based approaches for monitoring water quality.
- We have increased our monitoring in the River Wye to develop a better understanding of the impacts of nutrient pollution and other water quality pressures in the catchment, and to target water quality improvement actions. The work involves the use of automatic monitors (sondes) as well as biological sampling of diatoms (microscopic algae) and invertebrates in headwater tributaries.
- We continue to publish content to the Wales Environmental Information Portal and invite feedback from users.
- NRW recently approved our new Digital Strategy. The strategy's vision is to provide better and simpler digital services for the people and environment of Wales, and to support our work in tackling the nature and climate emergencies. The strategy includes a mission that focusses on improving data delivery and collaboration.
- We have engaged with a variety of Welsh Government stakeholders to align the next SoNaRR as closely as possible to their requirements, and ideally to co-design elements.

Topic owner: Chris Collins

## Business Plan dashboard measure/s for this topic:

- **Complete re-design of our freshwater quality monitoring network**

## Measure: Complete re-design of our freshwater quality monitoring network

This measure reflects activity to complete the re-design of our freshwater quality monitoring network and monitoring programme, and complete this year's monitoring programme. For this year, the quality of water in our rivers and streams, is a particular focus for us, as is developing our evidence and understanding of nutrient impacts in SAC (Special Areas of Conservation) rivers to inform a strategy for their long term remediation.

**Latest position** (to end of June 2022):

- Our **milestone for this measure is to identify future monitoring and evidence requirements, and complete a review of best practice monitoring in other countries.**
- We have completed this activity.
- **This measure is green**.

**What we are doing next:**

- We will now recruit a specialist officer on a 3-year contract to complete the monitoring network redesign work and lead the implementation work to follow in 2023-4 and 2024-5.
- Our **milestone for the next reporting period is to develop and publish freshwater quality monitoring strategy**
- We are **not** on track with our **year end milestone activity to complete the redesign of our freshwater quality monitoring network and monitoring programme** because of a delay in securing funding for the specialist officer post. We are on track to **complete the delivery of the 2022 -23 monitoring programme**.
- We currently expect we will be amber at year end and complete the redesign work by the end of Q2 2023/4.

Measure owner: Chris Collins

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Green | | | Amber |

See here for key used for green, amber or red status

# Topic: Providing advice and guidance

## Topic summary progress:

- A permanent resource is being established to manage our work on environmental governance issues on behalf of the organisation. We have recently concluded the appointment of the Strategic Environmental Manager who will lead the team. Recruitment to members of the team will now proceed during Q2.
- As part of our advice and guidance work, we have undertaken a SMNR self-assessment of our role within, and advice to the development plan process. A draft report has been published which is scheduled to be authorised during Q2. We have developed new Landscape Sensitivity Assessment guidance which is intended to help decision-makers steer the location of large infrastructure to areas better able to accommodate them. This will be published on our website in Q2.

Topic owner: Ruth Jenkins

## Business Plan dashboard measure/s for this topic:

- **Response to environmental governance issues and liaison with Interim Assessor**
- **Inform development of Welsh Government future land management policy & legislation**
- **Develop and implement programme to examine a proposed new National Park**

## Measure: Response to environmental governance issues and liaison with Interim Assessor

This measure relates to NRW's response to environmental governance issues and liaison with the Interim Environmental Protection Assessor (Wales) (IEPAW) and proposed environmental oversight body.

### Latest position (to end of June 2022):

- Our **milestone for this measure is to make an initial response to relevant submissions including calls for evidence and published reports within 20 working days.**
- We have not received any relevant submissions or calls for evidence during Q1. We have received and noted the Annual Report of IEPAW, issued on 1st June 2022. This provided a useful summary of the areas covered by the submissions. We provided a briefing to the CEO and Chair who attended the meeting of the Climate Change, Environment, and Infrastructure Committee (CCEI) to support their work to complete evidence gathering exercise on issues including environmental governance. We provided a briefing for CEO and Our Executive Director to support the most recent biannual meeting between NRW and IEPAW (21st June 2022).
- **This measure is green.**

### What we are doing next:

- We will now continue to respond to relevant submissions including calls for evidence and published reports within 20 working days.
- Our **milestone for the next reporting period is to make an initial response to relevant submissions including calls for evidence and published reports within 20 working days.**
- We are currently on track to achieve our **year end milestone to provide submissions and evidence when required (and make an initial response to relevant submissions including calls for evidence and published reports within 20 working days)** in quarter four. We currently expect we will be green at year end.

Measure owner: Ruth Jenkins

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Green | | | Green |

See here for key used for green, amber or red status

*To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

## Measure: Inform development of Welsh Government future land management policy & legislation

This measure reflects provision of NRW advice and guidance to inform the development of Welsh Government future land management policy and legislation impacting on more than 90% of land in Wales.

### Latest position (to end of June 2022):

- Our **milestone for this measure is to undertake response to Welsh Government's introduction of the Agriculture (Wales) Bill and formal consultation process.**
- We have supported this work but not completed this activity. Welsh Government publication of the Agriculture (Wales) Bill has been delayed until the Autumn and therefore the formal consultation process has not started. However, work has been undertaken to input into the Cost Benefit Analysis to support the Bill. There has been engagement with this work and we continue to support and advise the WG programme.
- No RAG as the Welsh Government trigger for the work has not been started.

### What we are doing next:

- We will be looking to develop a Service Level with WG for supporting the development and delivery mechanism of the legislation and the scheme. This work is critical for both the efficient interaction of the final regimes with NRW duties.
- **Our milestone for the next reporting period is to provide advice to Welsh Government on opportunities to develop a proportionate and deliverable regulatory standard for land in Wales.**
- We will assess RAG as soon as possible once the Welsh Government timetable is clearer.

Measure owner Sian Williams

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| N/A | | | N/A |

See here for key used for green, amber or red status

*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

## Measure: Develop and implement programme to examine a proposed new National Park

This measure reflects activity to develop and implement a programme to examine a proposed new National Park in North East Wales to cover the Clwydian Range and Dee Valley.

**Latest position** (to end of June 2022):

- Our **milestone for this measure in Q1 is to confirm forward scope of programme.**
- We have completed this activity and since presented a Designated Landscape Programme to the Planning, Landscape and Energy Sub-group, including work programme milestones.
- **This measure is green.**

**What we are doing next:**

- We will now recruit programme staff, commence the evidence gathering stage, plan and commence communications and engagement strategy including 'lines to take' on avoiding pre-determination perception and complete second round of discussion with relevant local authorities. The Programme Manager and Team Leader when appointed and in post will progress establishment of Programme Board, detailed programme and PMO approach.
- Our **milestone for the next reporting period is to progress programme milestones.**
- We are currently on track to achieve our **year end milestone activity to develop and implement a programme to examine a proposed new National Park in North East Wales (and review progress and report to our NRM Business Board and the Protected Areas Committee of our Board).**
- We currently expect we will be green at year end.

Measure owner: Rhian Jardine

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Green | | | Green |

See here for key used for green, amber or red status

*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

## Topic: Work with partners and communities using Area Statements

**Topic summary progress**:
- We have supported our NRW Public Services Board (PSB) Reps to work with their PSB partners and associated communities to input into the next well-being plans.
- In order to do so, we have produced a Framework of Environmental Well-being which enables our officers to assess the draft assessments, objectives and plans for the manner and degree in which they address the environmental well-being of the PSB area; give recommendations for improvements; give NRW's aspirations for the plans and state NRW's contribution to the process.
- The Area Statements are part of the baseline information used by NRW PSB Reps to inform this process.

Topic owner: Martyn P. Evans

**Business Plan dashboard measure/s** for this topic:
- **Work to set strategic direction for development and implementation of projects**

## Measure: Work to set strategic direction for development and implementation of projects

This measure reflects work with staff and partners to set strategic direction for the development and implementation of projects that address Area Statement and Public Services Boards' (PSBs) priorities and opportunities

### Latest position (to end of June 2022):

- Our **milestone for this measure is to undertake a lessons learnt exercise on how Area Statements have informed Place Priorities.**
- We have completed the second round of interviews as part of the 'User Stories' project. We have worked with Place-based officers to explore how effectively Area Statements are being used at the local level. We have written a paper on what a National Area Statement could achieve in terms of more fully engaging with land management and planning systems and supporting existing Area Statements. We have created frameworks for assessing the extent to which Area Statements and the State of Natural Resources Report (SoNaRR) feature in PSB Well-being Planning.
- **This measure is green.**

### What we are doing next:

- We will now continue to work with People & Places teams to support them to input into the PSB Well-being Planning process. We will publish our 'Wales Overview Report: Local Assessments of Environmental Well-being' and share this with our public sector partners.
- Our milestone for the next reporting period is to **support 15 Public Services Boards (PSBs), using our evidence from SoNaRR2 and Area Statements to inform the preparation of well-being assessments and plans**
- We are currently on track to achieve our **year end milestone activity on use of Area statements in the Well-being Assessments and Plans of PSBs (and to ensure that all 15 PSB Well-being Plans are scrutinised and signed off by the NRW Board)** in quarter four.
- We currently expect we will be green at year end.

Measure owner: Martyn P. Evans

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Green | | | Green |

See here for key used for green, amber or red status
*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

# Priority: Improving water quality, through raising public awareness using our regulatory and enforcement powers effectively and driving collaboration with others, to reduce the impacts on biodiversity and human health, including from agricultural and land management practices

For this year, water management – both the quality and quantity of water in our rivers and streams, is a particular focus for us. We face the ongoing challenge of raising the quality of our rivers and streams for people and biodiversity whilst balancing the competing demands on the use and management of land and water. Our business as usual work here includes monitoring and reporting, providing advice and guidance, regulation and enforcement where necessary, and working with water companies and Welsh Government, as well as specific projects to tackle the legacy of former metal mine workings and their impacts on watercourses.

Our NRW Business Plan sets out the following topics in relation to this priority:
- Water Planning
- Water management

The following pages reflect recent progress for topics with measures in the Business Plan dashboard, along with the latest performance position in relation to the Business Plan dashboard measure/s for each.

## Topic: Water Planning

### Topic summary progress:

- We have worked with the members of the Better River Quality Taskforce to evaluate the current approach to the management and regulation of overflows in Wales. The taskforce has identified 5 areas for change and improvement and includes a detailed action plan on the Environmental regulation of overflows to ensure that water companies effectively manage and operate their network of sewers.
- In Q2, The Better River Quality Taskforce will publish its plans for improving the management and regulation of overflows in Wales.
- We will work with the Taskforce to expand this approach to take co-ordinated action with other sectors to address other causes of water poor quality.
- As part of Ofwat's periodic review of water prices (PR24), we are working with Water companies to identify environmental improvements they need to make as part of their business plans for the period 2025 to 2030 and potential priority enhancements ahead of that.
- We will continue to work closely with Ofwat on their approach to the price review to ensure that it facilitates outcomes we want to see in Wales.

