

# Natural England Board



**Title: Confirmed minutes of the seventy first Natural England Board meeting on 14 June 2017**

<b>Members attending</b>	<b>Senior Leadership Team</b>
Andrew Sells (Chairman)	Tim Hill, Chief Scientist
Julia Aglionby	Paul Lambert, Chief Transformation Officer
Will Cockbain	Alan Law, Chief Strategy and Reform Officer
Andy Clements	Guy Thompson, Chief Operating Officer
Teresa Dent	Julie Lunt, Chief Officer Legal and Governance
Joe Horwood	<b>Guests</b>
Simon Lyster	Rob Cooke, Director EU Exit (Item 3)
Nigel Reader	Jonathan Burney, Director Government Advice (Items 4 and 20)
Michael Winter	Jim Seymour, Area Manager Kent and Sussex (Item 5)
James Cross, Chief Executive and ex-officio Board member	David Askew, Director Evidence (Item 7)
	Mark McLaughlin, Defra Group Chief Finance Officer (Item 8)
	Abdul Razaq, NE Director Finance and Business Partner (Items 8 and 15)
	Nathan Paget, Defra Group Chief Internal Auditor (Item 11)
	Richard Caldow, Senior Specialist, Specialist Services (Item 20)
	<b>Secretariat</b>
	Emily Finnie. Board and Executive Services Team

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

- 1.1 The Chairman welcomed everyone to the meeting and thanked the Kent and Sussex Team for the previous evening's site visit and for hosting the Board meeting.
- 1.2 In addition to the usual declarations of interest, declarations were received from:
  - Julia Aglionby as an agent for Hilton Commoners Association for item 15.
  - Nigel Reader who reminded the Board that he was an ex-officio member of Defra ARAC but that did not present any conflicts of interest at this meeting.

## 2. Confirmation of the May Minutes and Matters Arising (NEB M70 01)

- 2.1 The minutes of the May Board meeting were confirmed subject to correction of 'secession' to 'succession' in 12.1, bullet 3.

**Action: Legal and Governance Team to produce confirmed May Board minutes.**

- 2.2 The Board noted actions from the last meeting were completed or in progress.

- 2.3 The Board noted confirmation of the Defra ministerial team.

## 3. EU Exit Update

- 3.1 Rob Cooke gave an update on the latest developments with EU Exit in relation to Article 50, the Great Repeal Bill and other likely legislation. The Board noted planning underway for Natural England's day one readiness and noted a costed scope would be brought to a future Board meeting.

**Action: Rob Cooke provide a paper on Natural England day one readiness to a future Board meeting.**

## 4. Biodiversity 2020 (NEB 71 01)

- 4.1 Alan Law and Jonathan Burney introduced the update on the ambition to achieve Biodiversity 2020 (B2020) targets within the context of Conservation 21 (C21).

- 4.2 The Board noted progress towards B2020 terrestrial outcomes, risks to delivery and potential options for mitigation. The Board supported the priorities as presented and advised that messaging should be clear and should focus on what we will have achieved by 2020. Members requested that the Board and Defra be kept informed on management and delivery of the outcomes given the risks associated with being judged by the B2020 targets.

- 4.3 The Board in discussion on the particular 2020 outcomes for:

- 4.3.1 SSSIs: Noted progress towards 50% of SSSIs in favourable condition with an estimate of 46% by 2020 and the target being reached in 2024, and requested information be provided on the trajectory for SSSI moving from recovering to favourable condition. It was recognised the priority was to get the right objectives for SSSIs.

**Action: Alan Law to supply information to the Board on the trajectory for SSSI moving from recovering to favourable condition, providing this assurance through NESAC.**

- 4.3.2 Priority habitats: Recognised that meeting the ambitions for priority habitats depended on making Countryside Stewardship (CS) work better for us, and noted the policy choices to facilitate a better trajectory to the 2020 objective. The Board recommended that Defra should be advised of changes to mid- tier CS which would be needed to accommodate priority habitat options.

**Action: Alan Law to advise Defra of changes to mid-tier CS which would be needed to accommodate priority habitat options.**

- 4.3.3 Species: Counselling and agreed that attention should be drawn to species at risk of extinction before 2020 and the funding requirements. The role of citizen science in providing an additional resource was noted.

**Action: Alan Law to report on the species at risk of extinction associated with meeting the Species 2020 outcome.**

4.4 In conclusion the Board noted NESAC's offer to review the evidence behind the B2020 targets.

**Action: Alan Law and Andy Clements to review NESAC's involvement in reviewing the evidence behind the B2020 targets.**

## **5. Area Plans Update (NEB 71 02)**

5.1 Guy Thompson, joined by Jim Seymour, introduced the update on how Conservation 21 (C21) had been incorporated into Area Team plans for 2017/18.

