

# Natural England Board



## Confirmed minutes of the 104<sup>th</sup> Natural England Board meeting 28 July 2021

<b>Board Members Attending</b>	
Dr Tony Juniper, Chairman	Kerry ten Kate
Lord Blencathra, Deputy Chairman	Henry Robinson
Rosamund Blomfield-Smith	Kim Shillinglaw
Dr Andy Clements	Peter Unwin
Catherine Dugmore	Professor Michael Winter
Professor Sue Hartley	
<b>Executive Team</b>	
Marian Spain, Chief Executive (and ex-officio Board Member)	Navroza Ladha, Chief Officer Legal, Governance and External Affairs
Alan Law, Deputy Chief Executive	Gleny Lovell, Chief Officer Business Management and Change
Dr Peter Brotherton, Director of Specialist Services and Programme (Deputising for Tim Hill)	Liz Newton, Interim Chief Operations Officer
<b>Guests</b>	
David Hill, Director-General Environment Rural and Marine Defra	Ken Roy, Director, Corporate Governance, Natural England
Paul Leat, Defra Communications	
Graeme Kerr, Senior Specialist – Conservation Covenants and Greener Growth	Mick Oliver, Chief of Staff, Legal & Governance
Dr Rose O’Neill, Principal Specialist, People & the Environment	Graham Tibbetts, Legal & Governance
Dr Nick White, Principal Adviser- Net Gain Change & Reform Team	Tom Roberts, Legal & Governance
Claudia Chambers, Director Spending Review 21	

## Welcome from the Chairman and Declarations of Interest

The Chairman welcomed the Board to the 104<sup>th</sup> meeting. He welcomed Professor Michael Winter who joined the meeting remotely.

With reference to declarations of interest:

- Henry Robinson highlighted some changes required to the entry on his Register of Interest (RoI).
- There were no declarations of interest (additional to the RoI) that specifically related to the meeting's agenda.

**ACTION: Legal and Governance Team to update the Register of Interests details of Henry Robinson.**

### 1. Review of June 2021 Minutes and Matters Arising (NEB 102)

- 1.1 The Board asked that further detail is added to the June minutes on the Board discussion on net gain.

**ACTION: Legal and Governance to review the minutes of the Board's June conversation on net gain and to confirm accuracy with Catherine Dugmore and Kerry ten Kate. Once agreed, publish as normal.**

### 2. Board Sub-Group Updates

#### 2.1 Audit, Risk and Assurance Committee (ARAC)

- 2.1.1 Catherine Dugmore informed the Board that no further update was required.

#### 2.2 Natural England Science Advisory Committee (NESAC)

- 2.2.1 Professor Michael Winter informed that Board that a Social Science and Evidence Expert Panel had been established as a sub-group to NESAC

- The application deadline for Panel members is 11 August 2021.
- There will be 6 panel members.
- There have been 14 applications to date.
- Professor Winter will lead on the recruitment.
- The Board will be notified of the results of the appointments to the Panel.

- 2.2.2 Dr Andy Clements informed the Board that the last NESAC meeting took place too close to the 104<sup>th</sup> Natural England Board meeting to allow for a paper to be produced. Dr Clements provided the following updates:

- Professor Gideon Henderson (Defra Chief Scientist) joined the NESAC meeting.
- There would be value in further engagement from Natural England (via Tim Hill supported by Andy Clements) with Defra on Natural England's science and evidence work.

- 2.2.3 In respect of the Science and Evidence Board Sub-Group, Dr Clements reported:

- That the latest meeting of the Sub-Group considered a general progress report on the Science, Evidence and Evaluation Strategy that will deliver the planned Shift on how Natural England can be an evidence and evaluation led (not just

evidence-based) organisation and held a workshop on cultural change.

2.2.4 In conversation, the Board noted:

- The need to invest in staff capabilities, in particular front-line capabilities re the use of evidence.
- The value of having a clearer statement of the way in which front-line use of evidence will evolve as a result of this work – ideally with illustrations of specific areas where we want to see change.

**ACTION: Tim Hill to agree next steps with Andy Clements with regard to increasing science collaboration and understanding with Defra**

**ACTION: Legal and Governance to review the need for a specific Board Briefing Session on Shift 4 (re evidence) to cover current priorities and the steps planned to take this work forward**

### **3. Chief Executive Officers Report (NEB 104 01)**

3.1 Marian Spain provided a verbal report on two matters related to Wildlife Licensing.

3.2 Marian Spain provided an update on work related to the designation of the Cotswold Water park, including:

- The visit that Dr Clements and Henry Robinson had carried out to the local area – Dr Clements summarised their observations on the work to date.
- The planned further engagement with specific stakeholders.