Topic owner: Sian Williams

### Business Plan dashboard measure/s for this topic:

- **Deliver programmes to review statutory water quality requirements**
- **Deliver NRW input to the various Water Company Planning Programmes**

## Measure: Deliver programmes to review statutory water quality requirements

This measure reflects activity to deliver programmes to review statutory requirements for water quality, identifying annual or periodic requirements. The measure includes updates on reviews associated with nutrients and urban waste water, and the progress of River Basin Management Plans.

### Latest position (to end of June 2022):

- Our **milestone for this measure is in Q1 to report to Welsh Government the findings and recommendations of the Nutrients Review.**
- We have not completed this activity. We have been delayed in completing delivery of the review due to Covid impacts on project timescales in Q4 2021/22 and unanticipated complexities with the Transitional and Coastal Waters assessment. Welsh Government are aware of our completion date, and there are no consequences.
- **This measure is amber.**

### What we are doing next:

- We will now work to the revised project plan and are on track to complete the nutrients review in Q2.
- Our **milestone for the next reporting period is to report the Urban Waste Water review findings and finalise ready for Ministerial sign off the Dee and Western Wales River Basin Management Plans.**
- We are currently on track to achieve our **year end target to finalise Dee and Severn River Basin Management Plans, and identify statutory requirements for water quality in 2022/23 (and identify statutory requirements for water quality for delivery in 2023-24).**
- We currently expect we will be green at year end.

Measure owner: Sian Williams

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Amber | | | Green |

See here for key used for green, amber or red status

*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

## Measure: Deliver NRW input to the various Water Company Planning Programmes

This measure reflects NRW input to Water Company Planning Programmes in 2022/23, including in relation to water resources management, regional plans affecting Wales, PR24 and storm overflows action.

### Latest position (to end of June 2022):

- Our **milestone for this measure is to publish the NRW action plan for Storm Overflows.**
- We have completed this activity. We have worked with the Better River Quality Taskforce to publish the Storm Overflow Roadmap on 5th July.
- **This measure is green**.

### What we are doing next:

- We will now progress with our implementation of Storm Overflow Roadmap action plans.
- Our **milestone for the next reporting period is to notify PR24 requirements to water companies for inclusion in plans.**
- We are currently on track to achieve our **year end target is to provide input into Water Company planning programmes (and provide our response to Water company draft water resource management plans and regional plans within or affecting Wales).**
- We currently expect we will be green at year end.

Measure owner: Sian Williams

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Green | | | Green |

See here for key used for green, amber or red status

*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

## Topic: Water Management

### Topic summary progress:

- We have finalised the River Basin Management Plans (RBMPs) in Wales for the Western Wales and for the cross border Dee River Basin Districts (RBDs). We have identified ten Opportunity Catchments for addressing Water Framework Directive (WFD) Regulation objectives and the wider SMNR and well-being outcomes.
- We are developing a collective approach to developing long term, catchment-scale solutions. We are developing River Restoration projects across Wales to address multiple pressures facing rivers in Wales, including restoration in parts of some of our SAC rivers not covered by LIFE funding. Funding has already been secured for planning and delivery of river restoration in the Eden, Dee, Cleddau, Teifi, Tywi and Usk SACs and we are actively developing similar river restoration projects, including on the Wye SAC. These are capital improvement projects which will be funded through Welsh Government's Capital Funding.
- In Q2, we will publish our RMBPs for the Western Wales and Dee and continue to work with the Environment Agency on the Severn RBMP. These plans outline a programme of measures necessary to prevent further deterioration, work towards achieving good overall status and support the achievement of the conservation objectives for SAC rivers.
- For SAC Rivers, we continue to support the Nutrient Management Boards and we will share nutrient neutrality principles by the end of August.

Topic owner: Sian Williams

### Business Plan dashboard measure/s for this topic:

- **NRW progress on key deliverables for Special Areas of Conservation (SAC) Rivers Project**
- **Progress of our work to reduce pollution from metal mines**

## Measure: NRW progress on key deliverables for Special Areas of Conservation (SAC) Rivers Project

This measure reflects NRW progress on key deliverables for Special Areas of Conservation (SAC) Rivers Project.

**Latest position** (to end of June 2022):

- Our **milestone for this measure is to establish the 4 Rivers 4 LIFE project in Q1.**
- We have completed this activity. We have established administrative systems to track and monitor spend, including the creation of project codes and cost centres. The Project Board is established, with the first meeting held in June. Going forward, the Board will meet quarterly. The Project Steering Group is in the process of being set up, with the first meeting scheduled for end of September/early October. 8 senior project staff members are in post, with a further 5 officers recruited in July, and due to start with the team in September. The official project launch is in the planning stage and is scheduled to take place in late October. Four small scale Invasive Non-Native Species (INNS) contracts have been let, with works scheduled to take place during the summer.
- **This measure is green**.

**What we are doing next:**

- We will now focus on the **milestone for the next reporting period is to develop updated planning advice to planning authorities and develop NRW guidance on nutrient neutrality.**
- We are currently on track to achieve our **year end milestone activity of reduced impact of nutrients especially in SAC rivers (and contribute to establishment and delivery of Nutrient Management Plans for Special Areas of Conservation rivers)** in quarter four, we have committed additional resources to support this work although recruitment is not yet in place. We currently expect we will be green at year end but recognise the complexity and long-term nature of the objective to reduce impacts.

Measure owner: Rhian Jardine

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Green | | | Green |

See here for key used for green, amber or red status
*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

## Measure: Progress of our work to reduce pollution from metal mines

This measure reflects progress with the assessment and remediation of high risk sites, in line with our Metal Mine Strategy - Delivering a safe local environment and improvements to local air and water quality and ensuring the sites are safe.

### Latest position (to end of June 2022):

- Our **milestone for this measure is to provide a progress update towards Q4 target showing number of assessments, designs, trials and constructions in progress and completed.**
- We have completed 11 preliminary assessments and construction of 10 assets, including attenuation lagoon; overflow channel and discharge infrastructure, two flow monitoring structures at Cwm Rheidol, as well as 6 flow monitoring structures at Parc Mine.
- **This measure is green**.

### What we are doing next:

- We will now complete a further 3 preliminary assessments and construction of 3 further assets.
- Our **milestone for the next reporting period is to provide a progress update towards Q4 target showing number of assessments, designs, trials and constructions in progress and completed.**
- We are currently on track to achieve our **year end milestone activity of delivery of 14 preliminary assessments, 8 outline designs, 5 detailed designs, 1 trial and construction of 15 assets** in quarter four.
- We currently expect we will be green at year end.

Measure owner: Sian Williams

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Green | | | Green |

See here for key used for green, amber or red status

*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

# Priority: Involving a diverse range of stakeholders in our work to help drive a Just and Green Recovery following the pandemic

The unique benefits of nature for people's physical health and mental well-being and the role it could play in a just recovery came into sharp focus during the Covid-19 pandemic. In addition to our business as usual activity in this area, we will work closely with Welsh Government, our partners and local communities to promote learning and responsible recreation in the outdoors.

We have a leading role to play in this in collaboration with others. Green jobs – enabling employment whilst looking after the natural environment, as well as driving opportunities to use local green spaces and reconnect with the natural environment - will advantage not only societal wellbeing, but also nature itself and SMNR.

Our NRW Business Plan sets out the following topics in relation to this priority:
- Diversity and Inclusion
- Creating a shared vision for the natural environment to 2050 - Nature and Us


The following pages reflect recent progress for topics with measures in the Business Plan dashboard, along with the latest performance position in relation to the Business Plan dashboard measure/s for each.

# Topic: Diversity and Inclusion

## Topic summary progress:

- We have developed a supporting action plan to deliver the aims of our Gyda'n Gilydd – All Together Diversity and Inclusion Strategy, which will require us to work and partner with a range of stakeholders that supports an inclusive way of working in our approach to service delivery and workforce engagement.
- We continue to expand our educator and health professional training programmes aiming to influence curricular and practice. From September, we welcome the new Curriculum for Wales with our expanded offer of support and in October will be delivering a session to trainee GP's in Rhondda Cynon Taf to highlight the role of nature within the Social Prescribing Framework.

Topic owner: Sarah Stacey

## Business Plan dashboard measure/s for this topic:

- **Deliver against agreed actions for Year 1 of 'All Together' (Diversity and Inclusion Strategy)**
- **Ongoing development and delivery of combined training, resource and projects**

## Measure: Deliver against agreed actions for Year 1 of 'All Together' (Diversity and Inclusion Strategy)

This measure reflects delivery against the first year of 'All Together'- NRW's Diversity and Inclusion Strategy'.

**Latest position** (to end of June 2022):

- Our **milestone for this measure is EDI specialist recruited, and action plan governance arrangements agreed.**
- We have completed this activity. The EDI Specialist has been recruited and will be in post at beginning of September. People Transformation Board will oversee governance of the action plan.
- **This measure is** green.

**What we are doing next:**

- We will now continue to develop our action plan to support the All Together Strategy. We will design, implement and promote our Work and Wellbeing Passport and proactively build on our #Team NRW Day to celebrate our diversity in NRW by supporting, empowering and promoting our active Staff Networks.
- We will ask our new EDI specialist to review our plans, both in terms of activity, priorities and scheduling of work. There is the likelihood that the action plan will be updated as a result.
- Our **milestone for the next reporting period is 35% of year 1 planned actions are initiated.**
- We are currently on track to achieve our **year end milestone activity to deliver first year of 'All Together' strategy (with 100% of year 1 planned actions initiated)** by quarter four. We currently expect we will be green at year end.

Measure owner: Sarah Stacey

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Green | | | Green |

See here for key used for green, amber or red status

*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

## Measure: Ongoing development and delivery of combined training, resource and projects

This measure reflects the ongoing development and delivery of NRW's combined health and educator training, resource and communication projects, including the delivery of Wales Outdoor Learning Week.

**Latest position** (to end of June 2022):

- Our **milestone for this measure is initiation of educator training programme and delivery of Wales Outdoor Learning Week (WOLW).**
- We have completed this activity, successfully delivering the third WOLW campaign with our Wales Council of Outdoor Learning partners, which was supported by WG Education department and many others. Our educator training programme has delivered 12 courses to 376 participants. We have delivered a course to 40 trainee GPs. New intranet and web pages on our health and well-being work have been developed, blogs and case studies produced and education resources to support the Wales Coast Path 10-year anniversary.
- **This measure is green**.

