

Natural England Board



Title: **Confirmed minutes of the fifty ninth Natural England Board meeting on 20 January 2016**

Members attending	Senior Leadership Team
Andrew Sells (Chairman)	James Cross, Chief Executive
Julia Aglionby	Tim Hill, Chief Scientist
Andy Clements	Paul Lambert, Chief Finance and Governance Officer
Will Cockbain	Alan Law, Chief Strategy and Reform Officer
Teresa Dent	Julie Lunt, Chief Legal Adviser
David Hill	Guy Thompson, Chief Operating Officer
Joe Horwood	Ken Roy, Director Chairman and Executive Office
Simon Lyster	Invited speakers
Nigel Reader	Neil Constable, England Coastal Path Programme Manager (item 2)
John Varley	Rob Cooke, Director Terrestrial Biodiversity (item 5)
	Rob Cathcart, Senior Specialist Water management (item 5)
	Simon Humphries, Area 2 Manager (item 5)
	Andy Phillips, Head Technical Services
	Tim De Keyzer, Manager Terrestrial Biodiversity
	Brad Tooze, Area 1 Manager
Apologies	Secretariat
None	Gill Hunt

Welcome from the Chairman

The Chairman extended his welcome and asked for declarations of interest. Declarations were received from:

- Nigel Reader noted his recognised responsibilities as a Board Member of Marine Management Organisation and Natural Resources Wales and adding a further potential interest with regard to the current scoping of his role supporting the Defra ARC Chairs group.
- Teresa Dent declared an interest as part of the GWCT and the lead ammunition group.

- John Varley declared an interest in respect of his Board membership of the Environment Agency and in relation to the Clinton Devon Estate and Defra's bTB policy.

The Chairman declared an interest in relation to an item in Annex 3 (Paras 4.1-4.5) of the Chief Executive report. The Board noted Chairman was an investor in two EIS schemes which have invested in crematoria (Redcar and South Oxfordshire). Both these crematoria had been promoted by CML and were managed by CML.

The Chairman declared he had no interest in any crematorium project near Aylesbury, but given the risk of a perceived conflict of interest he would absent himself from any discussion or decision on this item.

1. Confirmation of the December 2015 Minutes and Matters Arising (NEB M58 01)

- 1.1 The minutes of the December Board meeting were confirmed subject to the amendment of references to an 'Environmental Commissioner' which the Board agreed might be a confusing term to use.

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

- 1.2 The Board noted that all matters arising from the last meeting were completed.

2. Chief Executive Report (NEB 59 01)

- 2.1 James Cross introduced the latest Performance and Risk report and welcomed Neil Constable, England Coastal Path Programme Manager. In discussion the Board:
- 2.1.1 Noted the current strong performance position and the improvement in position from the start of the year.
- 2.1.2 Noted the agreement across wider Defra for KPI targets (as opposed to full Corporate Plans) to be made public via GOV.UK
- 2.1.3 Explored the exception report and noted the reasons behind the given trajectories of improvement by the end of the year and the reliance on one particular site to bring the protected sites target to Amber Green (AG)
- 2.1.4 Acknowledged the improvements in the delivery of planning and wildlife casework with the reduced turnaround time of 11 days for planning advice.
- 2.1.5 Explored the challenges surrounding the delivery of further improvements in wildlife casework and the culture change that was required within the organisation to allow the changes to happen but acknowledged some staff were already open to change and might act as champions. The Board noted the confidence of staff was key to good delivery.
- 2.2 In terms of the overall strategy of the organisation and, in particular the continued implementation of the outcomes approach, the Board concluded there was a job for Board Members to play in terms of providing leadership but also in assessing the organisational feeling through contact with staff and highlighting good examples of the outcomes approach and embracing change. In exploring the role of the performance management system which had been developed involving staff the Board requested a paper on the performance management system be brought to a

future Board meeting.

Action: Paul Lambert to bring a paper on the performance management system to a future Board meeting.