3.3 Dr Clements asked for assurance that sufficient senior support would be provided to the local team in continued engagement with local stakeholders. Marian Spain confirmed that this would be the case.

3.4 The case would be put formally to the Board on September 15th.

3.5 Following a question from Kim Shillinglaw, the Board noted the continued need for clarity about the way that different initiatives including the Local Nature Recovery Strategies and the Nature Recovery Network will integrate in delivering meaningful change in places. There was recognition of the need for continued support for Defra in the policy development process and the need always to consider the best balance of top-down and bottom-up interventions

3.6 In response to a question from Henry Robinson on work done in respect of the Quinquennial Review, the Board noted that Natural England has been clear on its approach and has written out to stakeholders. Natural England, alongside the other Nature Conservation Bodies, will work closely with JNCC. Before the Joint Committee makes its final decision, the Board will be informed with the opportunity to decide Natural England's approach.

3.7 Marian Spain reported to the Board that the Secretary of State had written to Natural England's Chair on the priorities for Natural England over the financial year 2021/22. The Board noted the value of the clear steer on priorities and of the focus on nature recovery.

3.8 Liz Newton introduced Annex 1 to the Chief Executive Officer's Report, Q1 Quarterly Performance review – Summary position from the Chief Operating Officer. Liz

highlighted:

- The current overall picture signalled by the performance indicators, noting that in some areas, delivery profiles will ramp up as the year progresses.
- Some areas of specific focus, including the strengthening of procurement capability.

3.9 In discussion, the Board noted:

- The need for additional Board oversight and assurance of 21/22 delivery noting the significant increase in Natural England funding, the need to stand up the newly funded activities, the challenge of maintaining other statutory areas that have received less investment and of implementing an ambitious cross-organisation change programme.
- The further challenges faced as a result of the 2021 Spending Review (SR) process and hence the need to both manage the 21/22 programme (without full certainty of longer-term funding) and to ensure that we engage fully and ambitiously with the SR.

3.10 Navroza Ladha drew the Board's attention to the high-profile legal casework as reported in the CEO report. The Board thanked the legal team and complex casework unit for their outstanding work.

3.11 Marian Spain updated the Board on changes to accountabilities related to External Affairs, where Navroza Ladha will take on leadership in this area, working alongside Defra group Communications.

3.12 In discussion, the Board noted:

- Some of the good recent work from Defra group Communications in presenting the work of the organisation.
- The value of an update on the position related to online engagement with the wider public on Natural England's work and services.
- Some stakeholder concerns in response to the Biodiversity Metric 3.0 and the planned further engagement on this topic.

3.13 Marian Spain invited Dr Andy Clements to report to the Board on a recent NNR Partnership meeting and NNR launch on Friday 23 July. Dr Clements reported:

- Edward Barker, Director, Natural Environment at Defra, attended the meeting and launch.
- The selection for NNR guidelines were improved.
- The eNGOs in attendance recognised a common purpose.

3.13.1 The Board noted:

- The Secretary of State recognised the common purpose for NNRs in his recent speech, suggesting the direction of travel for NNR ambition.
- The Glover Review and Secretary of State's ambitions for NNRs overlap.
- Natural England plans to report back to the Secretary of State on the NNR Partnership.

**ACTION: Alan Law / Legal and Governance to review the timetable for the Quinquennial Review with JNCC and schedule a provisional Board Session for the likely point of decision-making (probably 2022)**

**ACTION: Legal and Governance to schedule a session for Marian Spain, Liz Newton and Gleny Lovell to meet with Catherine Dugmore, Peter Unwin and Kerry ten Kate to sense**

**check the balance of current performance and risk reporting and the best way of giving assurance re the in-year delivery risk.**

**ACTION: Navroza Ladha to review the position with regard to online engagement with the public**

#### **4. Spending Review Update (NEB 104 02)**

4.1 Alan Law invited Claudia Chambers to the meeting. Alan informed the Board that Claudia and Heather Rennie's role leading Natural England's Spending Review bid is a job share. They will be working with Defra and the Defra group bid; this will allow the mapping together of Natural England's needs with the Defra submission.

4.2 Claudia reported to the Board:

- Defra group will work with HM Treasury to establish a baseline for the group.
- There will be a zero-based review for capital expenditure.
- The department had signalled the headline areas for submissions – which include nature recovery.