**What we are doing next**:

- We will develop training sessions and resources to influence a range of curricula and the practice of others. We will deliver training to GPs and welcome the new Curriculum for Wales offering support, resources and training in partnership with Techniquest. We will continue to develop and refine the Health Impact Assessment project and our Active Travel Charter work.
- Our **milestone for the next reporting period is completion of 10 resources and 2 communication projects.**
- We are currently on track to achieve our **year end milestone activity to complete full programme of training, resources and communication projects, engaging and influencing a minimum of 500 individuals and organisations throughout the year** in quarter four.
- We currently expect we will be green at year end.

Measure owner: Ruth Jenkins

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Green | | | Green |

See here for key used for green, amber or red status

*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

## Topic: Creating a shared vision for the natural environment to 2050 - Nature and Us

**Topic summary progress**:
- Completed the analysis of the Phase 1 involvement exercise
- Published the Phase 1 report and completed an involvement report.
- Developed a series of "voices from 2050" that we can test with new audiences
- Agreed a programme of involvement for Phase 2
- Developed a communication plan for ongoing involvement of public and private sector organisations

Topic owner: Sarah Williams

**Business Plan dashboard measure/s** for this topic:
- **Progress of Nature and Us / Natur a Ni programme**

*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

## Measure: Progress of Nature and Us / Natur a Ni programme

This measure reflects activity on Nature and Us / Natur a Ni programme relating to preparing a shared vision for the natural environment in Wales to 2050.

### Latest position (to end of June 2022):

- Our **milestone for this measure is phase 1 engagement report including metrics and an overview of organisations and groups that took part: Survey and online events final analysis report.**
- We have completed this activity. Working with consultants (Freshwater) we have produced a detailed involvement report that sets out the process and methods used for phase 1 of the involvement work.
- **This measure is** green.

### What we are doing next:

- We will now continue to deliver the ongoing national conversation towards the development of a shared vision.
- Our **milestone for the next reporting period is to report on phase 2 playback events (metrics, sample content); Overview of phase 2 visioning events, including key user groups approached and involved; Report on initial visioning events.**
- We are currently on track to achieve our **year end milestone activity to prepare shared vision for the natural environment in Wales to 2050 (and prepare shared vision and programme evaluation)** in quarter four.
- We currently expect we will be green at year end.

Measure owner: Sarah Williams

| Q1 | to Q2 | to Q3 | Expected year end |
|---|---|---|---|
| Green | | | Green |

See here for key used for green, amber or red status

*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

# Key: Green, amber or red ratings

The detail of how the green, amber or red status is determined for each measure in our Business Plan dashboard is shown below. We only depart from this where necessary, for the specific measure being considered (e.g. using specific tolerances for numeric targets to be a fair reflection of performance, and to ensure alignment with long-standing performance reporting approaches for these).

Each quarter through the year, we report both a current position to that quarter's end, and an expected year end position. At the end of each financial year, we report each year end performance position within our Annual Report and Accounts, with that final reported position for each measure reflected as green, amber or red. In that report, Green reflects achieved target or milestone, Amber reflects close to target or milestone, and Red reflects missed target or milestone.

Some measures have no pre-set green, amber or red categorisation, when the nature of a measure means a pre-set approach would not make sense. This is most often the case for new/emerging work areas. The status for these measures is therefore based on a common-sense reflection approach – i.e. the fair reflection of the position at that time.

## Responding to the climate emergency and the nature emergency…

| Page | Measure | Type | Red is… | Amber is… | Green is… |
|------|---------|------|---------|-----------|-----------|
| 6 | Support delivery of recommendations and actions from Renewable Energy deep dive | Milestone | Activity reflected is not near completion | Activity reflected is near complete (e.g. expected to be completed a month later than planned) | Activity reflected is effectively complete |
| 7 | Develop a low emission fleet and deliver a low emission and climate adapted built estate | Milestone | Activity reflected is not near completion | Activity reflected is near complete (e.g. expected to be completed a month later than planned) | Activity reflected is effectively complete |
| 9 | Implement Flood Review recommendations / actions | Milestone | Activity reflected is not near completion | Activity reflected is near complete (e.g. expected to be | Activity reflected is effectively complete |

| | | | | | |
|---|---|---|---|---|---|
| | | | | completed a month later than planned) | |
| 10 | Maintain flood risk assets in high risk locations at target condition | Numeric target | Figure / target not achieved. | Within 30% of figure / target | 98% (with no integer rounding) |
| 11 | Properties with reduced level of risk or sustained protection through capital work | Milestone | Activity reflected is not near completion | Activity reflected is near complete (e.g. expected to be completed a month later than planned) | Activity reflected is effectively complete |
| 12 | Produce Flood Risk Management Plans | Milestone | Activity reflected is not near completion | Activity reflected is near complete (e.g. expected to be completed a month later than planned) | Activity reflected is effectively complete |
| 14 | Priority actions undertaken on protected sites across Wales to improve condition of features | Milestone | Activity reflected is not near completion | Activity reflected is near complete (e.g. expected to be completed a month later than planned) | Activity reflected is effectively complete |
| 15 | Delivering targeted action for declining species or those on the edge of extinction | Milestone | Activity reflected is not near completion | Activity reflected is near complete (e.g. expected to be completed a month later than planned) | Activity reflected is effectively complete |
| 17 | Management of programmes to address and restore habitats across Wales | Milestone | Activity reflected is not near completion | Activity reflected is near complete (e.g. expected to be completed a month later than planned) | Activity reflected is effectively complete |

| 18 | Action undertaken to restore Welsh peatlands including degraded NRW Estate peatland | Milestone | Activity reflected is not near completion | Activity reflected is near complete (e.g. expected to be completed a month later than planned) | Activity reflected is effectively complete |
|---|---|---|---|---|---|
| 20 | Develop the biodiversity and cultural value of the NNRs in our direct care | Milestone | Activity reflected is not near completion | Activity reflected is near complete (e.g. expected to be completed a month later than planned) | Activity reflected is effectively complete |
| 21 | UKWAS Corrective Action Requests and Observations progress | Milestone | Activity reflected is not near completion | Activity reflected is near complete (e.g. expected to be completed a month later than planned) | Activity reflected is effectively complete |
| 22 | Area of new woodland created on the NRW Estate | Milestone | Activity reflected is not near completion | Activity reflected is near complete (e.g. expected to be completed a month later than planned) | Activity reflected is effectively complete |
| 23 | Timber volume offered to market | Numeric target | Figure / target not achieved. | Within 30% of figure / target | 85% (with integer rounding, i.e. >=84.5% would be green) |
| 25 | Deliver actions in the Wales Marine Protected Area (MPA) Network Management Action Plan | Milestone | Activity reflected is not near completion | Activity reflected is near complete (e.g. expected to be completed a month later than planned) | Activity reflected is effectively complete |

| 27 | Permits and licences issued within statutory timescales | Milestone | Activity reflected is not near completion | Activity reflected is near complete (e.g. expected to be completed a month later than planned) | Activity reflected is effectively complete |
| 28 | Category 1 and category 2 compliance breaches are subjected to further assessment | Milestone | Activity reflected is not near completion | Activity reflected is near complete (e.g. expected to be completed a month later than planned) | Activity reflected is effectively complete |
| 29 | Decision on an appropriate enforcement response within 3 months | Milestone | Activity reflected is not near completion | Activity reflected is near complete (e.g. expected to be completed a month later than planned) | Activity reflected is effectively complete |
| 31 | Response to incidents initially categorised as 'High' within 4 hours | Numeric target | Figure / target not achieved. | Within 30% of figure / target | 95% (with integer rounding, i.e. >=94.5% would be green) |

## Using our expertise, alongside that of others…

| Page | Measure | Type | Red is… | Amber is… | Green is… |
|---|---|---|---|---|---|
| 34 | Complete re-design of our freshwater quality monitoring network… | Milestone | Activity reflected is not near completion | Activity reflected is near complete (e.g. expected to be completed a month later than planned) | Activity reflected is effectively complete |
| 36 | Work to set strategic direction for development and | Milestone | Activity reflected is not near completion | Activity reflected is near complete (e.g. expected to be | Activity reflected is effectively complete |

| Page | Measure | Type | Red is… | Amber is… | Green is… |
|---|---|---|---|---|---|
| | implementation of projects | | | completed a month later than planned) | |
| 38 | Response to environmental governance issues and liaison with Interim Assessor | Text update | No pre-set Red / Amber / Green rating approach in place, i.e. common-sense approach to Red rating applies, focused on fair reflection of position | No pre-set Red / Amber / Green rating approach in place, i.e. common-sense approach to Amber rating applies, focused on fair reflection of position | No pre-set Red / Amber / Green rating approach in place, i.e. common-sense approach to Green rating applies, focused on fair reflection of position |
| 39 | Inform development of Welsh Government future land management policy & legislation | Text update | No pre-set Red / Amber / Green rating approach in place, i.e. common-sense approach to Red rating applies, focused on fair reflection of position | No pre-set Red / Amber / Green rating approach in place, i.e. common-sense approach to Amber rating applies, focused on fair reflection of position | No pre-set Red / Amber / Green rating approach in place, i.e. common-sense approach to Green rating applies, focused on fair reflection of position |
| 40 | Develop and implement programme to examine a proposed new National Park | Milestone | Activity reflected is not near completion | Activity reflected is near complete (e.g. expected to be completed a month later than planned) | Activity reflected is effectively complete |

## Improve water quality through raising awareness…

| Page | Measure | Type | Red is… | Amber is… | Green is… |
|---|---|---|---|---|---|
| 43 | Deliver programmes to review statutory | Milestone | Activity reflected is not near completion | Activity reflected is near complete (e.g. expected to be | Activity reflected is effectively complete |

| | | | Red is… | Amber is… | Green is… |
|---|---|---|---|---|---|
| | water quality requirements | | | completed a month later than planned) | |
| 44 | Deliver NRW input to the various Water Company Planning Programmes | Milestone | Activity reflected is not near completion | Activity reflected is near complete (e.g. expected to be completed a month later than planned) | Activity reflected is effectively complete |
| 46 | NRW progress on key deliverables for Special Areas of Conservation (SAC) Rivers Project | Milestone | Activity reflected is not near completion | Activity reflected is near complete (e.g. expected to be completed a month later than planned) | Activity reflected is effectively complete |
| 47 | Progress of our work to reduce pollution from metal mines | Milestone | Activity reflected is not near completion | Activity reflected is near complete (e.g. expected to be completed a month later than planned) | Activity reflected is effectively complete |

