

# Confirmed Board Minutes

**Title of Meeting:** NRW Board Meeting – Public

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**Date of Meeting:** Thursday 12<sup>th</sup> July 2018  
National Waterfront Museum, Swansea

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

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**Present Staff Members:** Ceri Davies (Executive Director of Evidence, Policy and Permitting)  
Ashleigh Dunn, Executive Director ODPM  
Kevin Ingram (Executive Director for Finance and Corporate Services)  
Tim Jones (Executive Director, Operations Mid and North)  
Gareth O'Shea (Executive Director, Operations South)  
Catherine Love (Director for Customer Care, Communications and Information)  
Howard Davies (Head of Governance and Planning)  
Paul Gibson (Industry Regulation Team Leader, South Ops) Item 2  
Rob Bell (Head of Finance) Item 3  
Michelle Van-Velzen (Sustainable Land Management Team Leader) Item 5  
Chris Tucker (Technical Forestry Advisor Resilience) Item 5  
Peter Gough (Principle Advisor Fisheries) Item 6

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**Apologies:** Niall Reynolds (Director Transformation Portfolio)

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**Secretariat:** Noemi Maria Donigiewicz  
Nia Wyn Lloyd  
Rachel Rees

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## 1. Standard Board Business

1.1 The Chair welcomed everyone to the meeting.

### Apologies

1.2 Apologies for absence were received from Niall Reynolds.

### Declaration of Interest

1.3. No new declarations of interest were raised It was **NOTED** that Nigel Reader is no longer on the NE Board, or a member of Defra's ARAC .

### Board Minutes

1.4 The Board Business Meeting Minutes from May 2018 were confirmed as a true record of the meeting. A number of minor typographic errors were highlighted, to be corrected by Secretariat.

**ACTION POINT:** *any minor corrections to be sent to Secretariat.*

**ACTION BY:** *All; by 13.07.18*

### NRW Action Logs

1.5. Item 8. Water Management Forum establishment of the WMF is underway; progress to be reported, and ToR to be shared with the Board

**ACTION POINT:** *ToR for the Water Management Forum to be circulated for approval at September Board; to be considered under Updates from Sub-groups*

**ACTION BY:** *Ceri Davies; Secretariat for September Board.*

1.5. Item 10. Not discharged. The Swansea stakeholder event was part of our wider stakeholder engagement. The Board requested that the Stakeholder Engagement Strategy and Plans should be discussed at the September Board.

**ACTION POINT:** *Stakeholder Engagement Strategy to be on next Board Agenda*

**ACTION BY:** *Secretariat; Catherine Love; for September Board*

1.5. Item 13. Ruth Hall has liaised with Annie Payne to progress Board member involvement in the NRW Dementia Friendly Initiative

**ACTION POINT:** *Update at September Board*

**ACTION BY:** *Ruth Hall; for September Board*

### Other Matters Arising

1.6 Board member responsibilities, and succession planning need to be discussed and agreed by Board.

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**ACTION POINT:** Discussion at  
Board Away Day

**ACTION BY:** Chair; for August Board Away Day

1.7 Schemes of Delegation need to be finalised and approved at the September Board

**ACTION POINT:** FSoD and NFSoD to be on next Board Agenda

**ACTION BY:** Secretariat; Kevin Ingram; for September Board

## 2. Local Issues Presentation

### PRESENTATION FOR INFORMATION

2.1 Paul Gibson gave a presentation entitled: *Working Together for a Sustainable South West Wales*

2.2 The presentation covered:

- Green Infrastructure as an essential part of planning;
- Maintaining links between communities;
- Evidence gathering for Area Statements;
- Advising and enabling industry to lower harmful emissions and encourage innovation;
- Flood risk management;
- Our role in improving air quality in Port Talbot and our regulation of the Steelworks (which impacts > 25000 people). Tackling poor air quality is a key requirement of the Remit Letter and a crucial goal for NRW;
- Improving water security and fish passage at Green Park Weir;
- Food and drink industry and its relationships with agriculture;
- The economic and pollution risks on the Milford Haven Waterway;
- Working with key stakeholders.