5.2 The Board welcomed Jim Seymour's reflections on how in Kent and Sussex the Area Team plan had been updated to include flagship projects and joint plans, and that commitment to delivery of C21 was reflected in his team's staff survey results.

5.3 In discussion the Board:

5.3.1 Explored the integration of Area Team plans with national plans and the process for national overview, and noted that this was a transitional year with metrics being developed to measure delivery of C21.

5.3.2 Offered, through individual members' assignment to each Area Team, to engage with and to encourage delivery of Area Team plans through support and challenge.

5.3.3 Recommended that Area Team plans should be available on GOV.UK.

**Action: Guy Thompson to arrange for Area Team plans to be available on GOV.UK.**

## **6. Health, Safety and Wellbeing Update (NEB 71 03)**

6.1 Guy Thompson reported on the transfer of health, safety and welfare to Operations with benefits from the new management arrangements including raising the profile and cascading messages down the management line direct to the highest risk work areas. Future reports for the standing Board item would include: improved management information; any RIDDOR and accident reports; and strategic updates as requested by the Board.

6.2 The Board noted the current status and progress relating to lone working.

6.3 The Board reaffirmed its role in providing leadership for health, safety and welfare and suggested awareness training for all Board members might be appropriate to include key messages, shared understanding and as assessment of risk appetite.

**Action: Guy Thompson to respond to the Board's request for training on health, safety and welfare.**

## **7. Open Data (NEB 71 04)**

7.1 Tim Hill and David Askew introduced the paper describing Natural England's position on the use and supply of Open Data.

7.2 In discussion the Board:

- 7.2.1 Noted and endorsed the Natural England Position Statement on Open Data having first:
- Noted resistance from some other organisations and explored potential impacts on relations with partners.
  - Recognised the response from the NGO sector in relation to their intellectual asset bases but cited examples of how this had been addressed by Universities.
  - Concluded that the position statement signalled intent and timescale and was sensitive to the commercial use issue.
- 7.2.2 Supported Natural England taking a leadership role with respect to open biodiversity data and welcomed the report on how this was contributing significantly towards meeting the Secretary of State's target.

## **8. Mark McLaughlin (Defra Group Chief Finance Officer)**

- 8.1 The Chairman and James Cross welcomed Mark McLaughlin and Abdul Razaq. Mark McLaughlin gave a presentation, and Board members engaged in discussion on, key developments in Defra as a delivery organisation for our customers, better integration of finance work, Corporate Services transformation, and management of budget pressures.

## **9. Natural England Science Advisory Committee Update (NEB 71 05)**

- 9.1 The Board noted the minutes of the last NESAC meeting on 18 April which supplemented the verbal update given to the last Board meeting.
- 9.2 Additionally Andy Clements reported:
- Work in hand in response to the Board's request for NESAC to review evidence on re-planting on deep peat.
  - The next NESAC meeting on 13 July would be reviewing evidence around arable landscapes; and
  - Another Science Seminar would be held in September.

## **10. Engagement Group Update (NEB 71 06)**

- 10.1 Andy Clements introduced the Sub-group's proposed messaging on Countryside Stewardship for use by Board members during engagement with stakeholders.
- 10.2 In response for comments and views, the Board considered the Sub-group's iterations and:
- 10.2.1 Supported the position reached on expressing contrition and understanding the impact on individual farm business, but considered that what was missing was an explanation of how hard everyone had worked and what had done to overcome problems, together with what was being done to avoid any repetition.
- 10.2.2 Considered the balance between explaining the position and appearing defensive, and the reality that no guarantees could be given for improvements in future without additional resourcing.
- 10.2.3 Accepted that the messaging was not intended for use in responding to individual complaints which would continue to be answered on a case by case basis.

## **11. Consideration of Internal Audit Report (NEB 71 07)**

**[This item was taken in a closed session for the Board, Chief Executive, Chief Officers for Transformation and Legal and Governance, and Defra GCIA]**

## **12. Board Performance (NEB 71 08)**

12.1 Nigel Reader introduced the paper on the Board's obligations for setting objectives for, and reviewing performance of, Board members and of the Board as a whole.

