

Natural England Board



Title: **Confirmed minutes of the forty ninth Natural England Board meeting on 28 January 2015**

Members attending	Executives
Andrew Sells (Chairman)	James Cross, Chief Executive
Julia Aglionby	Paul Lambert, Executive Director, Corporate Services
Andy Clements (attended from 10:00 - 13:00)	Tim Hill, Chief Scientist
Will Cockbain	Alan Law, Executive Director for Strategy
Teresa Dent	Guy Thompson, Executive Director Local Delivery
David Hill	In attendance
Joe Horwood	Caroline Cotterell, Director, Executive Office (items 5 and 11)
Simon Lyster	Tim De Keyzer, Manager, Biodiversity Delivery (item 17)
Nigel Reader	Rob Cooke, Director, Sustainable Development (item 2)
	Julie Lunt, Head of Legal Services (item 2 and 15)
	Brian Davies, Manager, Sustainable Development (item 2)
	Janette Ward, Director, Conservation Strategy and Innovation (item 6)
	Edel McGurk, Manager, Conservation Strategy and Innovation (item 6)
Apologies	Secretariat
	Rachel Bailey

Welcome from the Chairman

The Chairman extended his welcome and asked for declarations of interest.

Declarations were received from:

- Teresa Dent in relation to paper NEB 49 01, Beavers on the River Otter. The Game and Wildlife Conservation Trust (GWCT) had submitted a response in relation to the consultation.
- David Hill and Will Cockbain declared an interest in the Higher Level Scheme (HLS) at the Gunnerside Estate.
- Julia Aglionby expressed an historic interest in Bolton Fell Moss

The Chairman was satisfied there was no conflict of interest in any of the above declarations.

1. Confirmation of the November 2014 Minutes and Matters Arising (NEB 48 01)

- 1.1 The minutes of the November Board meeting were confirmed. It was noted that all actions were discharged.

Action: Board and Executive Services to produce confirmed November minutes.

- 1.2 It was noted that Teresa Dent, who had been absent at the previous meeting would welcome a discussion about how to influence the Conservation strategy.

Action: Alan Law to discuss with Teresa Dent how to influence the Conservation Strategy Group.

2. Beavers on the River Otter, East Devon (NEB 49 01)

- 2.1 Alan Law introduced the latest position and invited Rob Cooke, Director Sustainable Development, Brian Davies, Manager Sustainable Development and Julie Lunt, Head of Legal Services to join for the item. In discussion the Board:

- 2.1.1 Thanked those involved for a clear paper which had assisted the Board in being fully prepared for the discussion and decision.

- 2.1.2 Noted the legal status within the paper and was assured that any legal requirements or issues had been sufficiently addressed.

- 2.1.3 Advised that the concerns of landowners were not around the potential damage caused by beavers but the potential for increased bureaucracy in undertaking everyday tasks in land management and remedial work arising from the trial.

- 2.1.4 Advised a programme of practical monitoring over the trial period would assist in addressing the concerns of the landowners.

- 2.1.5 Confirmed the responsibility for meeting costs associated with the trial lay solely with the Devon Wildlife Trust (DWT) and involvement on the trial steering group and advisory group by Natural England would be beneficial.

Action: Chairman to agree Natural England involvement in the DWT trial steering and advisory groups.

- 2.1.6 Noted the options available should an exit strategy be required and were reassured that the recent stakeholder event had covered this aspect.

- 2.2 The Board agreed unauthorised releases of beavers remained illegal and noted no other licences for beaver release were expected during the trial period.

- 2.3 The Board advised this was a positive conservation news story and was an opportunity to show the organisation was able to put in place a simple, low cost, effective system for helping to manage the licence. The Board agreed that continued review of the Natural England beaver licence should come under the leadership of the Board Innovation Group (BIG)

Action: David Hill (Chair of BIG) to include the continued review of the management of Natural England licences within the remit of BIG.

- 2.4 The Board took a vote as to whether to approve the licence and all Board Members were in agreement for Natural England to grant the licence to the DWT for a trial reintroduction of beavers on the River Otter, Devon subject to the specific conditions set out in the paper. It was agreed a press release would be sent with a quote from Chairman.

Action: Chairman and Rob Cooke to work with press office to issue a press release about the approval of the Beaver licence.

3. Medium Term Planning – Spending Review 2015 (NEB 49 02)

- 3.1 James Cross introduced the paper and outlined the scenarios within.