2.3 The Board discussed the importance of understanding the impacts of different sectors, and how to mitigate risks, to our environment. The opportunities to work positively through the PSBs were welcomed.

2.4 The Board thanked Paul for his excellent presentation, which highlighted NRW staff commitment and achievements working closely with a wide range of partners.

## 3. Finance Update Paper NRW B B 20.18

### PAPER FOR SCRUTINY

3.1 Rob Bell presented an update on NRW's current financial position.

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3.2 The revisions to the budget for Quarter 1 were considered. Corrections to the table in Paragraph 12 were **NOTED**. The revisions were mainly due to larger than anticipated end of year carry forward. The Board confirmed that the ET review into the under-spend in some budgets in 2017/18 should be considered by ARAC.

**ACTION POINT:** *ET Review to be discussed by ARAC in September*

**ACTION BY:** *Secretariat; Kevin Ingram; for September ARAC.*

3.3 The Financial Performance for 2017/18 was scrutinised, and the increased income and budget under-spend **NOTED**. Amendment to the Framework Agreement with Welsh Government (WG) had been agreed with WG to enable the increase carry forward. A range of unfunded pressures were identified in the paper that would be prioritised for funding by ET. The Board highlighted investment in the Forest Safety Action Plan as a priority.

3.4 Approval was sought for supplementary expenditure on the Pontarddulais Flood Alleviation Scheme. Madeleine Havard confirmed that the FRMAG were aware of the issues around this complex FAS, had scrutinised the detailed additional expenditure request (Form G) and recommended approval. The additional expenditure was **APPROVED**; the Board requested that a review be carried out and lessons learnt be brought back to the Board.

**ACTION POINT:** *Review of project to be undertaken, and lessons learnt considered by FRMAG in October, and then brought back to Board in November.*

**ACTION BY:** *Ceri Davies/Jeremy Parr; Madeleine Havard/Elizabeth Haywood; for October FRMAG; Secretariat for November Board*

3.5 The Board **NOTED** the items sent to WG for approval since the last Board meeting

3.6 The Board **NOTED** that ARAC would be receiving the final draft Annual Report and Accounts for approval at their meeting on 13.07.18

3.7 The Board **NOTED** that the Charges Review team are working up proposals for 2019/20, with staff due to meet with the Stakeholder Group at the start of August. Proposals will then come to the Charges Review Sub-group for discussion. The importance of keeping WG informed of potential changes to the current scheme was highlighted.

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## 4. Governance Matters

### SCRUTINY

#### **People and Remuneration Committee:** NRW B B 21.18

4.1. The Board **NOTED** the update report presented by Paul Williams, Committee Chair, and **RATIFIED** the Minutes presented from the March 2018 PaRC.

4.2. The Chair confirmed that Zoe Henderson would be taking over as Chair of PaRC in September, and thanked Paul Williams for his commitment and hard work as Chair of this Committee from the start of NRW.

#### **Welsh Language Annual Report:** NRW B B 25.18

4.3 Tim Jones presented the report on behalf of Ashleigh Dunn. The Board welcomed and **APPROVED** the Annual Report.

4.4 The Board were encouraged by the positive steps and actions achieved, ensuring that NRW meet the required Welsh Language Standards, and continues to work towards our aim of being a bilingual organisation. The team were thanked for their hard work.

#### **Well-being, Health and Safety Annual Report:** NRW B B 22.18/ NRW B B 23.18/ NRW B B 24.18

4.5 The Board **APPROVED** both the WHS Annual Report and the 2018-21 WHS Strategy. The Board discussed how NRW's ambition to embed changes, and make progress on WHS should include Corporate Health Standards, and personal responsibility, as well as recognising staff for their daily contribution. The importance of allocating appropriate funding for this work was highlighted.