4.3 The Board noted:

- The importance of Natural England's involvement in strategic, proactive approaches, linked with levelling-up and building back better and greener, bringing solutions.
- The need for clear focused prioritisation of the options we develop with Defra.
- The continuing importance of ELMS as one key driver of future nature recovery.
- The necessity of Natural England also exploring parallel funding opportunities to ensure that, in total, we are able to deliver the longer-term outcomes for the natural environment.

4.4 Claudia reported that the submission will be put to Defra in September, with HM Treasury reporting back to Government in the Autumn.

**ACTION: Gleny Lovell to schedule a Board Briefing Session on current opportunities and mechanisms linked to Green Finance**

#### **5. Updated 2021/22 Risk Registers (NEB 104 03)**

5.1 Gleny Lovell introduced Natural England's updated 2021/22 risk register and provided a breakdown of the workforce related risk.

5.2 In discussion, the Board:

- Welcomed the updated presentation and the granularity of the breakdown of risk 8 'People'.
- Asked for further work on the relative scorings of the different risks and on the detailed presentation of this material.
- Requested some further detail on the underlying analysis and action plans.

**ACTION: Gleny Lovell to provide a further break-down of the detailed elements underlying the top priority risks**

**ACTION: Gleny Lovell to further evolve the current expanded risk presentation to capture RAG status / direction of travel**

## **6. Conservation Covenants (NEB 104 04)**

6.1 Alan Law introduced Graeme Kerr to the meeting. Alan introduced the paper to the Board, explaining that the Board were asked to consider whether Natural England should seek Responsible Body status for conservation covenants through an application to Secretary of State when applications open following Royal Assent of the Environment Bill.

6.1.1 Alan highlighted three specifics:

- The function in question is a power not a duty, this offers an option to Natural England for strategic use as a tool to deliver Natural England's outcomes.
- The costings set out in Board Paper 104 04 are initial estimates and there will be potential savings to factor in (where conservation covenants provide a more cost effective option for a specific intervention).
- Work was underway to connect this mechanism with the different tiers of ELMS.

6.2 Graeme Kerr outlined the ways in which conservation covenants could provide benefits. The Board noted:

- The possibility for using this mechanism to deliver nature based solutions and carbon sequestration, i.e., where the need is for resources to be secured in perpetuity.
- The need to understand landowner motivations and hence the scenarios in which conservation covenants will be of most potential interest (whether in combination with other interventions such as agri-environment agreements or standalone).

6.3 The Board agreed that Natural England should seek Responsible Body status for conservation covenants through an application to Secretary of State when applications open following Royal Assent of the Environment Bill. In discharging its role as a responsible body, Natural England should focus its use of this instrument to support delivery of the wider strategy for nature recovery.

**ACTION: Alan Law to formally apply for Natural England to be a Responsible Body for the establishment of Conservation Covenants**

## **7. Sue Hartley**

7.1 The Chairman offered Professor Sue Hartley the opportunity to speak to the Board and thanked Professor Hartley for her wisdom, insights, advice and support to the Board. The Chairman informed the Board that Professor Hartley would remain as an external member of NESAC. The Board wished Professor Hartley the best with her continuing work in academia.

7.2 Professor Hartley thanked the Board for the opportunity to take a fantastic position on the Board. Professor Hartley informed the Board that she looked forward to continuing to contribute to NESAC and promoted future partnership work with the academic sector. Professor Hartley encouraged the Board to continue to consider Nature Recovery Areas and to ensure that these are geographically well distributed across England, and to ensure that scientific expertise is not lost. Finally, Professor Hartley thanked the Board and staff for their best wishes.

## **8. Biodiversity Net Gain, Natural England's Role and Future Priorities (NEB 104 05)**

- 8.1 Alan Law introduced Nick White to the meeting. Alan provided the Board with a recap on the position re Natural England's work on biodiversity net gain (BNG) following previous Board sessions (and more focused Board Briefing Sessions). He noted that the issues related to the IT systems support would be covered at a separate Board Briefing Session.
- 8.2 Alan flagged the public interest in the Biodiversity Metric 3.0 and referenced the Paper (NEB 104 05) and the specific sections that set out the current Natural England view and the actions that the organisation is taking.
- 8.3 Kerry ten Kate provided the Board with a summary of her involvement as Board sponsor for the BNG workstream. The Board noted:
- The technical expertise of Natural England's biodiversity team and of Defra colleagues.
  - The various risks that still needed to be managed
  - The areas where further policy development is anticipated or needed - for example with regard to the application of net gain in the marine context – and the importance of Natural England supporting Defra in this work.
  - The importance of ongoing stakeholder engagement, including with Local Authorities.
- 8.4 Nick White provided the Board with a download on delivered and planned engagement with stakeholders.