12.2 The Board:

12.2.1 Agreed the approach and timetable for undertaking Board member 2016/17 performance conversations with the Chair.

**Action: Legal and Governance Team to provide support for the Board members 2016/17 performance process.**

12.2.2 Considered and agreed their generic objectives for 2017/18 acknowledging that these were reset in the context of the Framework Document, and recognising their role in setting the direction for agreed strategies and plans and also standing over cultural change.

12.2.3 The Board noted good progress with its Board Effectiveness Review action plan. In recognition that it was good governance to conduct an annual effectiveness review, the Board agreed to conduct a similar review in 2017 following the same process as for 2016. The Board accepted Nigel Reader's offer to orchestrate the 2017 review and to oversee the delivery of outstanding actions from the 2016 review with a view to reporting to the November Board meeting.

**Action: Legal and Governance Team to support Nigel Reader in carrying out the Board Effectiveness Review for 2017 for reporting to the November Board meeting.**

12.2.4 The Board noted the current table of Board member roles and responsibilities and that Julie Lunt would be contacting them about their roles going forward.

**Action: Julie Lunt to speak to individual Board members about their roles and responsibilities going forward.**

## **13. Audit and Risk Assurance Committee (ARAC) Update**

13.1 Nigel Reader reported on the ARAC workshop held on 13 June in preparation for the ARAC meeting on 20 June at which the Committee would receive and discuss formally the management response to the Defra Internal Audit report on safe payments, and would review and advise the Accounting Officer on the signing of the Annual Report and Accounts.

## **14. Remuneration Committee Update (NEB 71 09)**

14.1 The Chairman thanked Teresa Dent for agreeing to join the Remuneration Committee and the Board confirmed her appointment.

14.2 The Board noted the unconfirmed minutes of the March Remuneration Committee meeting.

## **15. Chief Executive's Report (NEB 71 10)**

15.1 James Cross introduced his Chief Executive's report and welcomed Abdul Razaq who gave an update on progress with the 2016/17 Annual Report and Accounts and the budget position for 2017/18. The Board:

15.1.1 Noted the National Audit Office's work on the accounts and that there were no significant issues from their final audit to bring to the Board's attention.

15.1.2 Were reassured by ARAC members' scrutiny of the Annual Report and Accounts, and that the process, with good interaction with the Finance Team, had worked well.

15.1.3 Noted despite pressures on the Defra budget for 2017/18, Natural England had secured necessary Grant in Aid funding with the outcome of a technical assurance funding bid awaited.

15.2 The Board considered the issues in Annex 2. The following actions were identified from discussion.

**Action: Alan Law to invite Board members to Conservation 21 staff events.**

**Action: Legal and Governance Team to check access to past Natural England Board papers and minutes on the Natural England Archive Website.**

15.2.1 Julia Aglionby having declared an interest left the room for the update on item 2.3. It was noted for this item that it incorrectly referred to an inspection as having identified the issue. This is incorrect it was a complaint.

15.2.2 Additionally James Cross gave a verbal update on the transfer of Transactional Services which was supported by the Board. It was agreed that ARAC would stand over due diligence and that the Engagement Sub-Group would take up the messaging.

15.3 The Board noted the update on legal matters at Annex 3.

15.4 The Board noted the Chief Scientist's report at Annex 4 and the following actions were identified from discussion:

**Action: Tim Hill and Andy Clements to decide on NESAC consideration of the Agri-Environment Monitoring and Evaluation Programme.**

**Action: Tim Hill to pass on thanks from the Board for the new techniques for gull surveys.**

15.5 The Board noted the External Communications dashboard at Annex 5.

## **16. Uplands Working Group Update (NEB 71 11)**

16.1 Julia Aglionby introduced the Upland Working Group update. The Board noted the actions from the meeting on 20 March and that the next meeting would be held on 21 August 2017 with the group's current focus on long term uplands estate plans.

## **17. Board Innovation Group Update (NEB 71 12)**

17.1 Simon Lyster introduced the BIG update and the Board noted the actions from the April meeting. The Board:

- Offered advice on messaging over the Working pilot roll out in relation to the importance of taking people with us.
- Noted BIG's overview of practical guidance on net gain.

## **18. Board Diary (NEB 71 13)**

18.1 The Board noted the dates and locations of future Board meetings. It was noted that the July meeting would include an SSSI case for consideration of confirmation of notification for

which briefing on the Board process would be provided.

