

Natural England Board



Title: Confirmed minutes of the 92nd Natural England Board meeting 6th November 2019

Members attending	Guests
Tony Juniper, Chairman	Sonia Phippard, Defra Director General Environment, Rural and Marine (for items 1-6)
Lord Blencathra, Deputy Chairman	Dr Alex Banks, Senior Ornithologist Specialist Services (for item 9)
Dr Andy Clements	Jonathan Burney, Director Government Advice (for item 9)
Teresa Dent	Caroline Cotterell, Programme Director, Resilient Landscapes and Seas (for item 5)
Catherine Dugmore	Dr Matthew Heydon, Principal Specialist Species Protection (for item 4)
Dr Simon Lyster	Abdul Razaq, Director Finance (for items 5 onwards, and part of item 2)
Henry Robinson	Ken Roy, Director Corporate Governance
Professor Michael Winter	Graham Tibbetts, Principal Adviser External Affairs
Senior Leadership Team	Mick Oliver, Principal Adviser to Chairman
Marian Spain, Interim Chief Executive (and ex-officio Board Member)	Secretariat
Richard Cornish, Chief Officer Operations	Tom Roberts, Legal and Governance Team
Dr Tim Hill, Chief Scientist	
Navroza Ladha, Chief Officer Legal and Governance	
Alan Law, Deputy Chief Executive	
Gleny Lovell, Chief Officer Planning & Performance	

OFFICIAL SENSITIVE

Welcome from the Chairman and Declarations of Interest

The Chairman welcomed everyone to the meeting.

Apologies were received from Professor Sue Hartley, Abdul Razaq, Director Finance provided his apologies until he joined at item 6.

In response to the Chairman's invitation for any perceived or potential declarations of interest in respect of the Board agenda:

- Henry Robinson declared:
 - His new position as the Chairman of the Hawk and Owl Trust;
 - His continuing Higher Level Stewardship agreement;
 - That ponds have been dug at his home for net gain and newts;
 - (Relating to item 5), that he farms in an area that wants to be a National Park.
- Teresa Dent declared:
 - The Game and Wildlife Conservation Trust ("GWCT") involvement in the new environmental land management scheme;
 - The GWCT application for consent for a burning and cutting experiment in deep peat.
- Andy Clements declared:
 - His new position as Chair of the Cambridge Conservation Initiative.

Action: Legal and Governance to work with Board Members to update the Register of Interests with new additions.

1. Confirmation of September Minutes and Matters Arising (NEB M91 01)

- 1.1 The Board confirmed the unconfirmed September minutes with no amendments.
- 1.2 In respect of matters arising, on the completed item for Alan Law to work on the wording for the vision statement: Lord Blencathra suggested that the vision and mission statements were excellent straplines and should be used more widely.
- 1.3 The Board agreed that the pre-election period should offer an opportunity to work with the Communications team to embed the mission and vision statements into the communications strategy.

2. Chief Executive's Report (NEB 92 01)

2.1 Brood Management

- 2.1.1 The Board received an update in respect of Hen Harrier Brood Management and recent operational developments.
- 2.1.2 The Board discussed the public perception of the brood management trial and agreed that it was important for Board to be kept sighted on subsequent formal decisions on these matters.
- 2.1.3 The Board received an update in relation to the listing of the Court of Appeal hearing relating to the judicial review of the brood management trial. The hearing is listed for 17-18 March 2020. All grounds of appeal have been granted permission.
- 2.1.4 The Board asked for, and received, advice in relation to the appeal process.

OFFICIAL SENSITIVE

2.2 Burning Regulations

2.2.1 The Board received an update on the Ministerial consideration of Burning Regulations. No official updates have been given.

2.3 Moorland Association

2.3.1 The Board were updated on the Moorland Association's judicial review claim. This matter has been settled between the parties.

2.4 Spending Review (SR19)

2.4.1 The Board received an explanation of the current position re: Defra's Spending Review 2019 ("SR19") settlement and Natural England's potential position re: the 20/21 budget.