- 2.3 Neil Constable outlined what was involved in successful delivery of the England Coastal Path and what success looked like. The Board noted:
 - 2.3.1 Whilst the concept and vision of a Coastal Path appeared simple, delivery of the vision was complicated for a number of reasons, including land ownership and use, designations such as SSSI and SPA's and local development.
 - 2.3.2 The team had a very clear statutory criteria and methodology to follow in order to be able to finalise the route of coastal path stretches.
 - 2.3.3 No compensation was available for those affected by the route of a coastal path so a key role for the team was in negotiating with interested parties and finding a solution with the least impact.
 - 2.3.4 The requirement for the Path to be completed by 2020 and the enthusiasm of the team to take on the challenge.
 - 2.3.5 The delivery of the Coastal Path was a once in a generation opportunity and it would be one core element of Natural England's legacy and the Board agreed this must be one of this Board's legacies.
 - 2.4 The Board congratulated Neil on the work completed to date and in discussion:
 - 2.4.1 Explored the implications associated with the 'spreading' aspect of the path and were satisfied the team had a clear process to assess the scope and impact of access on the seaward side of the linear route.
 - 2.4.2 Noted the low number of objections received and considered this was as a result of the hard work diligently completed by the team in assessing impacts and negotiating with stakeholders and communities.
 - 2.4.3 Considered the impact of SPAs and internationally important bird populations and were pleased to note Natural England had employed a dedicated ornithologist who would look at the issue as a whole and not just individual site impacts.
 - 2.4.4 Explored the issue of boundaries with Scotland and Wales and were satisfied there were no negative impacts on the ability to deliver the England Coastal Path.
 - 2.4.5 Advised that as a strategic priority, an enhanced communications plan should be put in place and engagement with stakeholders such as Visit England might be beneficial in raising awareness of the work and of the organisation's role in delivering it.
- Action: Neil Constable to consider the communications plan and review new options for engagement with stakeholders.**
- 2.5 The Board thanked Neil for his presentation and asked for their thanks to be passed to the team for their hard work.

2.6 The Board noted the issues outlined at Annex 2 and identified the following actions:

Action: Alan Law to investigate the view of internal geologists on the fracking processes.

Action: Alan Law to provide lines for the Board to take on Natural England's role in fracking applications to Local Authorities.

Action: James Cross and Alan Law to review the current process for information and decisions in relation to the National Nature Reserve(NNR) estate and how these are presented to the Board.

Action: Alan Law to provide a briefing to Andy Clements on how NNR decisions are reached.

2.7 The Board noted Julie Lunt's update on legal issues as outlined in Annex 3 and identified the following actions:

Action: Julie Lunt to bring a paper to the February Board Meeting in respect of internal guidance for staff in relation to licensing applications for predatory bird control to prevent serious damage to livestock.

3. 2015/16 in year budget performance (NEB 59 02)

3.1 Paul Lambert introduced the paper which focussed on the 16/17 budget position. The Board noted:

3.1.1 Some 'at risk' projects identified in the cuts process had now been given budget to allow the work to continue in 2015/16.

3.1.2 The good financial forecast outturn for the year on budget and the way that all teams had contributed to this outcome.

4. SR 2015 Allocations and 2016/17 Business Planning (NEB 59 03)

4.1 The Board noted Paul Lambert's update on the budget position for 2016/17 and in discussion:

4.1.1 Noted an invitation had been extended to the Defra Strategy Unit to attend February Board.

4.1.2 Acknowledged the need to join up the Defra Single Departmental Plan, the 5 year strategy, the 25 year plan for the Environment, the Natural England Conservation Strategy and our local delivery plans.

4.1.3 Advised in relation to Annex 1's mapping of Natural England's work to the headline Defra objectives, there needed to be a way of recognising the contribution of much of our work (including Environmental Land Management) to the world leading food and farming industry category.

4.2 The Board requested a further paper be brought to the February meeting to update the Board on the budget situation and gave approval for the 2015/16 Key Performance Indicators (KPIs) to be published externally on GOV.UK.

Action: Paul Lambert to bring an update paper to the February Board meeting.

Action: Paul Lambert to ensure the KPIs are published externally on GOV.UK.