**Action: Julie Lunt to provide briefing to the Board on its role in SSSI confirmation cases where there are objections to notification.**

**19. Any Other Business**

19.1 Alan Law reported a potential licence application for lynx was anticipated.

**20. Approval to submit advice to Defra to classify four potential Special Protection Areas (pSPAs)**

20.1 The Chairman welcomed members of the public to the meeting and Jonathan Burney and Richard Caldwell who presented the final advice package to Defra on the classification of: Solent and Dorset Coast; Greater Wash; Dungeness, Romney Marsh and Rye Bay; and, Liverpool Bay potential Special Protection Areas (pSPAs).

20.2 The Board understood its role as an advisory body and that these cases were presented for its consideration because of unresolved objections. The Board noted Joe Horwood's involvement in earlier stages the process. The Board considered the consultation responses and confirmed it was satisfied with the recommendations for each site as follows:

20.2.1 Liverpool Bay pSPA: The Board considered 2 objections, and noted that one objector was now satisfied with our response. The Board supported classification in line with the Departmental Brief and supporting consultation documents. Will Cockbain reported on his visit to the site and the excellent work done by the Team.

20.2.2 Dungeness, Romney Marsh and Rye Bay pSPA: The Board noted the majority of objections were from the fishing industry which objected in principle to designation. The Board noted legal advice was that the change is area to the original maps, which did not include inter-tidal areas, was not material, and that site specific observations by the team had corroborated the modelling data. The Board supported classification of the site with an amendment to the citation to update the final site area as recommended.

20.2.3 Solent and South Dorset Coast pSPA: The Board noted 21 objections were outstanding and considered the issues raised. The Board supported classification of the site with amendments to the boundary and final citation as recommended.

20.2.4 Greater Wash pSPA: The Board considered the objections and issues raised. The Board supported classification of the site with a correction to the site area figure and an amendment of the description in the citation for clarity as recommended.

20.3 The Board agreed that Natural England should submit its advice to Defra with a recommendation to classify the four sites.

**Actions log**

No	Agenda Item/Paper	Ref	Action	Owner
1	<b>Confirmation of the May2017 Minutes and Matters Arising (NEB M70 01)</b>	2.1	Produce confirmed May Board minutes	Legal and Governance Team
2	<b>EU Exit Update</b>	3.1	Provide a paper on Natural England day one readiness to a future Board meeting.	Rob Cooke

3	<b>Biodiversity 2020 (NEB 71 01)</b>	4.3.1	Supply information to the Board on the trajectory for SSSI moving from recovering to favourable condition, providing this information through NESAC.	Alan Law
4	<b>Biodiversity 2020 (NEB 71 01)</b>	4.3.2	Advise Defra of changes to mid-tier CS which would be needed to accommodate priority habitat options	Alan Law
5	<b>Biodiversity 2020 (NEB 71 01)</b>	4.3.3	Report on the species at risk of extinction associated with meeting the Species 2020 outcome	Alan Law
6	<b>Biodiversity 2020 (NEB 71 01)</b>	4.4	Review NESAC's involvement in reviewing the evidence behind the B2020 targets.	Alan Law and Andy Clements
7	<b>Area Plans Update (NEB 71 02)</b>	5.3.3	Arrange for Area Team plans to be available on GOV.UK	Guy Thompson
8	<b>Health, Safety and Wellbeing Update (NEB 71 03)</b>	6.3	Respond to the Board's request for training on health, safety and welfare.	Guy Thompson
9	<b>Board Performance (NEB 71 08)</b>	12.2.1	Provide support for the Board members 2016/17 performance process.	Legal and Governance Team
10	<b>Board Performance (NEB 71 08)</b>	12.2.3	Support Nigel Reader in carrying out the Board Effectiveness Review for 2017 for reporting to the November Board meeting.	Legal and Governance Team
11	<b>Board Performance (NEB 71 08)</b>	12.2.4	Speak to individual Board members about their roles and responsibilities going forward	Julie Lunt
12	<b>Chief Executive's Report (NEB 71 10)</b>	15.2	Invite Board members to Conservation 21 staff events.	Alan Law
13	<b>Chief Executive's Report (NEB 71 10)</b>	15.2	Check access to past Natural England Board papers and minutes on the Natural England Archive Website	Legal and Governance Team
14	<b>Chief Executive's Report (NEB 71 10)</b>	15.4	Decide on NESAC consideration of the Agri-Environment Monitoring and Evaluation Programme.	Tim Hill and Andy Clements
15	<b>Chief Executive's Report (NEB 71 10)</b>	15.4	Pass on thanks from the Board for the new techniques for gull surveys.	Tim Hill
16	<b>Board Diary (NEB 71 13)</b>	18.1	Provide briefing to the Board on its role in SSSI confirmation cases where there are objections to notification	Julie Lunt