3.2 In discussion the Board:

3.2.1 Noted the current position of Defra and Natural England.

3.2.2 Supported the need to concentrate on innovation and operational model changes to secure the future of Natural England and advised this could be done through BIG.

Action: David Hill and BES to ensure the next BIG agenda includes an item to look at policy changes and options for Natural England operational model to support cost recovery of discretionary work.

- 3.3 Board members advised early engagement with Non-Governmental Organisations (NGOs) would be beneficial and meeting with the CEOs of NGOs would be a good place to begin.

Action: James Cross and Andrew Sells to meet with NGO CEO group with assistance from Andy Clements.

- 3.4 Board Members were keen to suggest new ideas and asked the Executive to email with a request for initial ideas.

Action: Paul Lambert to ask Board Members for ideas in relation to Spending Review 2015.

Action: James Cross to request Board Member thoughts on ideas of new operational models as required and BES to action through Board Round-Up where needed (BRU).

4. 2015/16 Corporate Plan (NEB 49 03)

- 4.1 Paul Lambert introduced the paper and the draft 2015/16 Corporate Plan for Natural England. In discussion the Board:

4.1.1 Recognised the Corporate Plan might not be signed off by Ministers due to election purdah but agreed it was important for work to continue and suggested it be brought back to the Board in February with a view to submitting the plan to Defra in March 2015.

Action: Paul Lambert to submit the final draft of the Corporate Plan to the

Board at the February meeting.

4.2 In addition the Board:

4.2.1 Noted the risks surrounding the Corporate Plan including the need to move staff into priority areas and potential difficult messages to partners on non-priority areas.

4.2.2 Supported the continuation of the work to expand the Suffolk Heaths Area of Outstanding Natural Beauty (AONB) given the reputational risks and the perceived benefits for the local area.

4.2.3 Recognised the importance of BIG and Natural England Science Advisory Committee (NESAC) in assisting with delivery of the Corporate Plan outcomes and objectives.

4.2.4 Expressed concern over any impact to SSSI designation work which was considered one of the most important tools in safeguarding and good management of sites and suggested the SSSI trajectory papers prepared for Board be submitted to NESAC and BIG.

Action: BES to work with sub-group chairs to ensure SSSI trajectory Board papers are on sub-group agendas.

4.2.5 Advised ecosystems services and Natural Capital Accounting needed to be part of the plan to take into account ideas coming from BIG and advised ecosystems services needed to move into a position of being mainstream and allowing Natural England to be outcome focussed.

4.3 In conclusion the Board recognised this was a tactical one year plan to help Natural England into a position where 'invest to save' could take place, but advised this needed to be checked against the Strategic Direction. The Board expressed interest in using Catchment Sensitive Farming (CSF) as a good example of work on the ground meeting a number of outcomes and requested a paper be brought to a future Board meeting.

Action: Guy Thompson to bring a future Board paper on CSF ways of working.

5. Horizon scan of external activities to include Burning issues. (NEB 49 05)

5.1 Caroline Cotterell, Director of Executive Office joined for this item. The Executive gave verbal updates on burning issues:

5.2 Wild Boar

5.2.1 The Board noted the update on Wild Boar.

5.3 Bat Licencing

5.3.1 The Board noted the position on bat licensing and the steps being taken to find alternative methods of managing licence applications and customer expectations.

5.4 **bTB**

5.4.1 The Board noted the latest update on the cull and the investigation.

5.5 **bTB reactor at Parsonage Down**

5.5.1 The Board noted a longhorn cow at the National Nature Reserve (NNR) had tested positive for bTB and had been destroyed. No other stock was affected and there were no concerns for neighbouring herds. The Board requested a briefing be sent to Lord De Mauley.

Action: Private Office to commission a briefing from the NNR team for Lord De Mauley.

5.6 **Buzzards**

5.6.1 The Board noted a date had been set for the Judicial Review of the licence decision. The Board supported the continued approach to consider each licence application on its own merits and recognised the legal test might be helpful to ascertain a clear position.

5.7 **Rampisham Down**

5.7.1 The Board noted the update on Rampisham Down and all agreed a request should be made for the application to be called in by the Secretary of State (SoS).

Action: BES to inform Area Manager and Director of Sustainable Development of the Board decision to request the application is called in by the SoS.

6. **Designations Strategy and Delivery Pipeline (NEB 49 13)**

6.1 Tim Hill introduced the item and welcomed Janette Ward, Director for Conservation Strategy and Innovation (CSI) and Edel McGurk, Manager in CSI. In discussion the Board:

6.1.1 Supported the approach outlined in the paper and the strong, strategic approach it gave to designation of sites and stressed the importance of ensuring that the work on this aligns closely with the developing Conservation Strategy.