## Involving a diverse range of stakeholders…

| Page | Measure | Type | Red is… | Amber is… | Green is… |
|---|---|---|---|---|---|
| 50 | Deliver against agreed actions for Year 1 of 'All Together' (Diversity and Inclusion Strategy) | Milestone | Activity reflected is not near completion | Activity reflected is near complete (e.g. expected to be completed a month later than planned) | Activity reflected is effectively complete |
| 51 | Ongoing development and delivery of combined training, resource and projects | Milestone | Activity reflected is not near completion | Activity reflected is near complete (e.g. expected to be | Activity reflected is effectively complete |

| | | | | completed a month later than planned) | |
|---|---|---|---|---|---|
| 53 | Progress of Nature and Us / Natur a Ni programme | Milestone | Activity reflected is not near completion | Activity reflected is near complete (e.g. expected to be completed a month later than planned) | Activity reflected is effectively complete |

## Developing NRW into an excellent organisation…

See 'Internal performance report' *(next page)*

*[To return to start of report - see Business Plan Performance Dashboard - pages 1 and 2]*

## Annex 2: Internal Performance Report

## Priority: Developing NRW into an excellent organisation, with a workforce that drives a strong performance culture and delivers value for money and social and environmental value for the people of Wales
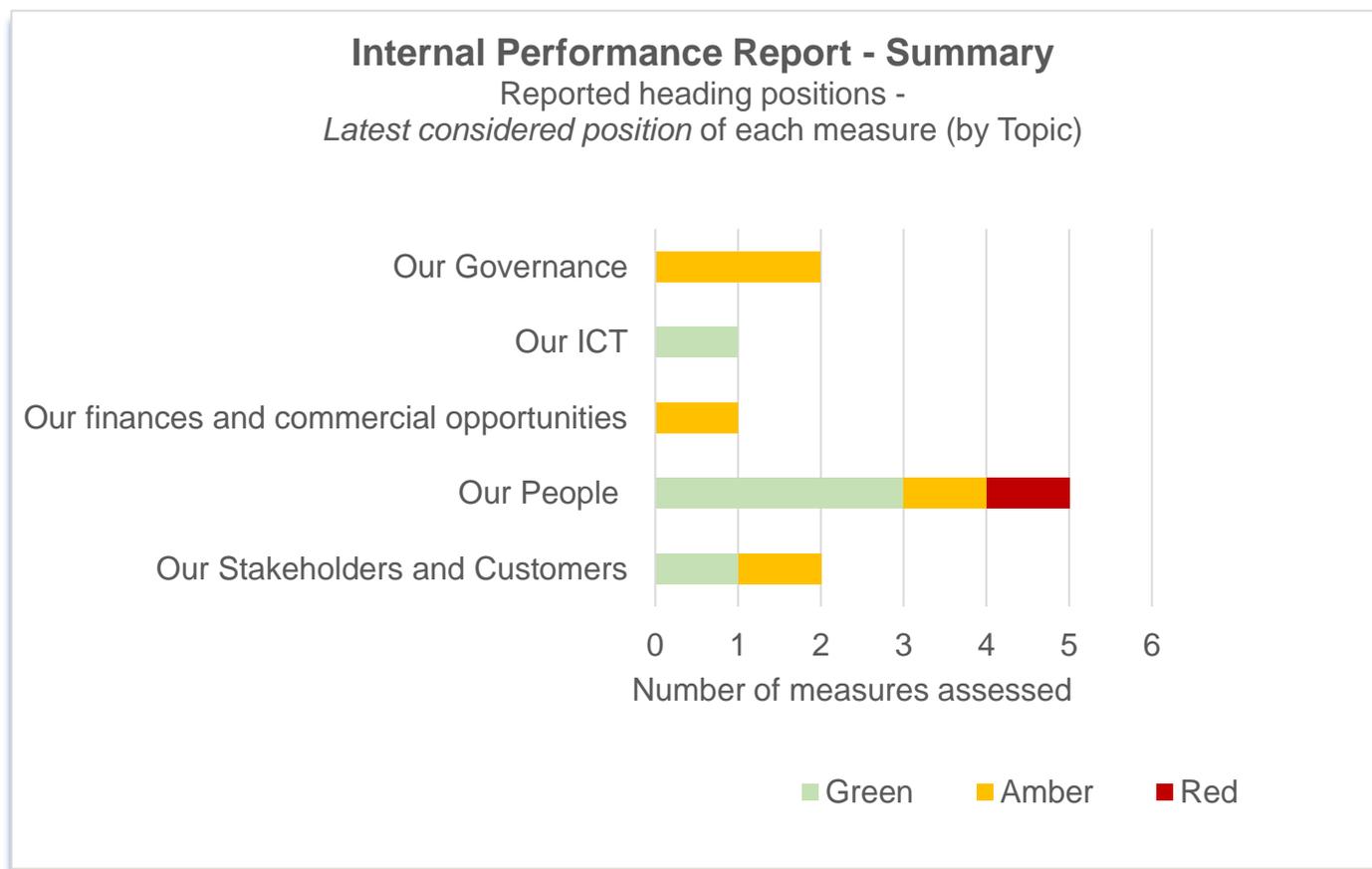
We want to be the best organisation we can be for our customers, for nature and for the people of Wales. To do this, we aim to continue to improve the services we provide, innovating and using digital approaches, whilst building on changes in working practices as a result of the Covid-19 pandemic. Our Business as Usual work here includes all the services we provide to enable work to take place on the ground and to develop our evidence base – looking after our staff; stakeholders and customers; training and developing our staff to help them reach their full potential; paying our bills on time and buying in goods and services with sustainability in mind; developing commercial opportunities sustainably including harvesting timber; and making sure we have robust governance in place so that we are open, fair and act with propriety.

Our NRW Business Plan sets out the following topics in relation to this priority:
- Our Governance
- Our ICT
- Our finances and our commercial opportunities
- Our People
- Our Stakeholders and Customers

The following pages show recent progress for each of those topics, through reflecting a quarter end performance snapshot in relation to a number of key measures which our Leadership Team consider each month relating to the 'health' of our organisation.

# Summary

**Internal Performance Report - Summary**
Reported heading positions -
*Latest considered position* of each measure (by Topic)



The latest performance position* (snapshot to end of June 2022) for the measures covered by the topics listed is:

- Five green
- Five amber
- One red

We currently expect eight of these measures to be green at the end of the year, with three amber and none red *(see next page)*

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*Overall/performance key*: The overall/performance status for each measure reflects a green, amber or red state, i.e.:
Green - achieved target or milestone; Amber - close to target or milestone; Red - missed target or milestone.

# Measures to note

*Updates below reflect all measures that are red or amber, including any currently anticipated to be so in future reports.*

**Our Governance:**
- **Declarations of Interest** (where people working for us declare when their official and/or private interests may be perceived to conflict with NRW's work) 'is reflected Amber (89%), with the relevant declaration in place for the vast majority of staff at last report (at least 90% would be considered green). Green is expected at year end
- **Enforcement response** is Amber at the end of June, with one enforcement notice issued to NRW this year (Green is considered to be none). Any response is reviewed by relevant internal groups, and by our external auditors (e.g. for ISO14001 and UKWAS). *We expect to be Amber at year end*, as this measure reports cumulatively through the year in relation to static annual boundary conditions, it cannot be turned around in year.

**Our People:**
- **Health and Safety Active Monitoring** (i.e. regular inspection and checking to ensure that wellbeing, health and safety standards are being implemented) is Red at the end of June, with recorded Active Monitoring events down compared with last year. Action taken to improve ease of reporting and re-promote the importance of managers' active monitoring. *Amber is currently expected for year end*
- **Sgrws** (priorities and development agreement) is Amber at the end of June (Green is considered to be 90% or higher) – a level slightly below where the equivalent measure stood at this time last year ('PDPs'). A significant improvement is expected for the next report due to the latest managers' action on this. We expect to be green at year end.
- **Absence** is Green at the end of June (at 2.6%), and at its lowest level in the last year (3.3% or below is considered green).  To support staff, we are focusing our efforts on a number of activities, through the work of our mental health first aiders and access to a range of external resources and practical advice.

*('Measure to note' continues overleaf)*

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*Overall/performance key*: The overall/performance status for each measure reflects a green, amber or red state, i.e.:
Green - achieved target or milestone; Amber - close to target or milestone; Red - missed target or milestone.

**Our finances and commercial opportunities:**
- **Payments performance** to our suppliers is Amber at the end of June (at 89%). We expect to be green at year end. A new process is being implemented to resolve the invoice queries backlog, supported by a new report to identify any issues or training needs.

**Our Stakeholders and Customers:**
- **Complaints** responded to within 20 days is Amber at the end of June (12.5%) with one response made outside of this timescale (less than or equal to 5% is being considered green). Green is currently expected at year end.
- **Access to Information** requests ('ATIs') responded to within 20 days is Green with one response (5%) made outside of this timescale (less than or equal to 5% is being considered green). *Amber is currently expected at year end*, in recognition of the variability of requests we receive.

# Remaining measures

i.e. those not already highlighted as 'Measures to note' above.

**Our ICT**
- Information Commissioner's Office (ICO) reported incidents is Green with no such investigations ongoing at the end of June.

**Our People:**
- 'Mandatory E-Learning' (online training items all NRW staff are required to complete) is Green at the end of June (at least 89.5% would be considered green).
- Health & Safety Near Misses is Green to the end of June with an increase in reported near misses compared with last year (green reflects an increased number of these reports). Green is currently expected for year end.

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*Overall/performance key*: The overall/performance status for each measure reflects a green, amber or red state, i.e.:
Green - achieved target or milestone; Amber - close to target or milestone; Red - missed target or milestone.

# NRW Board Paper

| Date of meeting: | 22nd September 2022 |
| --- | --- |
| Title of Paper: | Trail Hunting on the Natural Resources Wales (NRW) Estate |
| Paper Reference: | 22-09-B17 |
| Paper sponsored by: | Ceri Davies, Executive Director of Evidence, Policy and Permitting |
| Paper prepared by: | Dominic Driver, Head of Land Stewardship |
| Paper presented by: | Dominic Driver, Head of Land Stewardship |
| Purpose of the paper | Endorsement |
| Summary | To ask Board Members to endorse the Executive Team's (ET) decision not to seek that the Board review its previous decision to stop permitting trail hunting on the Natural Resources Wales (NRW) Estate.<br><br>To note the commitment to develop a recreation strategy for all forms of recreation on the NRW Estate. |

## Background

1. In November 2021, the Board decided that NRW would stop permitting trail hunting on the NRW Estate. This was informed by the following:

   - a lack of confidence in robust oversight of this activity following the conviction at that time of the then Director of the Masters of Foxhounds Association (MFHA) for encouraging illegal fox-hunting;

   - having exposed the potential for illegal activity to take place under the cover of trail hunting the additional resource that would be required to be deployed to assure ourselves the activity was being carried out legally and in accordance with the conditions we would reasonably set; and

   - the views of the Minister as landowner of the Welsh Government Woodland Estate (WGWE).