2.5 Staff and Pay

2.5.1 A further summary was given of the position on pay, the long-term view, and historic factors relating to Natural England's current pay bands.

2.5.2 The Board discussed the 19/20 staff payment settlement, the response from staff and the general remuneration landscape within the Public Sector and environmental sector.

2.5.3 The Board received a view of the Defra group ("the group") position, including the recognised variations in pay and terms and conditions across the group. The proposition at group level is to approach issues steadily, establish the evidence base and seek to address anomalies.

2.5.4 The Board were informed that a review would be carried out of the overall NE offer, in terms of pay, terms and conditions and ways of working.

2.5.5 The Board received a summary of recent 'pulse' staff survey results. Workloads were seen as the area of most concern.

2.6 General Licences

2.6.1 In respect of specific interests, Andy Clements reminded the Board of the British Trust for Ornithology ("BTO") delegated authority to issue some licences; Teresa Dent reminded the Board that licences were held by GWCT.

2.6.2 The Board received an update on current activity in this area.

2.7 Performance Report

2.7.1 Marian Spain presented the Q2 performance report – which shows in-year performance in the context of longer term objectives.

2.7.2 The Board noted:

- The positive in-year performance re: HLS agreements;
- The current shortfall in performance on planning applications (in the context of increased volumes);
- The flatline position in terms of the reported condition of protected sites;

OFFICIAL SENSITIVE

- The current statement of contingent financial liabilities and the overall in-year financial position, where within a challenging context, the current forecast is that Natural England will come in on its revised budget;
- The updated figures on Health and Safety within Natural England;
- The report from Defra group Communications on delivery over the preceding quarter.

2.71. The Board offered steers on:

- The overall performance report presentation – which does not yet fully communicate the proportion of the business that is under stress;
- The continued need for quantification of progress against longer term ambitions and for future in-year KPI that are more focused on outcomes;
- The need to prioritise licensing reform work District Level Licensing (“DLL”) noting the existing pressures in business as usual (“BAU”) work and that prioritising DLL over BAU would, in the short term, add some additional pressure to current service level on existing work
- The specific need to ensure that terrestrial protected sites and National Nature Reserves should be considered in discussions around the Spending Review.
- The importance of recognising mental health needs as part of the organisation's overall focus on health, safety and well-being.

3. Corporate Risk Register Update (NEB 92 02)

3.1 The Board was presented with a paper on Natural England's Corporate Risk Register and on internal processes for risk management.

3.2 The Board noted the risk register and discussed:

- The specific risks related to Natural England from increased numbers of environmental incidents;
- Potential enhancement to the register to reflect risks related to future staffing and to the long-term fitness for purpose of Natural England's core evidence base;
- The need for Natural England to improve the way that it tells the world what it is doing, for stakeholders to advocate for Natural England and tell its story, and hence the continued need to improve stakeholder engagement;
- The need for a systematic approach in the way that Board Members are used in supporting stakeholder engagement.

Action: Legal and Governance to create an overview of opportunities and actions for Board Members with relation to stakeholder engagement.

Action: Richard Cornish to discuss with Area Managers further ways in which Board members can assist with local stakeholder engagement.

3.3 The Board were reminded of the upcoming changes to the operating model within Natural England and to the consequent process for management of risk. There will be new internal processes, centred on the new programme offices. As now, deep dive reviews from (Audit and Risk Assurance Committee) ARAC will test the suite of more detailed risk registers.

4. Bovine TB (NEB 92 03)

4.1 The Board agreed to commission the Natural England Science Advisory Committee (NESAC) to review the available evidence relevant to Natural England's roles as conservation advisor and licensing authority.