5. Responding to the 2015/16 Winter Floods (NEB 59 04)

- 5.1 Alan Law introduced the item and the Board welcomed Simon Humphries, Rob Cooke and Rob Cathcart to the meeting. Simon Humphries gave an operational view of the floods in Cumbria and the Board noted:
 - 5.1.1 Natural England had engaged early with a meeting of North West Defra family members where the situation was assessed. Following on from this the Area Manager had contacted his opposite number in the Environment Agency (EA) when it became apparent that the scale of the floods was bigger than expected.
 - 5.1.2 Natural England is not a “first responder” organisation but, in emergencies such as these, will always seek to support partner bodies locally and nationally and offer help and resources to manage the situation.
 - 5.1.3 Staff safety was important and all staff had been contacted to ensure they were safe and to establish if they had been affected by the flooding.
 - 5.1.4 Natural England’s immediate concern was to ease restrictions on those affected to allow for emergency works to take place and core business to continue as much as possible and to ensure good animal welfare.
 - 5.1.5 Engagement with the National Farmers Union (NFU) took place early to help spread the message that restrictions had been lifted but there was some staff anxiety that agreement holders may take the opportunity to do other unconsented works but had agreed that was a small and manageable risk.
- 5.2 The Board noted a recovery group and a floods partnership had been set up and Natural England was represented on both groups. The Board heard from Board Members based in Cumbria both of whom expressed the view Natural England had given the right response in a timely manner and had learned from previous experiences such as the floods of 2009.
- 5.3 The Board acknowledged operationally it was difficult to ascertain when emergency status was lifted and recovery status began and this gave some confusion to agreement holders in terms of the classification of such work as gravel removal.
- 5.4 The Board heard from Rob Cooke as to the government policies now surrounding flood events and acknowledged all agencies had reacted better in this event than previous and had come together to consider the recovery needs.
- 5.5 Rob Cathcart outlined there was a renewed and more determined commitment towards upstream mitigation and the Board accepted that whilst this had a role to play it would be as a suite of measures not as a single option for solving urban and downstream flooding.
- 5.6 The Board noted Cumbria was to be a pilot for flood alleviation methods and agreed Natural England had a strong role to play in looking at methods involving upstream mitigation, catchment management and soft engineering in rural areas. The Board

advised there was the potential for Natural Capital implementation and green infrastructure projects.

- 5.7 The Board commissioned a Board sub-group to review the effectiveness of green infrastructure in flood mitigation. James Cross was to Chair the group joined by Will Cockbain and Andy Clements.

6. Law Commission Review of Wildlife Law (NEB 59 05)

- 6.1 Julie Lunt introduced the paper and drew the Board's attention to the three options contained within it and the ask of Defra for advice from the Board as to Natural England's future involvement in taking forward the recommendations and actions of the Law Commission report.

- 6.2 The Board advised the best option was the one which would give the best environmental outcomes and agreed on reflection of the options that option 3(b) (as outlined in Para 4.1.3) would meet this requirement. In conclusion the Board agreed Natural England should be involved with the Defra project and the message that option 3(b) was preferable should be conveyed to Defra.

Action: Andrew Sells and James Cross to draft a communication to Defra indicating Natural England's support and preference.

7. Countryside Stewardship and ES payments update (NEB 59 06)

- 7.1 Tim De-Keyzer and Andy Phillips joined the meeting and the Board noted:

- 7.1.1 Progress on processing new Countryside Stewardship (CS) agreements was slower than planned but the team were now tackling the most difficult cases where action was dependant on outcomes from Rural Payments Agency (RPA) checks and mapping work.

- 7.1.2 Further communications would be needed to customers where their agreement would not be offered by the end of January which would include reassurance that agreement start dates would be backdated to 01 January 2016.

- 7.1.3 Workarounds were being used as necessary and when available and the contingency for delivery would be to take applications as far as possible on the IT system and then complete by a manual process.

- 7.1.4 Work was continuing on areas for improvement such as revisions to guidance.

- 7.1.5 Confirmation had been received from Defra that livestock controls and record keeping would not be required for agreements before 2013 and the focus now would be on ensuring customers who did have to complete livestock records had the right tools and guidance to do so.

- 7.2 Andy Phillips outlined progress made on paying claims and drew attention to the difficulties faced by the team who had processed 97% of claims by Christmas 2015. In discussion the Board:

- 7.2.1 Thanked Andy and his team for their efforts in regaining lost ground and their ability to complete a large proportion of pre-claim work in respect of annual claim payments.

- 7.2.2 Noted the deadline for the majority of payments was the end of April 2016 and were encouraged to hear this would be possible for up to 80% of claims received and noted the remaining 20% were dependant on inspections and completion of Basic Payment Scheme work.
- 7.2.3 Explored the reasons why Natural England could not pay up to 90% of individual claims where there was an outstanding cross check and were satisfied that this could not be done due to the risk of disallowance.
- 7.2.4 Advised this was a subject which should be reviewed by the Defra ARC chairs meeting.

