

# Natural England Board



Title: **Confirmed minutes of the sixty fifth Natural England Board meeting on 21 September 2016**

<b>Members attending</b>	<b>Senior Leadership Team</b>
Andrew Sells (Chairman)	Tim Hill, Chief Scientist
Julia Aglionby	Paul Lambert, Chief Transformation Officer
Andy Clements	Alan Law, Chief Strategy and Reform Officer
Will Cockbain	Julie Lunt, Chief Legal Adviser
Teresa Dent	Guy Thompson, Chief Operating Officer
Joe Horwood	Ken Roy, Director Executive Office
Simon Lyster	<b>Guests</b>
Nigel Reader	Emma Johnson, Area Manager, North Mercia (Item 2)
John Varley	Abdul Razaq, Director Finance and Performance (Items 2 and 3)
Michael Winter	Brian Davies, Manager Sustainable Development( Item 4)
James Cross, Chief Executive and ex-officio Board member	Shirley Trundle, Defra Director for Natural Environment Policy (Item 5)
	Rob Cooke, Director EU Exit (Item 6)
	Edel McGurk, Manager EU Exit (Item 6)
<b>Apologies</b>	Greg Smith, Manager EU Exit (Item 6)
None	<b>Secretariat</b>
	Emily Finnie

## **Welcome from the Chairman and Declarations of Interest**

The Chairman extended his welcome and in particular to Michael Winter who was attending his first meeting. As well as the usual declarations, declarations were received from:

- Nigel Reader in respect of his position as acting Chair of APHA ARAC.
- Teresa Dent for item 9.

## **1. Confirmation of the July 2016 Minutes and Matters Arising (NEB M64 01)**

- 1.1 The minutes of the July Board meeting were confirmed.

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

1.2 The Board noted actions from the last meeting were completed or discharged or, in terms of planned stakeholder engagements, underway,

## **2. Chief Executive Report (NEB 65 01)**

2.1 James Cross introduced his report and welcomed Emma Johnson and Abdul Razaq. The Board reviewed the quarter one performance report and:

2.1.1 Received explanations on the four amber red Key Performance Indicators (KPIs) and the action plans in place for near hit reporting; roll out of the strategic approach to bat licensing and reducing the need for individual licences; and, Marine Protected Areas.

2.1.2 Requested the provision of a fuller performance drill down on all KPIs within each quarterly report.

**Action: Paul Lambert to provide the detail behind each KPI to the Board quarterly.**

2.2 Abdul Razaq presented the financial performance as at the end of August 2016, and the Board:

2.2.1 Welcomed the financial performance and actions in place to ensure a good out-turn at year end for both the grant-in-aid and RDPE budgets.

2.2.2 Advised that consideration should be given to the presentation of future reports to ensure visibility of pipe-line planning and appropriate accounting arrangements for commercial income, and noted the Board Innovation Group (BIG) was covering this.

2.2.3 Noted ARAC would stand over the risks and issues related to the implementation of the Single Operating Platform, the HMRC Review, and the transformation of Corporate Services.

2.3 The Board thanked Emma Johnson for her presentation on North Mercia Team covering partnership working, particular challenges, and the team, and in discussion:

2.3.1 Noted the Conservation Strategy was seen to provide opportunities for experimental approaches and to move to more proactive work.

2.3.2 Explored the potential of conservation gains in the farmed landscape (70% of the team area).

2.3.3 In response to questions, noted the position on: the predation on curlews on the Stiperstones NNR; the working arrangement with East Midland Area Team for the Peak Park; and experiences of homeworking by team members.

2.3.4 Recognised that while Area Managers had the opportunity to feed in ideas on a new environmental payments scheme, the focus in Area Teams was to use current levers to deliver their priorities.

2.3.5 Acknowledged staff morale was generally good but with issues in relation to the Single Operating Platform, Higher Tier Countryside Stewardship, and the performance management system.

2.4 The Board noted in Quarter 1 there had been one SSSI notification (Pen Park Hole, Bristol), and no SSSI confirmation decisions taken under delegated authority.