OFFICIAL SENSITIVE

- 5. Strategic response to 25 Year Environment Plan ‘Glover’ Landscapes Review (NEB 92 04)**
- 5.1 The Board welcomed Caroline Cotterell, Programme Director Resilient Landscapes and Seas, to the meeting.
- 5.2 The Board were provided with an overview of the review and the indicative timescales Defra are likely to work towards to respond to the review.
- 5.3 In respect of our overarching engagement in designated landscape matters, the Board were invited to consider three options, these were:
- a. We should assert that our existing remit, duties and powers already make us the National Landscape Service and that Government should, therefore, resource us to deliver the many roles and tasks that the Review envisages for the new Service.
 - b. We support proposals for a new National Landscape Service, including delivery of our existing landscape (and access) functions.
 - c. We strengthen our strategic leadership, influence and standard setting on designated landscape matters, including on-going responsibility for designating / varying nationally important landscapes; with any new National Landscapes Service being established to act as a ‘delivery body’ responsible for the management of national landscapes.
- 5.4 The Board considered the various options. The Board discussed:
- The implications of a new landscapes body on Natural England’s operations;
 - The need to assess the balance of responses to the Glover Review;
 - The potential for Natural England to assist in the improvement of national landscape delivery and the complexities of this in practice;
 - The need to take account of the longer term implications of the Defra 2030 strategy;
 - The need for adequate funding to implement recommendations;
 - The need to recognise Natural England’s vision and mission in considering our future role in landscape matters;
 - The possibility that the options presented did not need to be mutually exclusive;
 - The historical schism in conservation relating to landscapes and access, and biodiversity. The Board saw these as needing to be inextricably linked in any future arrangement.
- 5.5 The Board agreed that Natural England should start with option C, increasing Natural England’s strategic work with AONBs and National Parks at both a national and local level. The Board also agreed that we should continue to assert that if Government needs a Landscape Service, it has one it could resource in Natural England. The Board agreed to keep this position under review.
- 5.6 The Board also reviewed the position re Natural England’s future landscape designations/variations programme, noting the specific recommendations in the Glover Review.
- 5.7 The Board considered the way forward and discussed:
- The capacity within Natural England to undertake designations/variation work and the potentially significant requirement for increased resource within NE – for evidence gathering and for appropriate enable stakeholder engagement;

OFFICIAL SENSITIVE

- The opportunity that better local partnership working could provide, for example for taking forward some of the necessary evidence gathering work once designation processes were commenced;
- The benefit of engaging early with Defra on the potential options.

5.8 The Board agreed that a criteria based review of the various designation options should be brought back to Board and that this paper should consider opportunities to refresh the designation/variation process.

Action: Legal and Governance to schedule a review of the landscape designation and variation programme for a later Board meeting

6. Early Framing for the 2020/21 Business Plan (NEB 92 05)

6.1 The Board received an introduction to the paper, setting out the context for the 20/21 Business Plan.

6.2 The Board noted:

- The challenging context provided by the 19/20 funding position where it not been possible to deliver in a range of core areas with the resources available;
- The challenges to be faced in balancing investment in the opportunities offered by the Government's 25 Year Environment Plan ("25 YEP") with business as usual activities;
- The importance of aligning Natural England's priorities with the priorities within Defra for different elements of the 25 YEP.

6.3 The Board discussed:

- The potential scale of changes in work agreed for 20/21 and the need for engage with stakeholders where change is significant;
- The need to address staff wellbeing and hence to agree a more deliverable and proportionate suite of commitments.

6.4 In preparing the next update on this work, the Board asked the Executive to:

- Continue to work with Defra to confirm the overall budget settlement for 20/21 and to review the current ring-fencing of certain programmes to enable more flexible and effective delivery;
- Ensure that, where possible, the new plan allows us to demonstrate the delivery of core business;
- Summarise the realistic options for implementing change, including where we can deliver further efficiencies or innovate further;
- Express the level of risk associated with propositions to stop or slow work in specific areas;
- Retain the ambition to produce a joined up plan which can demonstrate the cumulative impact on nature recovery;
- Ensure that the overarching themes of health and diversity were addressed – both within the 'Connecting People with Nature' programme and more broadly.

Action: Alan Law to take feedback from Board Members on the 20/21 business planning priorities.

