

Natural England Board



Title: **Confirmed minutes of the sixty first Natural England Board meeting on 23 March 2016**

Members attending	Senior Leadership Team
Andrew Sells (Chairman)	James Cross, Chief Executive
Andy Clements	Tim Hill, Chief Scientist
Will Cockbain	Paul Lambert, Chief Finance and Governance Officer
Teresa Dent	Alan Law, Chief Strategy and Reform Officer
David Hill	Julie Lunt, Chief Legal Adviser
Joe Horwood	Guy Thompson, Chief Operating Officer
Nigel Reader	Ken Roy, Director Chairman and Executive Office
John Varley	Invited speakers
	Aidan Lonergan, Area Manager, Essex, Herts and Beds (Area 8)
Apologies	Tim De Keyzer, Manager Terrestrial Biodiversity
Julia Aglionby	Brian Davies, Manager, Sustainable Development
Simon Lyster	Mike Wilkinson, Principal Adviser, Sustainable Development
	Lydia Fitzpatrick, Head of Profession for Communications
	Secretariat
	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 his position on the Defra ARC Chairs Group as a standing declaration.
- John Varley declared an interest in respect of his Board membership of the Environment Agency.
- Andy Clements declared an interest due to his recent appointment to the Chair of the Cambridge Conservation Initiative for a 6 month term.
- David Hill declared an interest in respect of Item 8, HS2.

1. Confirmation of the February 2016 Minutes and Matters Arising (NEB M60 01)

- 1.1 The minutes of the February Board meeting were confirmed subject to amendments in Section 4 and some minor legal amendments as suggested by Julie Lunt.

Action: Board and Executive Services (BES) to produce confirmed February Board minutes.

- 1.2 The Board noted the update against outstanding actions from the January Board meeting and that action 11 would be carried forward and reported on at the May Board. Board members also noted the update against the February actions list.

Action: BES to include an update on the remaining January action in the May Matters Arising paper.

2. Chief Executive Report (NEB 61 01)

- 2.1 James Cross introduced the report and welcomed Aidan Lonergan, Area Manager, Essex, Herts and Beds.

- 2.2 James drew the Board's attention to the performance risk and resource report and the Board noted the strong performance of the organisation and a balanced end of year financial position. In discussion the Board:

- 2.2.1 Noted working closely with Area Teams and being clear on the budget position had helped Natural England deliver a balanced financial outturn despite the in-year cuts.

- 2.2.2 Acknowledged the devolution of budgets to Area managers and efforts to upskill in the area of financial management.

- 2.2.3 Highlighted the need for planning to provide for any future departmental underspend to be used on projects within Natural England wherever possible.

- 2.3 The Board considered the issues outlined in Annex 3 of the report and the following actions were identified:

- 2.3.1 The Board agreed to delegate final approval of the proposed new pre-assent and consent charging service to the Natural England Board Innovation Group (BIG) subject to sign off by Defra.

Action: BIG to complete the sign off of the pre-assent and consent charging service once Defra have approved the proposal.

Action: BES to obtain the final results of the SoS appointments to National Park and Broads Authorities and circulate to those Board Members involved in the exercise.

- 2.4 The Board noted Julie Lunt's update on the legal issues outlined at Annex 4.

- 2.5 Aidan Lonergan gave the Board an overview of activity within his Area Team and the Board noted:

- 2.5.1 The team were moving to embed the outcomes approach and had moved to a county based approach to help widen the areas of focus. As a result the team were

beginning to understand how different areas of work could come together in one place and be layered with other work happening both internally and externally.

- 2.5.2 Focus areas had been built from the bottom up with teams listing areas and then a QA exercise being undertaken.
- 2.5.3 The team were capitalising on opportunities to engage with developers and Local Nature Partnerships to look closely at restoration of habitats.
- 2.5.4 Close work with HLF and the sharing of spatial strategies was leading to a shared sense of purpose and making funding bids less about competition and more about shared outcomes.
- 2.5.5 Challenges facing the team included varying habitats and topography across the counties, some tension around the principle of focus areas and the need to move away from a binary mindset about boundaries.
- 2.6 The Board welcomed the joint work of the Area team with the England Coastal Path project and were interested to hear of an upcoming project involving the Highways Agency. In discussion the Board:
 - 2.6.1 Welcomed Aidan's approach with the team and stakeholders and his focus to create energy around the Senior Adviser group of staff who are key in driving forward organisational change.
 - 2.6.2 Acknowledged the resources required to deliver the England Coastal Path stretch and Countryside Stewardship agreements.
 - 2.6.3 Noted Andy Clements had recently spent time with team and was impressed by the clear leadership and authority within the team which was working well.
 - 2.6.4 Noted the last 3 months had provided an opportunity for Area Teams to look at next years' delivery plans including work which must be done and work within focus areas and requested that a paper be brought to the May Board outlining what delivery would look like for 2016/17.