2.5 The Board received updates, where requested, and considered the issues outlined in Annex 4. The following actions were identified:

**Action: Board group (Chairman, Joe Horwood, Andy Clements, James Cross with Alan Law) to finalise the HS2 report for DoT.**

**Action: SLT to review how we stimulate a proactive campaign of Board engagement with NGOs and stakeholders.**

**Action: Alan Law to finalise and implement the launch plans for the Conservation Strategy.**

**Action: Paul Lambert to involve the Remuneration Committee with the forthcoming internal recruitment process.**

**Action: Executive Office to update the Natural England leaders' list for the next Chief Executive's report.**

2.6 The Board noted Julie Lunt's update on legal issues outlined at Annex 6.

### **3. Medium-Term Financial Plan and 2017/18 Business Planning (NEB 65 02)**

3.1 Paul Lambert introduced the paper. The Board:

3.1.1 Noted the revised medium- term financial plan and the current 2017/18 business planning proposals and Nigel Reader's offer to help the Executive with this work.

3.1.2 Noted the analysis of projected funding and recognised the importance of the reform plan for 2017/18.

3.1.3 Noted a further paper on the 2017/18 business plan would be presented to the November Board meeting.

**Action: Paul Lambert to present a paper on 2017/18 business plan to the November Board meeting.**

### **4. Buzzard Licensing (NEB 6 03)**

4.1 Alan Law and Guy Thompson, joined by Brian Davies, introduced the paper requested by the Board which set out Natural England's current, and proposed future, approaches to buzzard licensing. The Board thanked officers for a helpful paper, and in discussion:

4.1.1 Recognised the challenges presented by our statutory duties as both a licencing authority and for the conservation of nature, and the necessity to operate the licencing legislation and Government policy based on sound evidence around a structured framework.

4.1.2 Welcomed the consensus reached over the internal guidance note, and reminded themselves that Natural England was complying with the recent High Court judgement, and that applicants for licences wished to comply with the law.

4.1.3 Suggested that from a technical perspective it would be worth considering the application of independent criteria for serious economic impact and effectiveness together, and explored examples of how this might work in relation to cormorants as well as to species such as buzzards.

4.1.4 Advised that it was premature to consider buzzard licencing in terms of business as usual and recommended that further work was needed in particular to clarify the application of the threshold for favourable conservation status in relation to buzzard licence determination.

**Action: Alan Law to come back to the Board on the application of the threshold for buzzard Favourable Conservation Status in future licence determination.**

4.1.5 Were assured over Natural England's capability to do this work, and over the rigour with which the evidence had been assessed, and advised that it was important that the audit trail reflected this.

4.1.6 Acknowledged that these cases opened up other issues which Natural England needed to address such as developing a position on licences to kill birds for conservation purposes.

**Action: Alan Law to develop a proposed position on potential licence applications to kill birds for conservation purposes for consideration by the Board.**

## **5. Review of Defra's Updated 25 Year Environment Plan (NEB 65 04)**

5.1 The Chairman welcomed Shirley Trundle who provided an update on the framework for Defra's 25 Year Plan which had been reworked over the summer. The Board:

5.1.1 Noted the SoS's continued commitment to two plans for Food and Farming, and for the Environment, with both intended for publication.

5.1.2 Noted the vision for the Environment Plan, underpinned by natural capital principles, remained the same, but that there was a new theme about delivering globally and a new set of design principles. Work on the four pioneer projects continued.

5.2 In discussion the Board:

5.2.1 Offered help as individuals and from Natural England, and were pleased to note Defra felt well connected through our involvement with different work strands and through secondments.

5.2.2 Advised that recent legislative work in Wales could be of relevance to the Environment Plan.

5.2.3 Recognised the challenges of reaching out to a wider range of stakeholders and achieving broader engagement with the plan and acknowledged the role the wider Defra family had in helping with this.

5.2.4 Recommended the plan would need to set out how people and delivery were to be mobilised over the next 25 years, and noted that translating the principles of the framework into deliverables would start next year. This would involve looking at alternative incentives to public money, in the context of the opportunities and risks post CAP, and the need to focus the regulation framework around outcomes for the natural environment.

5.2.5 Offered particular assistance around helping to shape the policy agenda on connecting people with nature where Natural England held a considerable body of evidence.

5.2.6 Welcomed the casting of the plan in terms of enabling better decision making for the benefit of the environment, and advised that the long term challenge of connecting people to the environment was instrumental here.

## **6. Board Workshop EU Environmental Payments (NEB 65 05)**

- 6.1 The Chairman welcomed Rob Cooke, Edel McGurk and Greg Smith who led a Board workshop exploring :
- Key messages for Natural England's offer post EU to accompany our Conservation Strategy and:
  - Principles and outcomes we would wish to see embedded in a new 'Environmental Payments Scheme'.

6.2 The Board noted Rob Cooke's update. In discussion on what outcomes we should seek Board members identified the following areas as important and could be used as a basis for their discussions with stakeholders.