2. In July 2022 the Crown Court over-turned the former Director of MFHA's conviction. Following careful consideration, the Executive Team (ET) concluded that this did not change the context of the Board's previous decision to stop permitting trail hunting.

3. Our decision in November 2021 was based on various factors.  A key factor being our lack of confidence in compliance oversight being provided by a third party in future and as a consequence the ability of NRW to have both the resources and competence to satisfy ourselves that this activity was being carried out legally, compliantly and in line with any permission conditions. It was agreed that the effort needed to therefore police this activity was disproportionate in the context of resource pressures and was not a priority area for investment at that time. Those factors have not changed and it was therefore decided that a review of the decision was not needed.

4. This has been communicated to various stakeholders and is publicly known.  Other landowners like us continue to prohibit trail hunting; National Trust has stated there is no change in their position.

5. In November 2021, one of the options (Option E) also considered by the Board was whether we would consider agreements for trail hunting with other bodies.  Because of the resource implications of the policing of this activity going forward, this option was also rejected.

Further detail

6. The legal risk considered in November 2021 remains; if we were not able to properly police the activity, we could be challenged for knowingly allowing an illegal activity should anyone be found to be using trail hunting as a cover for illegal activity. Trail hunting *per se* would be a legal use of the public land in our care provided it had our permission and was undertaken in compliance with the law.  We are however not obliged to grant permission.

7. The appeal by Mr Hankinson was upheld because the Crown Court concluded that the appellant's words "are capable of more than one interpretation" therefore the judges could not be satisfied that the appellant intended to encourage illegal hunting and that it therefore did not meet the standard of a criminal offence.  Part of the appellant's case was that they were explaining how to confuse any hunt saboteurs by, for example, laying false trails.[1] This continues to illustrate how, if trail hunting were permitted on the NRW Estate, it would require significant compliance oversight resource by NRW to ensure that we were satisfied that it was being carried out in accordance with the relevant legislation and that the conditions we had set were being complied with.

8. At its meeting in November 2021 the Board were mindful of the views of the Minister in its consideration.  These were that she wanted us to consider a permanent ban on trail hunting on the WGWE.  We are aware that in August the Minister responded to an external enquiry, following the publication of the appeal court ruling, that she had seen nothing to dissuade her from her original position, that she had been advised of ET's

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[1] Extracted from "R v Mark Hankinson – Appeal Against Conviction: Ruling On Appeal".

decision, and consequently trail hunting would continue to be prohibited on the WGWE, which we manage on her behalf.  This was made public on the web by the recipient.

<u>Recreation strategy</u>

9. A review of recreation on the NRW Estate was commissioned by the Board in July 2021 arising from the decision item on the Sustainable Management of Natural Resources ("SMNR") review of Motorsports on the WGWE.  The draft scope has been developed and was part of the information pack for the Board's strategic discussion on the Purpose and Role of the WGWE in March 2022.  ET's view is that we should resist reviewing past recreation decisions and instead focus on developing a broad recreation strategy for the NRW Estate. This would include a vision, long term objectives and principles under which we could promote recreation activities in collaboration with partners and under which requests for recreation activities could be considered.  This would help us move to a more strategic consideration of activities and a less piecemeal, reactive approach as has tended to be the case to date.

10. We aim to bring a draft recreation strategy to Board for consideration in mid-2023.  We propose to use the new Board Sub-committee on the NRW Land Estate to refine the scope, support and scrutinise the developing strategy ahead of seeking Board approval.

# Recommendation

11. It is ET's opinion that the appeal judgement does not change our assessment about the difficulty of policing the activity and we recommend that the Board does not review the November 2021 decision.

12. We recommend that the Board notes the review of recreation and proposals for scope and approach to developing a recreation strategy.

# Next Steps

13. There is current interest from several groups and potential wider media and public interest in the implications of the appeal judgement.  To date we have been reactive only in responding to queries from stakeholders.  We plan to be more active following the Board meeting with a public statement about the outcome and a subsequent communications handling plan.

# NRW Board Paper

| | |
|---|---|
| **Date of meeting:** | 22/09/2022 |
| **Title of Paper:** | Establishment of a new NRW Land Estate Committee |
| **Paper Reference:** | 22-09-B12 |
| **Paper sponsored by:** | Gareth O'Shea, Executive Director of Operations |
| **Paper prepared by:** | Colette Fletcher, Head of Governance & Board Secretary and Vicky Painter, Governance & Risk Manager |
| **Paper presented by:** | Colette Fletcher, Head of Governance & Board Secretary |
| **Purpose of the paper** | Approval |
| **Summary** | To approve the proposed governance arrangements for the new NRW Land Estate Committee |

## Background

1. At the meeting on 26 May 2022, the Board supported the proposal to develop a new Board sub-committee whose principal role would be to advise the Board on the sustainable management of NRW's land estate to include investment in the estate, its management, and proposals for changes in its use.

2. This paper has been prepared with input from the Executive Directors of Operations; Evidence, Policy and Permitting; and Communications, Customer and Commercial; as well as the Head of Land Stewardship, Head of Sustainable Commercial Development, and the Governance Team.

3. The Board is asked to approve the proposed governance arrangements for the new NRW Land Estate Committee (NRWLEC).

## Delegation of functions

4. Paragraph 18 of the Establishment Order 2012 states:

   *"18.—(1) The Body may authorise a committee, sub-committee, member or employee of the Body to exercise any of the Body's functions."*

*(4) An authorisation under the preceding provisions of this paragraph may be general or specific and must be given in writing.*

*(5) The Body must send a copy of the authorisation to the Welsh Ministers.*

5.  The extract above confirms the Board's authority to establish a new Board committee. Written authorisation will take the form of Terms of Reference that will be shared with the Minster for Climate Change to meet the requirements of (4) and (5) above. The Sponsorship Team at Welsh Government have already been briefed on our intention to establish a new Board Committee. A copy of this paper will be shared with them to assist in the preparation of a brief for the Minister.

## Governance arrangements

6.  The NRWLEC will become the seventh committee of the NRW Board and will be subject to the same governance arrangements as the majority of the other Board committees. The draft Terms of Reference for the NRWLEC are attached at Annex 1. The Board are invited to provide any comments or suggestions and approve the draft Terms of Reference.

7.  The Executive lead for the NRWLEC will be Gareth O'Shea, Executive Director of Operations. Other regular attendees will include the Executive Director of Evidence, Policy & Permitting; the Executive Director of Communications, Customer and Commercial; the Head of Land Stewardship; and the Head of Sustainable Commercial Development

8.  Professor Calvin Jones is the proposed Chair of the committee. The other proposed Non-Executive Director members are still to be confirmed, pending consideration by the NRW Chair. The appointment of these roles requires Board approval and will be sought by correspondence after the September meeting.

9.  The committee will be serviced by the NRW Secretariat Team. We can resource this within existing staffing levels following a decision to reduce the frequency of meetings of the Leadership Team Group, which should free up the required capacity.

10. It is proposed that the NRWLEC meet for the first time in October 2022.

## Risks and opportunities

11. The establishment of the NRWLEC was proposed after a gap was identified in the scrutiny and oversight at Board level of the management of NRW land. The new committee will aim to provide additional support and advice to the teams within NRW, and to ensure appropriate challenge and discussion around strategic issues connected to the management of NRW land.

## Wider implications

(a) **Finance:** The establishment of a new Board committee will require an additional Board committee chair, which comes with additional cost (£4,200 per annum). The cost this year can be met through the savings created by the early resignation of one of the

Board members. Future costs will be factored into next year's budget submission. We can resource the required secretarial support within existing staffing levels following a decision to reduce the frequency of meetings of the Leadership Team Group, which should free up the required capacity.

(b) **Equality:** The activities the Committee will consider are in scope of the Land Stewardship Service Plan and are therefore covered by its Equality Impact Assessment.

(c) **Legal:** n/a

(d) **Data Protection:** Records management for the new committee will follow that of the existing Board committees.

(e) **Wellbeing of Future Generations Act (WBFGA):** The creation of the NRWLEC will contribute to all seven of NRW's Well-being Objectives.

# Next Steps

12. If approved by the September Board, the Minister will be officially informed of the establishment of the new committee. Staff will be informed via emails to the Executive and Leadership teams, an update in the Monthly Managers Guide, and a notice on the staff intranet.

# Recommendation

13. It is recommended that the Board approve the proposals and accompanying Terms of Reference.

# Index of Annexes

Annex 1 – Draft Terms of Reference for the NRWLEC.

# Natural Resources Wales Land Estate Committee (NRWLEC) 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 in the exercise of their functions NRW has due regard to the climate and nature emergencies, to pursuing and promoting the sustainable management of natural resources, and to ensuring the principles of sustainable management of natural resources are applied, so far as is possible within their powers.

### 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. 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.

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 NRW's Sponsoring Minister). 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 committee members – and at least two in any case - are present for the whole of the item(s). Deputies are not permitted.

7.2. For the purpose of determining whether a quorum is present, a Committee 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.

# NATURAL RESOURCES WALES LAND ESTATE COMMITTEE (NRWLEC)

These specific terms of reference are to be read in tandem with the generic terms of reference for all Natural Resources Wales' (NRW) committees.

**Terms of Reference agreed:** tbc
**Next review date:** tbc

## 1. Purpose

1.1. The Land Estate Committee (LEC) is a standing committee whose principal role is to advise the Board on the sustainable management of NRW's land estate, to include investment in the estate, its management, and proposals for changes in its use.

## 2. Scope

2.1. Its primary functions are to provide thought leadership and scrutiny of the use of NRW's managed land estate, to ensure that it is used and managed in a way that promotes the Sustainable Management of Natural Resources (SMNR).

2.2. The scope of the land estate includes (limited to land under NRW's management): the Welsh Government Woodland Estate (WGWE); National Nature Reserves (NNRs); visitor centres; other established recreation or tourism facilities on the estate; sustainable commercial development; timber sales and tourism, recreation and culture developments; non-flood reservoirs; mine tips; and metal mines. It excludes the management of flood assets including flood reservoirs (covered by the Flood Risk and Incident Management function with the Flood Risk Management Committee).