**ACTION: Alan Law to define specific tasks and timing for a short-term T&F group (comprising Kerry Ten Kate, Peter Unwin, Andy Clements and Catherine Dugmore) to give assurance on Biodiversity Net Gain – focusing on areas of operational and reputational risk for Natural England**

## **9. Future Policy Emerging direction of National Landscapes Designation programme (NEB 104 06)**

- 9.1 Alan Law introduced Dr Rose O'Neil to the meeting. Alan explained that the purpose of the paper and discussion was to bring to the Board the plan for designations in urban and peri-urban areas; and to present a specific proposal for the establishment of a Natural England Landscape Advisory Panel.
- 9.2 Alan explained to the Board that Natural England currently has a range of tools at its disposal, such as green infrastructure standards and BNG of which could be targeted in Natural England's work in urban areas to provide access to Nature and for economic deficiencies to be addressed. Natural England can also take a convening role in these matters, providing support to stakeholders, including new stakeholders, rather than providing a top-down situation.
- 9.3 Dr O'Neil provided an overview to the Board of Natural England's aims in working in urban areas, including to extend nature access from the doorstep to the greenbelt, and more broadly to ensure better quality nature near where people live. The Board expressed support for the bottom-up approach, but with accreditation, to provide the status of Natural England accreditation and for quality.
- 9.4 With reference to new forms of designation for urban / peri-urban landscapes, Dr O'Neil informed the Board of the three, mutually inclusive, approaches being explored by

Natural England:

- Accreditation – whereby places/bodies could apply on a voluntary basis.
- Statutory approaches - from lighter touch mechanisms through to creating a new type of designation akin to National Parks/AONBs.
- Promoting bottom up - supporting and rewarding initiatives such as National Park Cities.

9.5 The Board expressed support for a bottom-up approach, with accreditation, to provide the status of Natural England accreditation and for quality and noted:

- The importance of aligning use of these mechanism with Local Nature Recovery Strategies, as a version of a placed based approach.
- The value of ensuring that this approach is applied broadly across the country and that we seek early exemplars to communicate what can be achieved.

9.6 Alan Law drew the Board's attention to Annex 4 of the paper which set out the draft terms of reference for a Natural England Landscape Advisory Panel.

9.7 Alan explained to the Board that the Panel would support ambition and innovation in delivering our many landscape powers and duties across designated and non-designated landscapes. The Board noted that the panel would not be a decision-making group and would be advisory in nature.

9.8 The Board:

- Endorsed the proposal for an advisory panel.
- Provided some detailed steers for the completion of the proposed Terms of Reference.
- Delegated the final decisions, including on the nature of the role of the Panel's chair to the Natural England Chair.

9.8.1 The Chairman invited members of the Board to volunteer as members of the Panel, once established.

**ACTION: Alan Law to produce a final proposition (including refreshed Terms of Reference) for establishing a Natural England Landscape Advisory Panel for Chair to approve and support chair to appoint members and chair**

## 10. Health and Safety Report (NEB 104 07)

10.1 Liz Newton introduced Board paper NEB 104 07 to the Board to inform what Natural England is doing in respect of Health and Safety. Liz highlighted three specific themes:

- Starting back safely – measures in respect of the wider reopening of offices and other workplaces.
- Risk assessments – ensuring risk assessments are carried out in a proper manner and that staff are clear on their responsibilities.
- Mental health and wellbeing – work has been done to ensure that capacity is not overloaded.

10.2 In discussion the Board noted:

- The need to understand and manage the range of risks related to future hybrid



- working.
- The need for focus on mental health and wellbeing – noting the potential links to resource shortages.
- The continued need for development of the management information in this area of work.

**ACTION: In the Q2 Health and Safety report, provide a further update on issues related to stress and on emerging thinking on delivery of robust Health and Safety in a world of post Covid hybrid working**

## **11. Forward Look (NEB 104 8)**

- 11.1 Ken Roy introduced paper NEB 104 8 to the Board and invited questions from the Board and invited feedback in respect of the scheduling of Board briefing sessions. The Board noted:
- The need to ensure that future Board meeting locations and facilities work well for hybrid working.
  - The use of recording facilities for Board briefing sessions.

**ACTION: Legal and Governance to review equipment and venues for future Board Meetings to meet the needs of hybrid meetings**

**ACTION: Legal and Governance to review and prioritise the list of proposed Board Briefing Sessions, identifying a default pair of slots each month for Board Members to pre-book.**