Action: Nigel Reader to raise the risks affecting CAP delivery at the Defra ARC chairs meeting.

8. Tees Estuary Partnership (Teesmouth SPA) (NEB 59 07)

- 8.1 The Board welcomed Brad Tooze who provided background to the Tees Estuary Partnership in relation to the SPA designation of the estuary. In discussion the Board:
 - 8.1.1 Welcomed the outcomes approach being taken by the team and the strong focus on partnership working with stakeholders and international businesses based on the estuary.
 - 8.1.2 Advised lessons could be learned from the approach being taken on the Humber estuary and offered to provide links with the groups working on the Humber.
 - 8.1.3 Noted that by committing to this approach an extension to the deadline for SPA designation would be needed and Defra approval would need to be sought to support continued use of the outcomes approach.
 - 8.1.4 Noted early engagement with the RSPB as a key partner had been made and the RSPB were now exploring further opportunities for the provision of mitigation and compensation in respect of proposed developments within the estuary and as a result the risk of infraction could be reduced.
 - 8.1.5 Explored the skills needed by staff to work effectively with business and recognised underpinning legislation always got Natural England 'a seat at the table' but building rapport and understanding was the key to gaining a strong relationship with businesses and ultimately their support for environmental action (including designation).

9. Health, Safety and Wellbeing Update (NEB 59 08)

- 9.1 Paul Lambert updated the Board on Health and Safety matters and drew the Board's attention to the measures put in place to control vibration exposure. The Board acknowledged the request from Paul for the team to look again at the replacement of equipment and ARAC's review of the audit progress.
- 9.2 The Board agreed there needed to be a reinforced message from the Board to ensure Health and Safety remains high on the agenda of teams and individuals.

10. Audit and Risk Assurance Committee (ARAC) Update (NEB 59 09)

10.1 Nigel Reader gave a verbal update on his activity as Chair of ARAC and the Board noted the following future events:

- attendance at the next meeting of Defra's ARC (25 January),
- a bilateral meeting with Natural England's Finance Director (26 January), and
- a special session of ARAC (18 February) to consider Defra's business case for corporate services transformation.

10.2 The Board noted the process for clearing Natural England's Annual Report and Accounts would remain unchanged from the previous year.

11. Board Innovation Group (BIG) Update (NEB 59 10)

11.1 David Hill updated the Board on the highlights of the December meeting of BIG. The Board noted:

11.1.1 The Great Crested Newt (GCN) Woking pilot and the guidance were about to go to consultation and that a second borough was being sought for a pilot to take place to further tease out any complexities.

11.1.2 A strategic solution for bat licensing work was being explored.

11.1.3 The possibility of a Natural England accreditation scheme was being explored but this was a slow burning project and there was a need to examine existing accreditation schemes available to farmers and landowners.

Action: Teresa Dent to send Mel Hughes (Director of Innovation) details of the Game and Wildlife Conservation Trust (GWCT) accreditation scheme.

12. Natural England Science Advisory Committee (NESAC) Update (NEB 59 11)

12.1 Andy Clements gave an update on the activity of NESAC and Board Members acknowledged that all Natural England Board Sub Committees and groups were working in a joined up manner.

12.2 The Board noted with interest the plans to hold a series of science and the law seminars and requested details of dates and topics be sent through when available.

Action: Tim Hill to provide dates and topics for the series of seminars via Board Round-Up once confirmed.

12.3 The Board were invited to send Andy Clements topics for discussion by NESAC

Action: Board Members to send Andy Clements details of any topics for discussion by NESAC.

12.4 Andy drew the attention of Board members to a NESAC session on 10 February involving Professor Susan Owens an expert in the review and application of theoretical and anecdotal evidence and invited any available Board members to attend.

13. Conservation Strategy Group (CSG) Update

- 13.1 Teresa Dent gave a verbal update on the work of the Conservation Strategy Sub-group and drew the Board's attention to the workshop for staff being held on the 22 February.
- 13.2 Board members acknowledged there was significant interest from Non-Governmental organisations (NGOs) on the relationship between the Conservation Strategy and Defra's 25 year plan.