4.6 The Board **NOTED** its responsibility and leadership role in support of NRW's Wellbeing, Health and Safety work.

4.7 This being her last Board meeting before leaving NRW, the Board thanked Ashleigh Dunn for her hard work and commitment as Executive Director for ODPM.

#### **Audit and Risk Assurance Committee** NRW B B 26.18

4.8 The Board **NOTED** the update report presented by Karen Balmer, Committee Chair, and **RATIFIED** the Minutes presented from the March 2018 ARAC.

4.9 The Board **NOTED** that ARAC will be signing off the Annual Reports and Accounts 2017/18, along with the Letter of Recommendation at their special meeting on 13.07.18

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4.10 The Board **NOTED** the amount of work undertaken by this Committee, and thanked Karen Balmer, Nigel Reader and the other Committee members, for their commitment.

## **Flood Risk Management Advisory Group**

4.11 The Board **NOTED** the update report presented by Madeleine Havard, the Group Chair. The formal Minutes of the May FRMAG will come to the Board in November for ratification.

4.12 The Board **NOTED** a change in the way Welsh Government runs its capital allocation for FRM projects, which may impact on NRW's FRM programme.

## **Protected Areas Committee**

4.13 The Committee has not met since the last Board Meeting. Andy Middleton, Committee Chair, highlighted the ambition of the Committee to take a wider role in supporting the delivery of the Biodiversity Strategic Steer [*Vital Nature*], for example by assisting in development of NRW's approach to protected sites.

**ACTION POINT:** *Non-statutory meeting of PAC to be arranged to discuss supporting Vital Nature delivery.*

**ACTION BY:** *Ceri Davies/Andy Middleton to plan meeting date; by September Board*

## **Wales Land Management Forum**

4.14 Zoe Henderson gave a verbal report: WLMF's work will feature at the Royal Welsh Agricultural Show, and an update will be provided to the Board in September.

**ACTION:** *WLMF update to go to September Board*

**ACTION BY:** *Secretariat; Zoe Henderson for September Board*

## **Enterprise Sub-Group NRW B B 27.18**

4.15 The Board **NOTED** the update report, presented by Kevin Ingram, Sub-group Chair.

## **JNCC**

4.16 The Board **NOTED** the update report, presented by Madeleine Havard, NRW Representative on JNCC.

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## 5. Review of the Use of Firearms on Land Managed by NRW NRW B B 28.18 PAPER AND PRESENTATION FOR DECISION

5.1 Michelle Van-Velzen and Chris Tucker joined the meeting to present the background and outcomes of the Review

5.2 The Board **NOTED** that since circulation of the Board Papers, the CEO had received a letter from the Minister for Environment, setting out the Welsh Government's policy position on this topic.

5.3 It was **AGREED** that the Board should follow due process, and make its decisions on the Recommendations of the Review, before considering the implications of the Minister's letter, and ways forward.

5.4 The Review was started in 2016 following a request from the Board for a formal review of the use of firearms on land managed by NRW on behalf of Welsh Government in the light of NRW's new purpose and SMNR principles. The Review focussed on three areas:

- i. NRW's use of firearms for the management of wild species;
- ii. the licensing of others for the management of wild species;
- iii. the leasing of land managed by NRW for the use of firearms.

5.5 This was not a review of public policy on the use of firearms. Welsh Government, as the landowners, were kept informed throughout the Review.

5.6 The governance of the Review was described: the Project Plan was developed and delivered by an internal Staff Project Board, and overseen by a NRW Board Task & Finish Group. The Review considered activities on 128,000ha of WGWE and 54 NNRs, it did not include land where shooting rights are controlled by others.