Action: Guy Thompson to bring a paper to the May Board meeting outlining what Area Team delivery will look like for 2016/17.

3. Emerging Strategy and 2016/17 Business Plan (NEB 61 02)

- 3.1 James Cross introduced the paper and gave context as to the timely need to look again at the organisation's wider strategy, both as a result of changes in the financial context but also to reflect the progress now made in developing the outcomes approach, the reform agenda, and the Conservation Strategy. In discussion the Board:
 - 3.1.1 Welcomed the proposed principles in the paper setting out the vision of the future Natural England and identifying some key shifts that would be needed to deliver this.
 - 3.1.2 Agreed to a follow-up (deep dive) session on strategy at the May Board Meeting.
 - 3.1.3 Noted the possible need for shorter term action on staffing in advance of the May

Board and advised that if funding became available from Defra for a Voluntary Early Severance/Redundancy exercise then this should be seriously considered. Any such exercise would need to emphasize the value of alignment with Natural England behaviours and new ways of working..

- 3.1.3 Acknowledged the organisation required certain skills which gave Natural England certain credence with stakeholders and customers and there may be a reputational risk if some skills were lost.
- 3.2 The Board noted the efficiency savings required for 2016/17 and the challenges faced in achieving them. Board Members asked to be kept sighted on the conclusion of negotiations with Defra.

Action: James Cross and Paul Lambert to ensure any relevant information on efficiency savings are sent to Board Members.

4. A Joint Approach for National Nature Reserves (NNRs) (NEB 61 03)

- 4.1 Andy Clements introduced the paper and gave context of the NNR reforms as both a nationally owned resource and the need for more partnership working across NNR sites – which have a range of ownership and management structures. In discussion Board Members:
 - 4.1.1 Advised of the need to strengthen the overall NNR brand and to communicate a strong purpose for NNRs in nature conservation.
 - 4.1.2 Acknowledged a partnership approach could help to strengthen the brand and Natural England's involvement in delivery.
 - 4.1.3 Recognised the opportunities to get further involvement from the private sector and one such opportunity was the building of farmers' clusters around NNRs.
 - 4.1.4 Noted the partnership approach had been evolving through BIG discussions for some time. Further work was still needed around the legal status of any partnership groups – to give clarity to everyone involved.
 - 4.1.5 Explored the challenges faced when identifying 'approved bodies' for management of NNRs and noted further guidance would be helpful.
- 4.2 A number of Board members had raised questions about the proposed amendments to the Non-Financial Scheme of Delegation (NFSoD) with regard to detailed decision-making re NNR changes and requested further time to reflect on the NFSoD with guidance from Julie Lunt.

Action: Julie Lunt to consider the wording of the NFSoD and provide an updated version to Board Members for approval.

5. Bolton Fell Moss – Authority to Vest (NEB 61 04)

- 5.1 Julie Lunt introduced the paper and asked the Board to delegate responsibility to Simon Humphries (Area Manager) as the authority to vest process would need to be actioned to meet the tight timescale before the next Board meeting. The delegated authority would only be relied on if there were no objections to the CPO.

5.2 The Board agreed to delegate responsibility to Julie Lunt and Simon Humphries.

6. Buzzard Licensing Guidance (NEB 61 05)

6.1 Julie Lunt introduced the paper and welcomed Brian Davies, Manager, Sustainable Development to the meeting. In discussion the Board:

6.1.1 Noted two parts to the paper – the recent legal analysis of Buzzard licensing decisions and guidance produced for future licensing decisions.

6.1.2 Advised it was sensible to consult on the guidance with selected stakeholders.

6.2 In conclusion the Board agreed with the proposed approach for developing the Internal Guidance Note (IGN).

7. Agreement on International Humane Trapping Standards (NEB 61 06)

7.1 Alan Law introduced the paper and Brian Davies remained for the item. In discussion the Board:

7.1.1 Explored meaning behind the terms ‘setting’ of a trap versus ‘using’ a trap and the issues this might raise in any report of breach of the licences.

7.1.2 Acknowledged Natural England’s role was to ensure a licence was in place and this would be done through a general licence outlining Defra approved trap use and methods.

7.1.3 Advised of the need for management protocols for beaver, in the event that this became a resident native European Protected Species and were reassured these were being developed and could be circulated to Board Members in April.

Action: Alan Law to circulate the management protocols to Board members in April.