### **6.2.1 Outcomes**

- Suggested alignment with the 25 Year Environment Plan and that collaborative delivery should be targeted at a landscape scale. Nature Improvement Areas could be used for this and the principles in our Conservation Strategy should influence the design and outcomes.
- Suggested a broad suite of outcomes, including landscape, could both demonstrate value for money and help engender public support and engagement, but recognised the value of targeted outcomes too. Schemes should be capable of being scaled up, and outcomes might be addressed at a geographic, as opposed to a scheme level.
- Considered there were opportunities from defining targets for habitats and species on a place based scale.
- Advocated a scheme which was simpler to deliver and while supporting the principle of simplicity, advised that sophisticated analysis should lie behind this and that we had the experience and knowledge to undertake this.
- Identified the keys to longevity being:
  - Commitment from land managers which could be realised by designing the scheme so that they felt more involved in, and had ownership of, what they were trying to achieve.
  - Simplicity in delivery for Natural England and for the landowner.
- Encouraged account to be taken of lessons learned from the past and use of the natural capital concept, together with adoption of targeted outcomes and building in principles of sustainability.
- Advised realism about future funding, and stressed the importance of seeking funding from other sources.
- While resource heavy, recognised that Natural England's advice and agreement work with landowners was successful and could be backed up with evidence for a future model.
- Supported options to provide more funding targeted for outcomes and recognised the range of new tools which could access a range of different resources. There could also be scope for different departmental funding.
- Agreed that achieving Biodiversity 2020 targets was a priority.
- Recommended more emphasis should be given to recognising land managers doing the right thing, and the need to explore how best to provide incentives which may or may not involve funding. There was support for designing a scheme such that acceptance was seen as accolade rather than simply an agreement, and for tying in biodiversity outcomes with outcomes for soil, water and animal health.

## **7. Health, Safety and Wellbeing Update (NEB 65 06)**

- 7.1 Paul Lambert introduced the health, safety and wellbeing update. The Board was appreciative of the comprehensive report on levels and trends in absence due to mental ill – health, and noted the next steps which included the setting up of the mental health network. Paul Lambert was asked to provide a breakdown of the statistics for full time and part time

staff.

**Action: Paul Lambert to provide the Board with a breakdown of the mental ill-health statistics for a full and part time staff.**

## **8. Bovine TB Update (NEB 65 07)**

8.1 Tim Hill gave an oral update to his bTB report.

## **9. Use of the Natural England Brand (NEB 65 08)**

9.1 Julie Lunt introduced the paper which briefed the Board about the current controls around the use of the Natural England logo and brand and included a request from the charity, 'Red List Revival' to use our logo. Teresa Dent declared an interest as she knew the applicant.

9.2 The Board noted the current principles for the use of the Natural England logo and in discussing the request weighed up the desire to help and encourage the charitable initiative against its nervousness in lending our logo without any control or partnership arrangement being in place to underpin it. In considering the request Board members:

- Raised the potential adverse impact of agreeing to an individual request on using our brand and the need to approach this more strategically.
- Acknowledged that there were matters of principle to be established before making an exception to usual practice and setting a precedent for the future.
- Accepted this case was genuine and technically bone fide, and highlighted the benefits which could come from us providing leadership and recognising good work.
- Identified the need for a strategy and criteria for reaching decisions on using our brand.

9.3 In conclusion the Board commissioned officers to develop and present a strategy and guiding principles for use of our brand and that this would then be used to reach a decision on this specific request.

**Action: Julie Lunt to present the Board with a strategy and criteria for reaching decisions on use of the Natural England brand.**

## **10. Audit and Risk Assurance Committee (ARAC) Update (NEB 65 09)**

10.1 The Board noted the unconfirmed minutes of the June ARAC meeting, and raised an error in 8.1.1 which would be corrected when the minutes were confirmed at the next ARAC meeting in October.

10.2 Nigel Reader reported that the October meeting would include a workshop on the implications of the Defra Transformation programme.

## **11. Natural England Science Advisory Committee (NESAC) Update**

11.1 Andy Clements reported that the Committee had not met since the last Board meeting but that there was to be a seminar on Science and the Law the following day.

## **12. Remuneration Committee (Rem Com) Update (NEB 65 10)**

12.1 The Board noted the unconfirmed minutes of the July Remuneration Committee meeting.

## **13. Board Innovation Group (BIG) Update (NEB 65 11)**

13.1 The Board noted the unconfirmed minutes of the July meeting. Simon Lyster reported on: plans for a workshop to develop a better understanding with local authorities to be held on

16 November 2016; extension of the Woking pilot to Kent; and clearances from Defra for charging for pre-consent work .

**14. Board Flooding Group Update**

14.1 James Cross reported on the meeting held the previous day and that the group’s product was on track for presentation to the Board before Christmas.