## 3. Responsibilities

3.1. To provide advice to the Executive Team, and make recommendations to the NRW Board as appropriate, to:

3.1.1. Promote innovative and progressive ways of using and adapting NRW's land estate to tackle the climate and nature emergencies;

3.1.2. Leverage its collective authority, experience and influence with external partners such as local communities to work together in tackling the nature and climate emergencies;

3.1.3. Consider and advise on high-level proposals for sustainable commercial development of the land estate, including diversification and promotion of green enterprise, with a focus on the 3Ps- planet, people and prosperity;

3.1.4. Provide advice and direction in the development of strategy and policy in relation to the direct use of land by Government;

3.1.5. Provide high level advice on development and delivery of the Land Stewardship Service Plan and the elements of the Commercial Service Plan related to the NRW Estate, including the Land Stewardship risk framework and relevant risks in the Commercial risk framework;

3.1.6. Other key land estate management issues on a 'needs-be' basis.

## 4. Meetings

4.1. The LEC will meet at most quarterly, typically around January and June to assist the programming and budgetary cycle. Additional meetings may be convened as required.

4.2. The meetings will primarily be supported by the Secretariat team and members of the Land Stewardship team, supported by colleagues from sustainable commercial development and other subject matter experts as required.

## 5. Membership

5.1. The NRWLEC will be chaired by Professor Calvin Jones.

5.2. Membership will include four non-executive Board members.

5.3. The Executive Director of Evidence, Policy & Permitting; the Executive Director of Communications, Customer and Commercial; the Head of Land Stewardship; and the Head of Sustainable Commercial Development will also normally attend meetings.

*[END OF TERMS OF REFERENCE]*

## Current Members (as at October 2022)

| | |
|---|---|
| Chair | Professor Calvin Jones |
| Members | tbc |
| | |
| Executive lead | Gareth O'Shea - Executive Director of Operations |
| | |
| Other regular attendees | Ceri Davies, Executive Director of Evidence, Policy & Permitting |
| | Sarah Jennings, Executive Director of Communications, Customer and Commercial |
| | Dominic Driver, Head of Land Stewardship |
| | Elsie Grace, Head of Sustainable Commercial Development |
| | Gavin Bown, Head of Service |

# NRW Board

| | |
|---|---|
| **Date of meeting:** | 22/09/2022 |
| **Title of Paper:** | Proposed changes to the Statutory and Legal Scheme (SaLS) |
| **Paper Reference:** | 22-09-B13 |
| **Paper sponsored by:** | Clare Pillman, Chief Executive Officer |
| **Paper prepared by:** | Clare Jones, Lead Specialist Advisor, Governance |
| **Paper presented by:** | Colette Fletcher, Head of Governance & Board Secretary |
| **Purpose of the paper** | Approval |
| **Summary** | To seek approval for a proposed change to the Statutory and Legal Scheme (SaLS) from the Land Stewardship and Regulatory Business Boards |

# Background

1.  This paper presents for approval proposed changes to the Statutory and Legal Scheme (SaLS) from the Land Stewardship Business Board and the Regulatory Business Board.

2.  The Governance Team conducts an annual review of the SaLS, but occasionally we receive requests for updates outside of that process.  We have recently received a request from both the Land Stewardship Business Board and Regulatory Business Board for new entries to be included.

3.  Following an Internal Audit of SaLS in 2021, several recommendations were made. One of the recommendations was to amend the wording of SaLS line Ref.4.3, regarding the sale and acquisition of land, to ensure there is clarity over roles and responsibilities.

4.  Discussions took place between the Head of Land Stewardship and the Head of Sustainable Commercial Development and it was proposed to amend the current Ref.4.3 to reflect the needs of Commercial activities, and for a new line to be created to reflect the needs of Land Stewardship activities (Ref.13.21). The updated Ref.4.3 has been included with the proposed changes at Annex 1, for information. The

proposed amendment to Ref. 4.3 was approved by the Chief Executive Officer and the wording will be amended once the proposed new Land Stewardship line is approved.

5. The proposed changes are supported by both the Commercial Business Board and Land Stewardship Business Board.

6. There is no consequential effect on numbering for this section of SaLS.

7. The Regulatory Business Board is proposing the addition of two new lines following the development of Operational Guidance Note 233 Withdrawing Deployments (Ref.18.228 and Ref.18.229), which was commissioned by the Regulatory Business Board Waste Sub-Group in recognition of the lack of a formal process for the withdrawal of deployments.

8. A deployment is an authorisation we give to allow the use / treatment of waste on land. An operator must hold a full permit to apply for a deployment, with the latter then effectively becoming a condition of the permit for the valid period (12 months). Where a deployment is approved, that approval is given via a letter from the Permitting Service. The intention is to have a formal process to follow, to withdraw a deployment where this is considered and justified as the appropriate course of action. A Permitting Team Leader currently approves a deployment and it is anticipated that a Place Team Leader would be the appropriate level to withdraw a deployment. As set out in SaLS, it is a Permitting Team Leader that currently has authority to grant an environmental permit and a Place Team Leader that currently has authority to revoke an environmental permit.

9. There is a consequential effect on numbering for this section, but these revisions are not included in the annex, as we will take approval of the additions to include approval of the consequential numbering changes.

10. 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 be presented to the Board for approval.

11. This paper seeks approval from the Board for a change to SaLS to incorporate the additional requested lines. The proposals were approved by the Head of Governance and Board Secretary, Head of Legal Services, and the Executive Director of Operations in the capacity as Acting Chief Executive Officer in August 2022.

12. Annex 1 presents the proposed new Land Stewardship and Regulatory Business Board entries to the Board for approval.

## Risks and opportunities

13. 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.

# Wider implications

14. There are no additional financial implications or considerations.

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

# Next Steps

16. Following approval of the proposed additional entries, the Land Stewardship and Regulatory Business Boards will be advised and the new lines will be incorporated into the SaLS master document.

# Recommendation

17. The Board is asked to approve the proposed additional entries for inclusion within the SaLS master document.

# Index of Annexes

Annex 1 – NRW SaLS 2022 – LSBB and REGBB additions for Board approval

| | REF | Category | Sub-Category | Function | Applicable Board(s) | Section of legislation | Delegated Level | | Link to MoM |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Job Grade | Job Description | |
| Ref. updated following IA of SaLS | 4.3 | Commercial Activities | Activities on Land | Decision to submit a Section 83 proposal to Welsh Government to allow NRW to enter into Commercial legal agreements in relation to options leases, acquisitions, or disposal. | COMBB | Government of Wales Act 2006 Section 83 agreements | Grade 11 | ~~Principal Surveyor (Grade 9),~~ Relevant Head of Operations (G11) and Head of Sustainable Commercial Development (Grade 11) | See Land Buildings and Structures, Freehold Acquisition and Disposal, and Legal services sections |
| Proposed | 13.21 | Land Stewardship (NRW Estates) | Managing Land | Decision to submit a Section 83 proposal to allow NRW to enter into non-Commercial legal agreements in relation to options leases, acquisitions, or disposal. | LSBB | Government of Wales Act 2006 Section 83 agreements | Grade 11 | Head of Land Stewardship (Grade 11) | See Land Buildings and Structures, Freehold Acquisition and Disposal, and Legal services sections |
| Proposed | 18.228 | Regulatory activities | Waste | Determination of an application of a grant or refusal of deployment | REGBB | Environmental Permitting Regulations (EPR) Regulations 13, 14, 15, 17, 18, 20, 21, 24, 25, 27 and Part 1 of Schedule 5 Environmental Permitting (England and Wales) Regulations 2016 | Grade 7 | Permitting Team Leader (Grade 7) | No |
| Proposed | 18.229 | Regulatory activities | Waste | Withdrawl of a deployment | REGBB | Environmental Permitting Regulations (EPR) Regulations 22 and 23 Environmental Permitting (England and Wales) Regulations 2016 | Grade 7 | Place Team Leader (Grade 7) | No |

# Board Paper

| | Paper Details |
|---|---|
| **Paper title:** | Required Evidence Base for Water Quality Improvements in Wales |
| **Paper Reference:** | 22-09-B14 |
| **Paper sponsored by:** | Ceri Davies, Executive Director of Evidence, Policy and Permitting |
| **Paper Presented by:** | Chris Collins, Head of Knowledge and Evidence<br>Alun Attwood, Monitoring and Reporting Manager |
| **Purpose of the paper** | Discussion |

## Issue

1. Recent water quality (WQ) issues have highlighted the importance of NRW having access to an effective evidence base through which to diagnose causes and prioritise effective actions for improvements.

2. The Board has requested that we consider what an effective evidence base for WQ looks like, and to set out how we work with our partners to develop and apply this evidence within resource limitations.

3. We consider this within the broader context of a refresh of our Evidence Strategy to support the development and dissemination of evidence across the full breadth of NRW's activities.

## Background

4. Good progress has been made in tackling gross pollution in Welsh rivers over the past 20-30 years, with 44% of river water bodies currently achieving Good Ecological Status and 95% of bathing waters at Good or Excellent. Improvements are evidenced by the return of clean water species to formerly polluted rivers – in particular Atlantic salmon, dippers and otters. Much of this improvement has resulted from regulation and upgrades at sewage treatment works and other point sources to reduce discharges of sanitary and metal pollutants. Significant progress in WQ has also been achieved through NRW's collaborative working with land managers and our pollution prevention work on the ground, for example,

remediation of mine waters working with the Coal Authority, and bathing water quality improvements through tackling some aspects of poor farming practice. The past impacts of acid deposition and acidification have also been reversed.
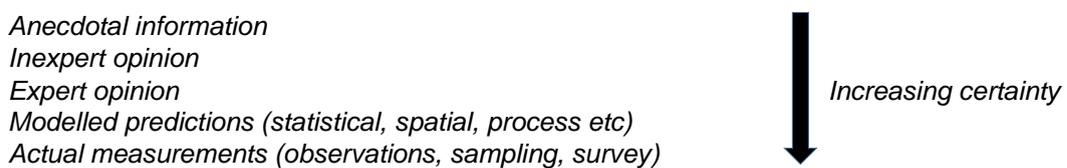
5. Over the last decade WQ improvements have levelled off. This is evidenced by the decline in water bodies achieving Good Chemical Status and over half of Special Area of Conservation (SAC) water bodies failing their phosphorus standard. Rates of biological and chemical improvement in urban water bodies have also stalled.