6.1.2 Supported the urgency for completion of the work on Natural England's national reviews of the series.

6.1.3 Endorsed the proposed improvement to governance for managing the operation of the designations pipeline and acknowledged that from time to time specific urgent cases might need to be accelerated through the system.

6.1.4 Agreed the Chairman and CEO should be approached to endorse any new sites being added to the pipeline with the full Board being updated at the next available Board meeting. It was agreed it would be useful for Natural England Science Advisory Committee (NESAC) to review the designations pipeline.

Action: BES to ensure details of the Designations pipeline are submitted to NESAC.

6.1.5 Advised the need to consider the full balance of designations and not focus solely on SSSI designation

6.1.6 Noted the need to be clear that sites could be de-notified and there were opportunities to de-notify part and whole sites.

7. Organisational Structures (NEB 49 04)

7.1 This was a closed session for Board members only.

8. End of November Performance, Risk and Resource Update (NEB 49 06)

8.1 Paul Lambert introduced the report which now included updates from Area Teams. In discussion the Board:

8.1.2 Agreed the detail in the report was at the correct level but requested drill downs into specific areas in future reports including licensing and specific Area Teams.

Action: Paul Lambert to include a drill down into licensing in the February Board paper.

8.1.3 Suggested an internal audit into bat licensing work be undertaken to allow full understanding of the position and issues.

Action: Paul Lambert to look into the possibility of an internal audit into bat licensing.

8.2 Board members noted a Red status against land management and explored reasons why customer service was poor including the reliance of customer services teams on agency staff. Board Members requested more information through a future Board paper on the situation of reliance of customer services on agency staff and any effect on delivery.

Action: Guy Thompson to bring a paper to a future Board Meeting about the processing risks within customer services.

9. Financial Performance Report (NEB 49 07)

9.1 Paul Lambert introduced the paper. The Board:

9.1.1 Acknowledged the new forecast for the year end budget.

9.1.2 Noted reminders had been sent to agreement holders with regard to claiming capital grant money.

10. National Park Authority Grant Settlements (NEB 49 08)

10.1 Alan Law introduced the paper and reminded Board members that an answer was needed for Defra by 29 January 2015. The Board noted:

10.1.1 All National Park Authorities had received an equally adjusted draft budget settlement from Defra. There was no available evidence in the time provided to advise on any beneficial changes to this allocation and on this basis the funds were

approved.

- 10.1.2 There was insufficient time to add useful value or comment to this process and it would be helpful to be involved earlier next time.

Action: BES to draft a letter for Chairman to send to Defra informing them of the Board's approval of grant settlements.

11. Unified Government Brand Project (NEB 49 09)

- 11.1 Caroline Cotterell joined for this item and clarified that Board Members were being asked for their opinion on Natural England joining the Unified Government Brand Project.

11.2 In discussion Board Members:

- 11.2.1 Explored any advantages of moving to Her Majesty's Government (HMG) logo such as increased credibility amongst partners and the public.

11.2.2 Advised that with the new approaches being identified for chargeable services and the long standing identity and brand of Natural England there was a strong case for retaining the current brand and logo.

11.3 The Board agreed that when Natural England is reviewed as part of the Unified Brand Project an exemption should be sought from moving to the HMG logo

12. Health, Safety and Wellbeing (NEB 49 10)

12.1 Paul Lambert introduced the paper which featured wellbeing but also contained the quarterly statistics and updated the Board on the progress made on NNRs following the HSE visit. In discussion the Board:

12.1.1 Noted the average sick days per person were less than 4 per year which in comparison was less than the private sector and Civil Service overall.

12.1.2 Recognised morale was an issue and noted that morale working groups had been put in place to assist in identifying issues affecting morale and ways of raising morale.

12.1.3 Noted the staff survey will run in February 2015

Action: Paul Lambert to bring a paper to the March Board on morale and the results of the February staff survey.

12.2 Board Members also requested further information about the employee assistance services available to staff and how widely it was used.

Action: Paul Lambert to provide information on use of the employee assistance services available to staff to Joe Horwood.

13. Board Standing Orders (NEB 49 11)

13.1 Nigel Reader introduced the updated Standing Orders and drew Board Members' attention to the changes made. Board Members thanked Nigel for his work and agreed with the changes with a view to the orders being published on GOV.UK.