OFFICIAL SENSITIVE

7. Governance Improvement Programme (NEB 92 06)

7.1 Board Schedule of Business

7.2 The paper presented an overall work programme for the Board to March 2021, setting out the proposed schedule of formal and other meetings.

7.3 The Board reflected on the overall programme and the proposed frequency of meetings in the context of current practice in other organisations. There was broad support for the proposed schedule.

7.4 In terms of the logistics of Board Meetings, the Board asked that consideration was given to:

- Choosing venues that reflected the organisations vision and mission;
- The value of creating opportunities around Board Meetings for Board Members to meet Natural England staff;
- Identifying the best opportunities for open meetings where business was appropriate, recognising the minimum need for at least one open meeting each year.

Action: Legal and Governance to confirm the schedule of 2020 Board meetings as soon as possible after confirmation.

7.5 Board sub-committees

7.6 The Board were reminded that there are currently three standing committees:

- Audit Risk and Assurance Committee (ARAC)
- Natural England Science Advisory Committee (NESAC)
- Remuneration Committee (RemCom)

7.7 The Board endorsed the appointment of Simon Lyster to RemCom and agreed to identify one further candidate for ARAC.

7.8 Board recruitment

7.9 The Board welcomed Mick Oliver, Principal Adviser to Chairman. Mick updated the Board on Board recruitment process.

8. Board sub-group updates

8.1 ARAC

8.1.1 Catherine Dugmore provided an update to the Board. ARAC welcomed Teresa Dent to the committee.

8.1.2 In the last meeting of September 2019, ARAC:

- Considered risk and in particular Natural England's operations risk register;
- Considered a review of Natural England's 19/20 Annual Report and Accounts;
- Reviewed work on implementing actions from Internal Audit activity.

OFFICIAL SENSITIVE

8.2 NESAC

- 8.2.1 Andy Clements provided the Board with an update from NESAC.
- 8.2.2 NESAC last met on Wednesday 30 October; this was a strategy session attended by the Chairman and, all but one of the fourteen independent academics, attended which is testament to the value that members place on the work of NESAC.

8.3 RemCom

- 8.3.1 Teresa Dent provided the Board with an update on the most recent RemCom meeting where the 2019 staff pay award and the senior staff award were discussed and agreed.

9. Isles of Scilly pSPA (NEB 92 07)

- 9.1 Alan Law welcomed Jonathan Burney, Director Government Advice, and Alex Banks, Senior Ornithologist Specialist Services, to the meeting.
- 9.2 Jonathan Burney provided an introduction and context to the proposed extension of the Isles of Scilly potential Special Protection Area ("pSPA"). Natural England have been working with Defra on a long-term programme to classify a number of sites as SPAs. This particular proposal recognises the importance of the Isles of Scilly as a marine habitat. The purpose of this item was to seek Board approval for Natural England's final advice to Defra on the classification of the Isles of Scilly potential Special Protection Area (pSPA). In particular, the existing terrestrial Isles of Scilly SPA is being recommended for extension into the marine environment and for additional features.
- 9.3 Natural England's initial scientific assessment was agreed by Defra prior to the public consultation process. In line with the Non-Financial Scheme of Delegation, the Board's role is to consider our advice to Defra where there are unresolved objections as a result of the public consultation.
- 9.4 The Board was asked to:
- consider the unresolved objections presented;
 - confirm that it is satisfied with the recommendations for the site; and
 - agree that Natural England should submit our advice to Defra to classify the site.
- 9.5 The Board was provided with a brief description of the pSPA, its conservation importance and a site map. In particular, the Board was informed of the suitability the Isles of Scilly for nesting seabirds, with the SPA supporting a breeding seabird assemblage of European importance.
- 9.6 Jonathan reported on the consultation process to the Board. Formal consultation proposing the classification of this site ran for 12 weeks from 26th February to 21st May 2019.
- 9.7 A total of 44 individuals and organisations submitted responses to the consultation. Of the 40 consultation responses Natural England consider to be substantive, 35 were supportive of the recommendations, two provided neutral responses and three respondents (all individual responses) raised objections; one of these was in relation to the scientific evidence and 2 were in principle objections on socio-economic grounds. These three objections remain, therefore it is the role of the Board to consider Natural England officer's advice to Defra.