6. Our recent Water Framework Directive (WFD) assessment completed in 2021 identified mine discharges (metals), rural pollution from agriculture (sediment and nutrients), point source pollution (phosphate), and urban and transport pollution (chemicals) as the most significant pressures now impacting on WQ. These pressures represent a more complex set of issues than the 'easier wins' driving WQ improvements in the past. They arise from a combination of point and diffuse sources, and many are novel or 'emerging' contaminants that can be persistent and bio-accumulative. These include microplastics, pesticides and pharmaceuticals, many of which are not currently monitored. Potential interactions with climate change also result in 'multiple stressor' risks where increasing water temperatures, extreme high flows and drought (as in 2022) alter the release, dilution and biological effects of pollutants.

7. Against the backdrop of changing circumstances and raised public awareness of WQ issues, NRW's resource allocations for WQ monitoring have not kept pace. In 2019 (the last full year of monitoring prior to Covid restrictions) we collected just 16000 WQ samples compared with 30000 samples in 2012.

8. These changing circumstances require new insights and approaches to tackle WQ issues, supported by a strong and effective evidence base that guides action. Conventional WQ monitoring involving the collection of in-river chemical and biological samples to assess the 'state' of our rivers has provided the evidence to tackle some aspects of point source pollution, but the evolving range of pollutants, interactions among their sources, and climatic impacts requires improved capability.

## Assessment

9. Current work to investigate eutrophication issues in SAC rivers and the impacts of Combined Sewer Overflow (CSO) spills has exposed gaps in our WQ evidence base that are limiting our ability to respond effectively.

10. Two important factors when considering the scope and type of WQ evidence are **Spatial Scale** and the **Strength of Evidence**.

   a. *Spatial Scale.* The collection of evidence at different spatial scales is critical to the understanding of WQ issues. Sentinel monitoring at the national scale allows the detection of changing and emerging pressures on WQ, also aiding the evaluation of national policies and measures. More investigative 'agile' monitoring at the catchment and local scales allow prioritised targeting of specific WQ issues by sector, source, or pollutant, and evaluation of interventions. We derive the national position through a representative

('sentinel') network of WQ sampling points. At catchment and local scales there is a need for spatially intensive sampling of specific WQ problems or biological impacts to determine precise causes and effects. The aspect of temporal scale is also important, for example, when considering the dynamic nature of CSOs and agricultural incidents, and the interactions between climatic events and water quality.

b. *Strength of Evidence.* We will always be challenged by the varying levels of confidence in our WQ evidence. A key question is **what strength or weight of evidence do we need to support the delivery of WQ improvements,** or put another way, **what level of evidence is good enough?** The relative strength or certainty of evidence obtained through different sources can be visualised follows:

*Anecdotal information*
*Inexpert opinion*
*Expert opinion*                                          *Increasing certainty*
*Modelled predictions (statistical, spatial, process etc)*
*Actual measurements (observations, sampling, survey)*

11. In most cases we will base decisions on best available evidence, which may come from a single source or from a combination of sources. For WQ improvements it will be important to consider the strength (or level of confidence) we require to effect change.

12. The DPSIR model *(Driving forces, Pressures, State, Impact, Response)* offers a widely accepted framework to explore the evidence required for WQ improvements. The model underpins our ecosystem assessments in the State of Natural Resources Report (SoNaRR). An illustration for phosphorus in Welsh rivers is included in Annex 1. This indicates where our evidence is strong, and more importantly, where our evidence is perhaps less strong, and where there is a need to focus effort to influence actions and outcomes.

13. Two major work programmes have been set up to coordinate the response to the SAC rivers phosphorus and CSO spills issues. Through our *SAC Rivers project* we have determined failures of the phosphorus standard along with source apportionment modelling to determine the contributions to phosphorus loadings from different sources. Further evidence needs identified include:

- understanding phosphorus pathways
- improving our understanding of phosphorus apportionment from rural diffuse sources, including poultry units and clear felling
- assessing biological effects
- expanding evidence on the effectiveness of nature-based remedial measures, such as constructed wetlands and buffer strips
- evidence to address the issue of phosphorus in sewage sludge

14. We have convened The *Better River Quality Taskforce* to coordinate action across Welsh Government, regulators, water companies and environmental Non-Governmental Organisations (NGOs) to manage and improve CSOs. An investigative monitoring programme will be established between NRW and water companies to gather information, and to determine long-term requirements for

monitoring overflows including the monitoring of spill composition (e.g., emerging contaminants) rather than just spill frequency. At the recent First Minister's Phosphate Summit, Dŵr Cymru/Welsh Water (DCWW) and Hafren Dyfrdwy both committed to tackling the detrimental effects of CSOs on WQ by 2030. DCWW are bringing forward £100m of Asset Management Plan (AMP) funding to support this work and to reduce phosphorus discharges at its sewage treatment works.

15. **Our future approach to monitoring.** We are reviewing our WQ monitoring to ensure that it provides the evidence to support our future needs within our budget limitations. The review is looking across our WQ monitoring evidence needs, the design of monitoring networks and programmes, the methods we use, and how we collaborate with other evidence providers to make best use of the collective capability and resources. To respond to the funding challenge, we are likely to develop the 'Sentinel' and 'Agile' approach.

16. **Technology and innovation.** We do not always make the best use of technology nor routinely innovate our evidence work. To make use of newer technologies would require further investment to realise their full benefits and efficiencies. Technologies we are currently exploring include:

- remotely sensed imagery to support catchment-based assessments of WQ pressures and detection of in-river pollutants (sediment and chlorophyll)
- development of 'instrumented catchments' using WQ sondes and sensors
- telemetered networks to allow live feeds of WQ data
- innovative laboratory equipment to improve analytical capability and efficiency
- enhanced data analytics through machine learning and other approaches
- more cost-effective methods for biological monitoring and assessment

17. Our laboratory specialists have pioneered the development of in-river passive sampling methods to measure a range of metals, pesticides and industrial chemicals. Rollout of these remains limited to a small number of catchments due to cost and resources. We will be exploring with our laboratory specialists where further opportunities might exist to develop innovative monitoring and analytical methods.

18. **Enhanced analysis and modelling.** We can compensate in part for reductions in our monitoring by expanding our use of data analytics and modelling. These allow us to predict WQ conditions where gaps in monitoring exist, and to improve our understanding of WQ pressures through synthesis of data sets such as those provided by citizen scientists. The evidence produced may be of a lower confidence than field-based measurements but often provides an acceptable proxy and will allow more effective targeting of future monitoring effort. A key challenge is to develop repeatable routines that allow us to update and extend our analyses with minimum time and effort.

19. An example of enhanced analysis is a recently developed 'proof of concept' analytical method to predict mean phosphate concentrations in all river water bodies using a machine learning approach. The method combines data sets on land cover, topography, discharges, livestock, and population, with monitoring data, and was developed with the Office for National Statistics (ONS).

20. A further example is where the modelling of phosphorus loadings in SAC rivers has been undertaken using the SAGIS modelling software. SAGIS was principally developed to support evaluation of point source effluent quality but can also be used to estimate loadings from other sources and for other pollutants. Further model development would help us to understand the relative loadings from different rural diffuse sources, including poultry units, arable, and forestry.

21. **Citizen science.** Several citizen science-based WQ monitoring initiatives exist and offer important opportunities for engagement, and for data provision where information meets appropriate quality standards. We are currently working with citizen science groups on the river Wye and with the Ofwat funded Rivers Trust Catchment Systems Thinking Cooperative (CaSTCo), which is exploring partnership approaches to improving WQ in catchments across England and Wales, including the river Usk. We are planning further investment to allow greater engagement with citizen science groups, recognising that a partnership framework is needed so that all parties are clear on the applicability of the evidence collected

22. **Collaborative work to improve the evidence base.** Initiatives such as the *Better River Quality Task Force* are demonstrating the benefits of collaborative working to resolve WQ issues. It is evident that no single organisation has the remit, or breadth of skills and knowledge, to tackle the complex issues alone. The challenge for NRW is to build on these partnership approaches. Strong external partnerships may enable us to take advantage of more dynamic actors, such as universities, when trialling or developing new approaches and technologies.

23. A challenge for us moving forward is to make better use of the WQ evidence we collect through the creation and public dissemination of analysed and interpreted evidence products. By doing this we can encourage influential actors to use it to drive action through the influencing of government policy and sectoral investment. We currently publish a limited number of core evidence products on the Wales Environmental Information Portal, and the Data Maps Wales (Welsh Government's geospatial portal) and Water Watch Wales websites, but there is a lot more that we can be doing to publicise our evidence.

# Summary

24. We need to augment the types and uses of evidence to tackle the complex and evolving issues impacting on water quality. Further evidence is needed to understand all pollution sources contributing to WQ issues, along with stronger evidence to determine the effectiveness of remedial measures. Filling these evidence gaps is important to allow effective targeting of actions and to provide greater confidence in investment.

25. There are decisions for NRW about where we focus our internal evidence effort. As the body with primary responsibility for monitoring WQ in Wales we will continue to collect evidence on the state of our rivers. But there are important benefits to be realised from innovating and making better use of technologies, such as data analytics and modelling. We will need to develop our capabilities further in these areas, as well as working more collaboratively with our partners to utilise the collective skills to the best effect.

# Recommendation

26. Board members are asked to consider the following as a means of providing a broad-brush steer on the future direction of our WQ evidence:

    a) what an effective evidence base for WQ looks like, recognising the diverse, complex and evolving WQ issues we need to address and prioritise.

    b) how we should fill the evidence gaps, considering the strength and scale of evidence that may be required, and the opportunities that exist with new technologies and data analytics.

    c) how we should be working with our partners and academia to develop the evidence base, recognising the skills and knowledge that other organisations may have, and the resource limitations within NRW.

# Key Risks

27. Failure to develop and strengthen the evidence base may result in us having insufficient evidence to target actions effectively and to provide confidence in the investments required to address WQ issues.

28. Insufficient funding may prevent us from innovating and investing in the full range of new technologies from nutrient probes to data infrastructure to analytical software and recruiting staff with the required technical skills.

29. Failure to collaborate fully with partners may mean that opportunities are missed and progress to address WQ issues is slow or ineffective.

30. The planned refresh of our Evidence Strategy and supporting Action Plan, and the completion of our Freshwater Monitoring Review, will provide us with frameworks through which we can manage and mitigate these risks to best effect.

# Next Steps

31. Progression of the *SAC Rivers project* and *Better River Quality Task Force* to address current WQ issues.

32. Refreshing our Evidence Strategy and associated Action Plans to provide the overarching framework for our delivery of evidence supported by NRW's Evidence Advisory Committee.