**Action: James Cross to present Board Flooding Group report to the December Board meeting.**

**15. Conservation Strategy Group (CSG) Update (NEB 65 12)**

15.1 Teresa Dent drew Board members’ attention to the Conservation Strategy engagement plan and consulted the Board on the future of the group. The Chairman thanked Teresa for her leadership of the group which the Board agreed should be wound up. The work identified by the group: standing over change plans and advocating the Conservation Stately with stakeholders should be taken forward as part of day to day business.

**16. Upland Working Group (UWG) Update (NEB 65 13)**

16.1 Julia Aglionby introduced her report which set out good progress with delivering the upland work programme and the focus of the work for the next 12 months. It was agreed that this group provided a valuable oversight role and should continue subject to periodic review.

**17. Board Diary**

17.1 Ken Roy introduced the Board diary with dates of Board meetings in 2017 and 2018.

Action: Ken Roy to review two 2018 dates with Chairman

**18. Any Other Business**

18.1 The Board noted future business at Board meetings would include the NNR Partnership Strategy and Natural England NNR Strategy; Favourable Conservation Status and Wildlife Licencing.

**Action: Alan Law to bring papers on the NNR Partnership Strategy and Natural England NNR Strategy; Favourable Conservation Status and Wildlife Licencing to future Board meetings.**

18.2 Chairman reported that Michael Winter would become a member of NESAC and JNCC. There were also vacancies on ARAC, the Remuneration Committee and BIG. Teresa Dent accepted an invitation to join BIG.

**Action: Chairman to fill remaining vacancies on Board sub-groups.**

**Actions log**

No	Agenda Item/Paper	Ref	Action	Owner
1	Confirmation of the July 2016 Board Minutes and Matters Arising (NEB M64 01)	1.1	Produce confirmed July Board minutes.	BES
2	Chief Executive Report	2.1.2	Provide the detail behind each KPI	Paul Lambert

	<b>(NEB 65 01)</b>		for the Board quarterly.	
3	<b>Chief Executive Report (NEB 65 01)</b>	2.5	Finalise the HS2 report for DoT	Board group (Chairman, Joe Horwood, Andy Clements, James Cross with Alan Law)
4	<b>Chief Executive Report (NEB 65 01)</b>	2.5	Review how we stimulate a proactive campaign of Board engagement with NGOs and stakeholders.	SLT
5	<b>Chief Executive Report (NEB 65 01)</b>	2.5	Finalise and implement the launch plans for the Conservation Strategy.	Alan Law
6	<b>Chief Executive Report (NEB 65 01)</b>	2.5	Involve the Remuneration Committee with the forthcoming internal recruitment process.	Paul Lambert
7	<b>Chief Executive Report (NEB 65 01)</b>	2.5	Update the Natural England leaders' list for the next Chief Executive's report.	Executive Office
8	<b>Medium-term Financial Plan and 2017/18 Business Planning (NEB 65 02)</b>	3.1.3	Present a paper on 2017/18 business plan to the November Board meeting.	Paul Lambert
9	<b>Buzzard Licensing (NEB 65 03)</b>	4.1.4	Come back to the Board on the application of buzzard Favourable Conservation Status in future licence determination.	Alan Law
10	<b>Buzzard Licensing (NEB 65 03)</b>	4.1.6	Develop a proposed position on potential licence applications to kill birds for conservation purposes for consideration by the Board.	Alan Law
11	<b>Health, Safety and Wellbeing Update (NEB 65 06)</b>	7.1	Provide the Board with a breakdown of the mental ill-health statistics for a full and part time staff.	Paul Lambert
12	<b>Use of Natural England Brand (NEB 65 08)</b>	9.3	Present the Board with a strategy and criteria for reaching decisions on use of the Natural England brand.	Julie Lunt
13	<b>Board Flooding Group Update</b>	14.1	Present Board Flooding Group report to the December Board meeting.	James Cross
14	<b>Board Diary (NEB 65 14)</b>	17.1	Review two 2018 dates with Chairman.	Ken Roy
15	<b>Any Other Business</b>	18.1	Bring papers on the NNR Partnership Strategy and Natural England NNR Strategy; Favourable Conservation Status and Wildlife Licencing to future Board meetings.	Alan Law
16	<b>Any Other Business</b>	18.2	Fill remaining vacancies on Board sub-groups	Chairman