8. Update on High Speed 2 – ways of working, environmental ambition (NEB 61 07)

8.1 Alan Law introduced the paper and Mike Wilkinson joined. In discussion the Board:

8.1.1 Noted that work in relation to HS2 was done under a Discretionary Advice Service (DAS) contract and that people giving advice at this stage were not part of the same team who would ultimately review the final proposals.

8.1.2 Noted Natural England had not signed off the metric in relation to environmental gain and Natural England had not been consulted on some of the work surrounding this.

8.1.3 Explored the range of opportunities for Natural England to engage more closely with HS2 to look at new and different ways of securing Biodiversity Compensation not just track side projects.

8.1.4 Advised that local impacts were best dealt with at a local level to ensure

engagement with the right stakeholders and partners.

- 8.1.5 Noted an independent review of the methodology used for the metric in Phase 1 was to be undertaken and advised that Natural England should also explore how the compensation approach might help move HS2 from no net loss to net gain.

Action: James Cross to circulate the review via Board Round-Up when it is received.

Action: Alan Law to bring a further paper on HS2 to the June Board meeting.

9. Communications Update (NEB 61 08)

- 9.1 Ken Roy introduced the update and Lydia Fitzpatrick joined the meeting. Ken outlined that this paper was a stock take of Communications work since the last paper in September 2015 and asked the Board to note the work delivered, the evolving ways of joint working across Defra group, the design work on a single Defra group Communications team and the lessons learned to date. In discussion the Board:
- 9.1.1 Noted the close working with Defra on communications and the emerging priorities for proactive communication such as connecting children with nature.
- 9.1.2 Welcomed the opportunities for Natural England work (e.g. on the England Coastal Path) to fit with Defra priorities.
- 9.1.3 Advised there were further opportunities to engage with the Defra Communications Strategy and specifically for communication planning related to food and farming.
- 9.1.4 Highlighted past communications work such as the year of food and farming and the positive ways Natural England could be involved by influencing school curriculum to connect children with nature.
- 9.1.5 Recognised that each Area Team needed to continue to build communications and engagement capability (from the Area Manager onwards) to enable appropriate responses to locally based issues and were content that a national capability within a shared Defra team would support good cross agency responses when required.
- 9.1.6 Agreed Natural England needed to continue work on a more active and innovative social media presence.

10. Countryside Stewardship and ES Payments Update (NEB 61 09)

- 10.1 Guy Thompson introduced the paper and welcomed Tim De-Keyzer. In discussion the Board:
- 10.1.1 Noted there were still operational challenges ahead for meeting claims deadlines for 2015 agreements.
- 10.1.2 Noted the 2016 campaign was underway and 51 applications had already been received for the facilitation fund.
- 10.1.3 Welcomed the progress being made against remaining 2015 applications and the

solutions being found to enable processing.

- 10.1.4 Acknowledged the online tool going live would allow for more progress to be made against Middle Tier applications assisting in quick decisions for farmers and landowners.
- 10.1.5 Explored target agreement numbers for 2016 and agreed no set targets allowed for implementation of the outcomes approach but recognised the scheme was open to all irrespective of any focus areas within Area teams and that planning assumptions would help in providing adequate resourcing for applications to be processed.

11. Health, Safety and Wellbeing Update

- 11.1 The Board noted Paul Lamberts verbal update on Health, Safety and Wellbeing and noted a substantial paper on Bat volunteer safety would be brought to the May Board meeting following a recent audit.

12. Audit and Risk Assurance Committee Update

- 12.1 Nigel Reader gave a verbal update on the ARAC meeting of 22 March. The Board noted:
 - 12.1.1 A workshop with the National Audit Office examining ARAC effectiveness had been held prior to the meeting and the conclusion was that ARAC was effective in its work but areas for improvement included working with Defra and succession planning.
 - 12.1.2 The proposal from Nigel Reader that the Board seek to identify additional time for a substantive discussion on strategic risk and horizon scanning.
 - 12.1.3 The go live date for the Single Operating Platform was 23 May but noted the Home Office had pulled out of the project.
 - 12.1.4 An excellent Health, Safety and Wellbeing report had been completed by Laura McDixon and were reassured to hear that there was a cultural improvement in attitude towards Health and Safety and a culture of no complacency within the team.
 - 12.1.5 A draft internal audit programme for 2016/17 had been presented and approved by the ARAC.
- 12.2 Nigel offered his thanks to David Hill who had attended 36 out of the 38 Natural England ARAC meetings during his tenure.

13. Natural England Science Advisory Committee (NESAC) Update

- 13.1 Andy Clements gave a verbal update to the Board on the most recent NESAC meeting of 11 March. The Board noted:
 - 13.1.1 The attendance at the meeting of Professor Susan Owens who gave a well-received talk on the types of evidence and their uses.
 - 13.1.2 The value of having external people on NESAC to provide independent viewpoints of Natural England work and projects.