Action: BES to ensure the updated Board Standing Orders are published on GOV.UK.

14. Update on Harbour Porpoise Work (NEB 49 12)

14.1 Tim Hill introduced the paper and the Board noted the current position.

15. Update on Benty Grange (NEB 49 14)

15.1 Alan Law introduced the paper which gave an update on Benty Grange and the options available for resolution.

15.2 The Board advised the paper was helpful but requested the inclusion of a map and photographs in similar future agenda items to assist discussion.

15.3 In discussion the Board:

15.3.1 Examined options to resolve the situation and considered the risks and issues associated with each one.

15.3.2 Considered the potential risks if the consent was allowed to continue without revocation or modification.

15.3.3 Advised Natural England should further explore options with the landowner which might avoid risks and deliver a long term solution.

Action: Alan Law and Will Cockbain to arrange to visit with the landowner with a view to exploring options for an agreement and report to the February Board.

16. Regulatory Fitness Check – EU Nature Directives (NEB 49 15)

16.1 Tim Hill introduced the paper. In discussion the Board:

16.1.1 Welcomed the paper and noted the importance of getting a good result and improving the interpretation of the Directive into the Habitat Regulations.

16.1.2 Noted the concerns of NGOs and the opportunity for Natural England to be helpful and secure the parts of the legislation that are currently useful.

17. CSS/CAP update (NEB 49 16)

17.1 Guy Thompson gave background and welcomed Tim De-Keyzer, Manager in Biodiversity Delivery.

17.2 The Board noted:

17.2.1 A number of variables are open to Natural England and delivery partners to reduce the risk to the launch of the new Countryside Stewardship Scheme (CSS). As things stood, Natural England and Defra were holding the line on a July start date as published.

17.2.2 There was a reputational risk for Natural England associated with the introduction of

a more targeted, competitive scheme which would see the amount of land under agreement reduce from 70% to 40% under the Programme.

17.3 In discussion the Board:

17.3.1 Noted the progress being made with functionality of CSS by the CAP Delivery Programme (CAP-D) and the implications of the IT being unable to support Dual Use and were reassured that Natural England would be involved in a forthcoming meeting with the Minister to agree Defra's policy position (proposed that dual use will not apply under the new Programme).

17.3.2 Advised the middle tier scheme needed to be made a positive experience for customers and that Natural England needed to be seen to use resource smartly and work with appropriate organisations to make the process as smooth as possible.

17.3.3 Recognised there was a need to work with customers whose agreements were due to expire in 2016/17 and maximise the uptake for the new scheme.

17.3.4 Noted that work was underway to develop a pipeline of new CSS agreements and that Area Teams should be supported in giving a positive and confident message to potential customers about the new scheme.

17.3.5 Acknowledged there were a number of questions still to be answered about expiries and bridging and advised Board Members could help the Executive work out how best to deal with the policy uncertainty from a customer perspective.

Action: Julia Aglionby and Tim De-Keyzer to work together to identify what work can be undertaken whilst Natural England await decisions to be made.

18. Bolton Fell Moss and Compulsory Purchase Orders (CPO) Update (NEB 49 17)

18.1 The Board noted the update on Bolton Fell Moss and agreed with the CPO.

19. Upland Peat Working Group Update (NEB 49 18)

19.1 Julia Aglionby gave an update on the activity of the group. The Board noted:

19.1.1 The intention to have an Upland Peat workshop in London on 30 April 2015, facilitated by a Social Scientist from the University of Reading.

Action: BES to attend the Upland Peat workshop on 30 April and draft an intranet notice for staff.

19.1.2 Potential use of Teesdale as a trial area to work with landowners.

19.1.3 Opportunities to join science/evidence and practical knowledge/experience together for mutual benefit and embed cultural change in Natural England.

19.2 The Board supported the proposal for the group to continue.

20. Board Innovation Group (BIG) update (NEB 49 19)

20.1 David Hill (Chair of BIG) introduced the paper and drew attention to the energy and enthusiasm of the staff involved. The Board noted the activity to date and agreed the Terms of Reference (ToR) for the group.

21. ARAC Update (NEB 49 20)

21.1 Nigel Reader (Chair of ARAC) introduced the paper and the Board noted the appointment of KPMG as Head of Internal Audit for Natural England following the retirement of Mike Doughty. Nigel thanked Mike for his good work.