OFFICIAL SENSITIVE

- 9.8 Jonathan reported that one individual respondent to the online consultation did not accept the scientific rationale for the site proposal, but did not provide any further explanation or information to support the objection. This objection has been noted but, due to the absence of any additional information no detailed response has been made.
- 9.9 Two further individual responses received to the online consultation were objections in principle to the designation of marine protected areas, with some associated concerns about the possible socio-economic impacts of the marine extension to this site, particularly for local fishermen.
- 9.10 Jonathan submitted to the Board that the opinion of Natural England officers was that the scientific evidence in favour of classification was strong.
- 9.11 Dr Andy Clements explained that his role on the Board included analysing the classification and designation of protected sites. In this case, Dr Clements had considered the consultation process and was satisfied with the process. Dr Hill carries out this function on behalf of the Executive and was likewise satisfied.
- 9.12 Dr Clements questioned Dr Alex Banks in respect of the designation based on European shags.
- 9.13 Dr Banks explained that there are usually generic boundaries for SPAs with generic qualifying features. However in this case, there was a need to seek site specific evidence, including empirical digital data and environmental modelling. This was all peer reviewed and confirmed.
- 9.14 Dr Clements asked Dr Banks to confirm that there was no objection from other ornithologists.
- 9.15 Dr Banks explained that there was some discussion on the digital data, but that this had been supplemented by tracking data. A separate PhD had been carried out in relation to the European shag distribution. There had been two successive summers of data capture and another year or evidence gathering.
- 9.16 The Chairman asked Dr Banks for further information on Storm petrels, to which Dr Banks provided specific figures.
- 9.17 Dr Simon Lyster asked a question in respect of the local authority responses which appeared to be caveated. Dr Lyster sought assurances that these authorities were satisfied with Natural England's response.
- 9.18 Jonathan Burney confirmed that there had been two meetings with councils, but would like to check the responses further.
- 9.19 The Chairman confirmed that the Board agreed, subject to triple checks with councils and no further objections, that Natural England's advice should be submitted to Defra to classify the site.
- 9.20 Dr Andy Clements commended the quality of work carried out by the Natural England officers in respect of the classification advice, not just the Area Team but also Jonathan Burney and the specialists. This work was exemplary.

Action: Jonathan Burney to confirm with relevant local authorities that no objections remain.

10. Other Business

OFFICIAL SENSITIVE

- 10.1 Dr Clements offered his apologies for being unable to attend the December Board meeting.
- 10.2 The Chairman recognised the high quality of the Board papers and thanked everyone for their contributions.

OFFICIAL SENSITIVE**Actions log**

No	Agenda item/paper	Ref	Action	Owner
1	Introduction	n/a	Work with Board Members to update the Register of Interests with new additions	Legal and Governance
3	3. Corporate Risk Register Update	NEB 92 02	Create an overview of opportunities and actions for Board Members with relation to stakeholder engagement	Legal and Governance
4	3. Corporate Risk Register Update	NEB 92 02	Discuss with Area Managers if Board members can assist with local stakeholder engagement	Richard Cornish
5	5. Strategic response to 25 YEP	NEB 92 04	Re-schedule the strategic response to the Glover Review decision making for a later Board meeting	Legal and Governance
7	6. Early Framing for the 2020/21 Business Plan	NEB 92 05	Take feedback from Board Members on the 20/21 business planning priorities	Alan Law
8	7. Governance Improvement Programme	NEB 92 06	Confirm the schedule of 2020 Board meetings as soon as possible after confirmation	Legal and Governance
9.	8. Isles of Scilly pSPA	NEB 92 07	Confirm with relevant local authorities that no objections remain	Jonathan Burney