13.1.3 The full minute of the meeting would be made available to the May Board meeting.

14. Board Innovation Group (BIG) Update (NEB 61 10)

14.1 The Board noted the minutes of the February BIG meeting.

15. Board Flooding Group (BNFMG) Update

15.1 The Board noted the verbal update given by James Cross and progress of the group including the need for the Board to approve the Terms of Reference which would be sent to Board members for comment via Board Round-Up.

Action: James Cross to arrange for the ToR for the BNFMG to be sent to Board members via BRU.

16. Conservation Strategy Group (CSG) Update (NEB 61 11)

16.1 Teresa Dent introduced the paper and gave a summary of the key shifts outlined in the paper and gave context in relation to the 25 year food and farming plan being developed by Defra. In discussion the Board:

16.1.1 Noted Natural England had a secondee within the Defra 25 year plan team.

16.1.2 Acknowledged a lot of what was contained within the Conservation Strategy was being applied in operations already and advised there were pilot area studies being undertaken in Wales which might be helpful to review.

16.1.3 Advised continued organisational change was needed to support and implement the strategy.

16.1.4 Advised consistency of language was important and that the use of landscapes and seascapes or terrestrial and marine ecosystems might help this.

17. Upland Working Group Update

17.1 Joe Horwood provided a verbal update in Julia Aglionby's absence. The Board noted:

17.1.1 Upland staff are now already documenting use of the outcomes approach for use by the rest of the organisation.

18. Board Diary for 2016 (NEB 61 12)

18.1 The Board noted the diary for 2016.

19. Any Other Business

19.1 The Board noted this was David Hill's last Board meeting as his tenure was due to end and the opportunity would be available at the May Board meeting for a formal

farewell and thanks.

19.1.1 David responded within his thanks and highlighted the strength of the existing Board the amazing staff, Board Services and Leadership of the organisation.

19.2 Board members agreed that it would be pertinent to invite guests with upland interests to dinner the evening before the May Board meeting.

Action: BES to establish final guest list and present to Chair for agreement.

19.3 Teresa Dent raised her request for a financial tutorial and welcomed other Board members to join.

19.4 James Cross raised that he and Chair were to shortly have a deep dive session into the Conservation Strategy and that Board Members were welcome to join.

Action: James Private Office to circulate dates for a Conservation Strategy deep dive session.

Actions log

No	Agenda Item/Paper	Ref	Action	Owner
1	Confirmation of the February 2016 Board Minutes and Matters Arising (NEB M60 01)	1.1	Produce confirmed February Board minutes.	BES
2	Confirmation of the February 2016 Board Minutes and Matters Arising (NEB M60 01)	1.2	Include an update on the remaining January action in the May Matters Arising paper.	BES
3	Chief Executive Report (NEB 61 01)	2.3.1	Complete the sign off of the pre-assent and consent charging service once Defra have approved the proposal.	BIG
4	Chief Executive Report (NEB 61 01)	2.3.1	Obtain the final results of the SoS appointments to National Park and Broads Authorities and circulate to those Board Members involved in the exercise.	BES
5	Chief Executive Report (NEB 61 01)	2.6.4	Bring a paper to the May Board meeting outlining what Area Team delivery will look like for 2016/17.	Guy Thompson
6	Emerging Strategy and 2016/17 Business Plan (NEB 61 02)	3.2	Ensure any relevant information on efficiency savings are sent to Board Members.	James Cross and Paul Lambert
7	A Joint Approach for National Nature Reserves (NNRs) (NEB 61 03)	4.2	Consider the wording of the NFSoD and provide an updated version to Board Members for approval.	Julie Lunt
8	Agreement on International Humane Trapping Standards (NEB 61 06)	7.1.3	Circulate the management protocols to Board members in April.	Alan Law
9	Update on High Speed 2 – ways of working, environmental	8.1.5	Circulate the review via Board Round-Up when it is received.	James Cross

	ambition (NEB 61 07)			
10	Update on High Speed 2 – ways of working, environmental ambition (NEB 61 07)	8.1.5	Bring a further paper on HS2 to the June Board meeting.	Alan Law
11	Board Flooding Group (BNFMG) Update	15.1	Arrange for the ToR for the BNFMG to be sent to Board members via BRU.	James Cross
12	Any Other Business	19.2	Establish final guest list and present to Chair for agreement.	BES
13	Any Other Business	19.4	Circulate dates for a Conservation Strategy deep dive session	James Cross Private Office