33. Continuation of the Freshwater Monitoring Review to develop our future approach to WQ monitoring and analysis.

34. Development of approach for working with citizen scientists and their data.

# Financial Implications

35. No assessment has been made of the cost of developing the required WQ evidence base. Through the recent Welsh Government Baseline exercise, we estimated the additional cost of delivering an enhanced level of service for WQ monitoring (20% upturn) at £1.2m. This covers WQ sampling, laboratory analysis, data management and data analysis activity.

# Equality Impact Assessment (EqIA)

36. An Equality Impact Assessment has not been undertaken for this report but will be a requirement for the refresh of the Evidence Strategy and related plans.

# Index of Annex

Annex 1        DPSIR Appraisal of Evidence requirements to address Phosphorus in Rivers

# Annex 1

DPSIR Appraisal of Evidence requirements to address Phosphorus in Rivers

| | *National* | *Catchment* | *Water body/local* |
|---|---|---|---|
| ***Driving Forces***<br><br>***Socio-economic (Industry, energy, transport, tourism, agriculture)*** | • Prof Haygarth paper<br>• Rephokus project<br>• **Options for systemic change in food system** | • Rephokus Wye catchment study | |
| ***Pressures***<br><br>- ***Climate Change***<br>- ***Point Source Pollution***<br>- ***Diffuse Pollution***<br>- ***Land-Use Change*** | • **Detailed understanding of P releases from land use practices including agriculture and forest management**<br>• **Fate and transport of P in soils** | • SAGIS source apportionment and loading modelling for P<br>• Catchment pressure assessments<br><br>• **Improved understanding of P loadings from rural land-use and septic tanks**<br>• **Contribution of CSOs to P loadings**<br>• **Understanding of P nutrient pathways (source to receptor)**<br>• **Understanding why P levels continue to rise in some catchments** | -----------------------------→<br><br>• WFD risk assessments<br>• Investigations – reasons for not achieving Good Status |
| ***State***<br><br>- ***Physical***<br>- ***Chemical***<br>- ***Biological*** | • Surveillance monitoring – biological (inverts, diatoms, macrophytes) and physchem (OP, Total P)<br>• P Trend analyses (medium-high confidence) | • Operational monitoring<br>• Investigative surveys (eg. U Wye biological survey)<br>• SAC species feature monitoring<br>• P trend analysis (low confidence)<br>• Continuous monitoring (non-P dets)<br><br>• **Catchment nutrient balance** | -----------------------------→<br>-----------------------------→<br>• Continuous monitoring (non-P dets)<br>• WFD classification assessment<br>• SAC compliance assessment<br>• Citizen science data<br><br>• **Continuous monitoring (P auto sampling)** |
| ***Impact***<br><br>- ***Human health and welfare***<br>- ***Ecosystems*** | • WFD P standard in rivers<br>• SAC P target in rivers | | |
| ***Response*** | ←----------------------------<br><br>• Good evidence on the costs & effectiveness of tried and trusted measures (eg. end of pipe solutions)<br><br>• **Improved evidence on the effectiveness of nature-based solutions (eg wetlands, use of algae, buffer strips)**<br>• **Options for safe disposal of P in sewage sludge**<br>• **Alternatives to land spreading of biowastes** | Rephokus ----------------------<br>Nutrient calculators ---------<br>---------------------------------- | -----------------------------→<br>-----------------------------→<br>-----------------------------→ |

**Bold = identified gaps in evidence**      non-bold = sources of available evidence

| | Board Forward Look    November | | | | | |
|---|---|---|---|---|---|---|
| | Item | Private/ Public | Scope | Purpose | Time | Sponsor |
| 1 | Open meeting | Public and Private | Standing Item | | 5 | Chair |
| 2 | Review Minutes | Public and Private | Standing Item | | 5 | Chair |
| 3 | Chair's Update | Public and Private | Standing Item | | 10 | Chair |
| 4 | CEO Update | Public and Private | Standing Item | | 10 | Clare Pillman |
| 5 | Committee Update | Public and Private | Standing Item | | 10 | Chairs of Committees |
| 6 | Finance Report | Private | Standing Item | Approval of latest financial position | 20 | Rachael Cunningham |
| 7 | Business Plan Performance Dashboard Q2 Update | Public | Scrutiny | To scrutinise and publish the Q2 Report | 20 | Claire Pillman |
| 8 | Flood and Incident Management – Winter Preparedness Update | Private | Scrutiny | To update the Board on winter preparedness for flood and incident management | 45 | Ceri Davies |
| 9 | Wellbeing, Health and Safety Report | Guidance required | Scrutiny | To scrunitise progress WH&S Annual Report | 30 | Prys Davies |
| 10 | Presentation of Business Plans by the Water Companies | Public | | To discuss the business plans presented by the water companies | 90 | Ceri Davies |
| 11 | Digital Strategy - initial plan | Public | Approval | To scrutinise the initial plan resulting from the approval of the Digital Strategy – to include a social media discussion | 30 | Sarah Jennings |
| 12 | Proposed New National Park Designation | Private | Discussion | To discuss the proposed new National Park designation | 30 | Ceri Davies |
| 13 | Committee Terms of Reference | Public | Approval | To approve the update to the Committee Terms of Reference | 10 | Prys Davies |

| | Board Forward Look    November | | | | | |
|---|---|---|---|---|---|---|
| | Item | Private/ Public | Scope | Purpose | Time | Sponsor |
| 14 | Strategic Discussion on Innovation | Public | Discussion | Strategic Discussion on Innovation | 60 | Ceri Davies |
| 15 | Natur a Ni | | Discussion | Update | 20 | Prys Davies |
| 16 | Corporate Plan | | Discussion | Discussion for Board steer and ideas | 120 | Prys Davies |
| 17 | Incident Review | Private - tbc | Discussion | To discuss the Incident Review | 30 | Ceri Davies |
| 18 | Board Forward Look | Public | Discussion | To discuss upcoming items | 5 | Prys Davies |
| 19 | AOB | Public and Private | | If raised | 5 | |

# Board Paper

| | |
|---|---|
| **Date of meeting:** | 22 September 2022 |
| **Title of Paper:** | NRW Board Terms of Reference Review |
| **Paper Reference:** | 22-09-B16 |
| **Paper sponsored by:** | Prys Davies, Executive Director of Corporate Strategy and Development |
| **Paper prepared by:** | Clare Jones, Lead Specialist Advisor - Governance |
| **Paper presented by:** | Colette Fletcher, Head of Governance and Board Secretary |
| **Purpose of the paper** | Approval |
| **Summary** | Scrutiny, discussion, and approval of the proposed amendments to the Terms of Reference for NRW Board and consideration of whether any additional amendments are required. |

## Background

1. As part of our commitment to good governance, NRW is committed to reviewing the Terms of Reference for the Board and its Committees annually. The reviewed Committees' Terms of Reference will be presented at the Board meeting in November for approval.

2. This paper presents the NRW Board Terms of Reference for scrutiny, discussion, and approval. The proposed changes are tracked in Annex 1 and any further changes will be included following discussion at the meeting.

## Risks and opportunities

3. Good governance is crucial for the organisation, supporting NRW's decision-making, transparency, improving value for money, etc. The activities covered in this update will contribute to this process.

## Wider implications

(a) **Finance:** There are no financial implications directly associated with this paper.

(b) **Equality:** The governance requirements affect all members of staff equally. No adverse effects are anticipated for any protected groups or characteristics.

(c) **Legal:** No legal advice has been sought in the drafting of this paper as this is not required.

(d) **Data Protection:** There are no data protection implications.

# Next Steps

4.  Following approval, the Terms of Reference will be translated and uploaded to the NRW website and intranet.

# Recommendation

5.  The Board is invited to scrutinise, discuss, and approve the proposed amendments to the NRW Board Terms of Reference and consider whether any further amendments are required.

# Index of Annexes

Annex 1 – NRW Board Terms of Reference

# Board Terms of Reference

**Terms of Reference agreed:** Sept 2022~~1~~
**Next review date:** Sept 2023~~2~~

## 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 for ensuring that in the exercise of its functions NRW has due regard to the climate and nature emergencies, to pursuing and promoting the sustainable management of natural resources, and to ensuring the principles of sustainable management of natural resources are applied, so far as is possible within its powers.

# 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; |
| 4.1.6. approve delegation of any of the Board powers to the Chief Executive; |
| 4.1.7. approve the scheme of financial delegation, covering delegation to the Chief Executive or Executive Team members; |
| 4.1.8. approve the Statutory and Legal Scheme, covering delegation to the Chief Executive or Executive Team members; |

4.1.9.   approve the Framework Document with the Welsh Government, or successor documents;

4.1.10.  approve the strategy and principles for management of risk.

Appointments:

4.1.11.  appoint and dissolve Board committees, sub-committees, working groups, and their Chairs;

4.1.12.  appoint and terminate the appointment of the Chief Executive, subject to the consent of the Welsh Government Minister responsible;

4.1.13.  appoint Investigating and Inquiry Leads.

Strategy, Business Plan and budget:

4.1.14.  approve (including varying) Corporate Strategies and Strategic Plans, subject to approval by the Welsh Government;

4.1.15.  approve the annual Business Plan and annual budget, subject to approval by the Welsh Government;

4.1.16.  approve NRW's key performance indicators;

4.1.17.  ensure the statement of accounts complies with any directions given by the Minister, Auditor General, and good practice;

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.

Operational decisions:

4.1.19.  approve the policy content of corporate, strategic, documents and corporate policythat relate to NRW's strategy, purpose, and long-term vision;

4.1.20.  the Board has delegated the approval of the annual pay award to the People and Remuneration Committee (PaRC)approve the pay remit;

4.1.21.  approve the Scheme of Charges;

4.1.22.  approve major organisational developments and changes to the organisation.

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 dDiscussions will be held in public unless they are considered exempt based on the public vs private criteria approved by the Board. 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 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 Sept 2022~~1~~)

Sir David Henshaw, Chair (term end date 31 October 2023)

Professor Steve Ormerod, Deputy Chair (term end date 31 October 2025)

Julia Cherrett, Senior Independent Director (term end date 31 October 2025)

Karen Balmer (term end date 8 May 2023)

Catherine Brown (term end date 31 October 2022)

Geraint Davies (term end date 31 October 2024)

~~Paul Griffiths~~

Zoë Henderson (term end date 8 May 2023)

Professor Calvin Jones (term end date 28 February 2023)

Mark McKenna (term end date 28 February 2023)

Dr Rosie Plummer (term end date 31 October 2024)

Professor Peter Rigby (term end date 31 October 2023)

Clare Pillman, Chief Executive/Accounting Officer