5.7 The Review was evidence based, engaging a wide range of stakeholders and engendering much feedback. The 12 weeks call for evidence in 2016 yielded over 250 pieces of evidence. The evidence was considered by an Expert Staff Panel from across the organisation. Two external academic reviewers were appointed to assure the process of evidence gathering and help identify any gaps in the evidence. The evidence was used to come to a series of Recommendations which were then put out for Public Consultation between January and April 2018. The supporting evidence submitted and used in coming to the Recommendations was made publicly available. There were 4700 responses to the Public Consultation and an online survey tool used to enable detailed analysis. All responses were considered. Although the scope of the Review was focussed on SMNR, NRW's legal purpose, many responses related to animal welfare, ethics and morality of activities. The Review Team held meetings with interested organisations, and acknowledged petitions and surveys undertaken by interested organisations during the Review period.

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5.8 The Recommendations from the Review were then presented to the Board:

**Recommendation 1:** *NRW will continue to use firearms in managing the negative impacts of wild species on the land it manages to achieve the sustainable management of natural resources consistent with our land management objectives and our purpose.*

It was highlighted that NRW follows the international Principles for Ethical Wildlife Control; that wild species management is an adaptive management process, and that the impacts of such management are constantly under review.

**Recommendation 2:** *NRW will continue to consider applications for permission to carry out control of wild species using firearms on the land we manage.*

It was highlighted that any application needs clear justification; must be legally compliant, and must comply with all conditions placed on the licence.

**Recommendation 3:** *NRW will continue to consider the leasing of rights for pheasant shooting, wildfowling and other pursuits involving firearms on a case by case basis.*

It was highlighted that environmental issues were NRW's main concern. That NRW would not actively pursue the leasing of rights, but any applications would be considered on a case by case basis. Any leases offered would be subject to a number of conditions, including adherence to appropriate (stipulated) Codes of Practice.

**Recommendation 4:** *NRW will continue to use lead ammunition but will keep under review the efficacy of the available alternatives.*

It was highlighted that NRW experts have concerns about the efficacy of current alternatives but will continue to keep under review.

5.9 The Board discussed the outcomes of the Review:

- i. Its importance in establishing a framework for testing our SMNR approach was highlighted.
- ii. The worldwide interest was acknowledged, with the need to focus on what is best for Wales highlighted.
- iii. The importance of encouraging further research and continued evidence gathering (e.g. for SoNaRR2) on all aspects of the topic was highlighted.
- iv. The costs relating to licensing, and potential changes to current licences need to be clarified.
- v. The need for clear timescales for reviews (e.g. to consider any new evidence etc.) should be introduced, e.g. annual/biennial etc.
- vi. The importance for the whole organisation of learning lessons from the process and new approach was highlighted.

**DECISION** - The Board discussed and **APPROVED** each of the four Recommendations (see 5.8 above); supporting the supplementary points raised (in 5.8 above) and requesting consideration of additional points (raised in 5.9 above).



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5.10 The Board thanked the Team for their professional and rigorous approach to the Review.

5.11 The Chair acknowledged the huge public interest in the Review, and confirmed correspondence addressed to the Board had been circulated to Board members.

5.12 Following approval of all Recommendations, the Board considered the letter from the WG Minister for Environment which stated WG's policy position: that it does not support the recreational shooting of pheasants on the Welsh Government Estate.

5.13 It was **NOTED** that this clarification of WG policy, which NRW must put into operation, impacts on Recommendation 3 of the Review regarding any future lease applications, and also potentially on current leases. The Board requested that the Executive work with WG to consider how to implement this WG policy.

**ACTION POINT:** Executive to work with WG to consider how to implement this WG policy, and bring back proposals to the September Board meeting:-

**ACTION BY:** Ceri Davies before September Board; Secretariat for September Board

## 6. New Fishing Controls for the Cross-border Rivers Dee and Wye NRW B B 29.18 PAPER FOR DECISION

6.1 Peter Gough joined the meeting to present the background to the proposed new fishing controls, and seek approval from the Board for the Recommendations

6.2 The Board were reminded that this proposal was one of a suite of three aimed at protecting threatened stocks of salmon and sea trout in Wales.