14. Upland Working Group Update (NEB 59 12)

- 14.1 Julia Aglionby updated the Board on recent work. In discussion the Board noted:
 - 14.1.1 A continuing need to address the culture change required within the organisation to deliver an outcomes based approach and the need for support, including guidance and training and development, of staff in local teams to work effectively and with confidence.
 - 14.1.2 There is more work to do to bring together EU level discussions and local partnership working.
 - 14.1.3 An agreement submission to phase out rotational burning in the uplands on blanket bog by 2025 was in place with the EU but there were times when burning can be used as a tool to help restore condition of blanket bog habitats to achieve favourable condition status, there was a need therefore to manage EU expectations of full phase out by 2025.

15. Board Diary (NEB 59 13)

- 15.1 The Board noted the change to the March Board date to 23 March and agreed the meeting should move to London and there would be no Board dinner the prior evening.

Action: BES to arrange the 23 March Board meeting to take place in London.

- 15.2 The Board agreed to visit Langdon Beck in May to explore a number of issues affecting the Uplands.

Action: BES to arrange a visit for the Board to Langdon Beck in May.

16. Any Other Business

- 16.1 The chairman congratulated John Varley on his recent OBE and James Cross in his joining the Natural England Board in an ex-officio status.
- 16.2 The Board noted the review of JNCC was underway and the consultation closed on Monday 25 January.
- 16.3 The Board noted the SoS would be visiting a GWCT farmer cluster project and Natural England operational staff (James Phillips, Senior Adviser Terrestrial Biodiversity and a local Team Leader) and would be present at the visit.

16.4 The Board noted the HLGf landscape conference was being held on 28 February.

Actions log

No	Agenda Item/Paper	Ref	Action	Owner
1	Confirmation of the December 2015 Board Minutes and Matters Arising (NEB M58 01)	1.1	Produce confirmed December Board minutes.	BES
2	Chief Executive Report (NEB 59 01)	2.2	Bring a paper on the performance management system to a future Board meeting.	Paul Lambert
3	Chief Executive Report (NEB 59 01)	2.4.5	Consider the communications plan and review new options for engagement with	Neil Constable
4	Chief Executive Report (NEB 59 01)	2.6	Investigate the view of internal geologists on the fracking processes.	Alan Law
5	Chief Executive Report (NEB 59 01)	2.6	Provide lines for the Board to take on Natural England's role in fracking applications to Local Authorities.	Alan Law
6	Chief Executive Report (NEB 59 01)	2.6	Review the current process for information and decisions in relation to the National Nature Reserve (NNR) estate and how these are presented to the Board.	James Cross and Alan Law
7	Chief Executive Report (NEB 59 01)	2.6	Provide a briefing to Andy Clements on how NNR decisions are reached.	Alan Law
8	Chief Executive Report (NEB 59 01)	2.7	Bring a paper to the February Board Meeting in respect of internal guidance for staff in relation to licensing applications for predatory Bird control to prevent serious damage to livestock.	Julie Lunt
9	SR 2015 Allocations and 2016/17 Business Planning (NEB 59 03)	4.2	Bring an update paper to the February Board meeting.	Paul Lambert
10	SR 2015 Allocations and 2016/17 Business Planning (NEB 59 03)	4.2	Ensure the KPIs are published externally on GOV.UK.	Paul Lambert
11	Law Commission Review of Wildlife Law (NEB 59 05)	6.2	Draft a communication to Defra indicating Natural England's support and preference for option B.	Andrew Sells and James Cross
12	Countryside Stewardship and ES payments update (NEB 59 06)	7.2.4	Raise the risks affecting CAP delivery at the Defra ARAC chairs meeting.	Nigel Reader
13	Board Innovation Group (BIG) Update (NEB 59 10)	11.1.3	Send Mel Hughes (Director of Innovation) details of the Game and Wildlife Conservation Trust (GWCT) accreditation scheme.	Teresa Dent
14	Natural England Science Advisory Committee (NESAC)	12.2	Provide dates and topics for the series of science seminars via Board Round-Up once confirmed.	Tim Hill

	Update (NEB 59 11)			
15	Natural England Science Advisory Committee (NESAC) Update (NEB 59 11)	12.3	Send Andy Clements details of any topics for discussion by NESAC.	Board Members
16	Board Diary (NEB 59 13)	15.1	Arrange the 23 March Board meeting to take place in London.	BES
17	Board Diary (NEB 59 13)	15.2	Arrange a visit for the Board to Langdon Beck in May.	BES