22. NESAC Update (NEB 49 21)

22.1 The Board noted the update on NESAC activity as in the paper.

23. Forward Look (NEB 49 22)

23.1 The Board noted additions from the actions identified within the meeting.

24. AOB

24.1 No business was raised.

Actions log

No	Agenda Item/Paper	Ref	Action	Owner
1	Confirmation of the November 2014 Board Briefing Minutes and matters Arising (NEB M48 01)	1.1	Confirm the November 2014 Board minutes.	BES
2	Confirmation of the November 2014 Board Briefing Minutes and matters Arising (NEB M48 01)	1.2	Alan Law and Teresa Dent to look at ways for Teresa to influence the Conservation Strategy.	Alan Law and Teresa Dent
3	Beavers on the River Otter, East Devon (NEB 49 01)	2.1.5	Agree Natural England involvement in the DWT trial steering group.	Chairman
4	Beavers on the River Otter, East Devon (NEB 49 01)	2.3	Include the continued monitoring of the beaver licence within the remit of BIG.	David Hill
5	Beavers on the River Otter, East Devon (NEB 49 01)	2.4	Work with press office to issue a press release about the approval of the beaver licence.	Chairman and Rob Cooke
6	Medium Term Planning – Spending Review 2015 (NEB 49 02)	3.2.2	Ensure the next BIG agenda includes an item to look at policy changes and options for Natural England operational model to support cost recovery of discretionary work.	David Hill and BES
7	Medium Term	3.3	Meet with NGO CEO group	James Cross,

	Planning – Spending Review 2015 (NEB 49 02)			Chairman and Andy Clements.
8	Medium Term Planning – Spending Review 2015 (NEB 49 02)	3.4	Contact Board Members requesting ideas on Spending Review 2015.	Paul Lambert
9	Medium Term Planning – Spending Review 2015 (NEB 49 02)	3.4	Request Board member thoughts on ideas as required either directly or through Board Round-Up (BRU).	James Cross and BES
10	2015/16 Corporate Plan (NEB 49 03)	4.1.1	Submit the final draft of the Corporate Plan to the Board at the February meeting.	Paul Lambert
11	2015/16 Corporate Plan (NEB 49 03)	4.2.4	Work with sub-group chairs to ensure SSSI trajectory Board papers are on sub-group agendas.	BES
12.	2015/16 Corporate Plan (NEB 49 03)	4.3	Bring a future Board paper on CSF ways of working.	Guy Thompson
13	Horizon scan of external activities to include Burning issues. (NEB 49 05)	5.5.1	Commission a briefing from the NNR team for Lord De Mauley.	Private Office
14	Horizon scan of external activities to include Burning issues. (NEB 49 05)	5.7.1	Inform Area Manager of the Board decision to request the application be called in by the SoS.	BES
15	Designations Strategy and Delivery Pipeline (NEB 49 13)	6.1.4	Ensure details of the Designations pipeline are submitted to NESAC.	BES
16	End of November Performance, Risk and Resource Update (NEB 49 06)	8.1.2	Include a drill down into licencing in the February Board paper.	Paul Lambert
17	End of November Performance, Risk and Resource Update (NEB 49	8.1.3	Look into the possibility of an internal audit into bat licencing.	Paul Lambert

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18	End of November Performance, Risk and Resource Update (NEB 49 06)	8.2	Bring a paper to a future Board Meeting about the processing risks to customer services.	Guy Thompson
19	National Park Authority Grant Settlements (NEB 49 08)	10.1.2	Draft a letter for Chairman to send to Defra informing them of the approval.	BES
20	Health, Safety and Wellbeing (NEB 49 10)	12.1.3	Bring a paper to the March Board on morale and the results of the February staff survey.	Paul Lambert
21	Health, Safety and Wellbeing (NEB 49 10)	12.2	Report use of the employee assistance services available to staff to Joe Horwood.	Paul Lambert
22	Board Standing Orders (NEB 49 11)	13.1	Ensure the updated Board Standing Orders are published on GOV.UK.	BES
23	Update on Benty Grange (NEB 49 14)	15.3.3	Arrange to visit/telecall with the landowner with a view to exploring options for an agreement and report to February Board.	Will Cockbain and Alan Law
24	CSS/CAP update (NEB 49 16)	17.3.5	Work together to identify what work can be undertaken whilst Natural England await decisions to be made.	Julia Aglionby and Tim De-Keyzer
25	Upland Peat Working Group Update (NEB 49 18)	19.1.1	Attend the Upland Peat workshop on 30 April and draft an intranet notice for staff.	BES