- i. The first proposal, relating to rod and net fishing byelaws on rivers wholly in Wales had been approved by the Board on 17<sup>th</sup> January 2018.
- ii. The second proposal, concerning byelaws on the Rivers Dee and Wye, had completed its public consultation (in Wales and England) on 5<sup>th</sup> February 2018, and is the subject of the paper before the Board today.
- iii. The third proposal, concerning byelaws on the River Severn, was currently out for public consultation (in Wales and England), closing on 12<sup>th</sup> September 2018.

6.3 It was **NOTED** that the All Wales first proposal (6.2.i above) needs to be confirmed prior to the next two proposals being enacted (if approved). The application for the proposed new All Wales byelaws was made to WG in February 2018 but was still currently awaiting agreement from WG.

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6.4 It was **NOTED** that the proposal for the River Dee was to introduce byelaws (catch and release and method controls) for 10yrs (with a full review after 5 years), and for the River Wye (method controls) for 3yrs (to match the end of the current River Wye catch and release byelaws).

6.5 It was **NOTED** that the proposed byelaws support an integrated catchment approach in the cross-border Rivers Dee and Wye, and the need for consistency with the Environment Agency (EA).

6.6 It was **NOTED** that learning from the discussions around the first proposal had been acted on: trying to rebuild trust in NRW with the fishing sector; improve partnership working; improve communications.

6.7 It was **NOTED** that actions since January have included:

- i. working with nine Local Fishery Groups across Wales;
- ii. working with WLMF to reduce the occurrence of agri-pollution to rivers;
- iii. four River Restoration Plans being commissioned from partner organisations, with five more due this year; and work plans being established;
- iv. technical refinement work, with EA and Cefas, on the stock assessment process;
- v. promotion of angling in Wales;
- vi. work to establish an all Wales Fisheries Group.

6.8 The Board discussed the proposal and update, highlighting the importance of:

- i. full engagement and involvement of all interested and influencing parties e.g. fishing and river groups; farmers; NGOs etc.; working with people to achieve joint outcomes;
- ii. data collection and analysis (for example water quality) and its use in evidence;
- iii. clear and extensive communications with all stakeholders, including WG.

**6.9 DECISION** - The Board **APPROVED** the proposals for new byelaws for rod fishing for salmon and sea trout on the Rivers Dee and Wye, and that an application be made to Welsh Government for their confirmation.

## 7. Any Other Business

7.1 There was no other business raised.

## 8. Close of Formal Meeting

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

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## 9. Public Questions/Comments

9.1 Members of the public attending were invited to ask questions or comment on the meeting. It was confirmed that any technical questions, and those posed in correspondence prior to the meeting, would be addressed outside the meeting.

9.2. Rachel Evans, Director Wales, Countryside Alliance (CA), thanked NRW for the robust, thorough and transparent Review into the Use of Firearms on NRW managed land. She expressed concern that the Minister's letter received by NRW did not resonate with feedback CA had received from a recent meeting held with WG. Ms Evans also reported her understanding that the NAW Petitions Committee would be reviewing the way petitions are dealt with.

9.3 Frank Jones, West Wales Rivers Trust and Chair of Afonydd Cymru, noted the problems with chronic and acute agricultural pollution in Welsh rivers, and was encouraged by NRW going beyond regulation and supporting work with WLMF for example. He highlighted the issue of increasing intensification of food production, and asked NRW to also focus on planning advice to Local Authorities.

9.4 Richard Garner Williams, Salmon & Trout Conservation, thanked NRW for the increasing engagement with fishing and fisheries interests, highlighting the need to act now, and increase the speed at which plans are turned into actions. He welcomed the establishment of the Fish-eating Birds Advisory Group and the Angling Strategy Group.