# Natural England Board

**Title:** Confirmed minutes of the seventy fourth Natural England Board meeting on 1 November 2017

<table>
<thead>
<tr>
<th>Members attending</th>
<th>Senior Leadership Team</th>
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<tr>
<td>Andrew Sells (Chairman)</td>
<td>Tim Hill, Chief Scientist</td>
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<tr>
<td>Julia Aglionby</td>
<td>Paul Lambert, Chief Transformation Officer</td>
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<td>Andy Clements</td>
<td>Alan Law, Chief Strategy and Reform Officer</td>
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<td>Teresa Dent</td>
<td>Guy Thompson, Chief Operating Officer</td>
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<td>Joe Horwood</td>
<td>Julie Lunt, Chief Officer Legal and Governance</td>
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<td>Simon Lyster</td>
<td>Guests</td>
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<td>Nigel Reader</td>
<td>Kirsty Shaw, Director for Countryside Stewardship Transactional Services (Item 2)</td>
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<td>James Cross, Chief Executive and ex-officio Board member</td>
<td>Rob Cooke, Director EU Exit (Items 3 -5)</td>
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<td></td>
<td>Abdul Razaq, NE Director Finance and Business Partner (Item 7)</td>
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<td>Laura Hodgkinson, NE HR Business Partner (Items 8 and 10)</td>
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<tr>
<th>Apologies</th>
<th>For item 14:</th>
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<tr>
<td>Will Cockbain</td>
<td>Caroline Cotterell, Director Strategy Implementation</td>
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<td>Michael Winter</td>
<td>Wesley Smyth, Ares Manager Devon, Cornwall and Isles of Scilly</td>
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<td>Ben Fraser, Senior Adviser SSSI Designations</td>
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<td></td>
<td>Philip Bowler, Senior Adviser Cornwall and Isles of Scilly</td>
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<td>Naomi Stratton, Lead Adviser Cornwall and Isles of Scilly</td>
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<td>David Hazlehurst, Team Leader Cornwall and Isles of Scilly</td>
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<td></td>
<td>Iain Diack, Senior Specialist, Specialist Services</td>
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<td>David Heaver, Senior Specialist, Specialist Services</td>
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<td></td>
<td>Mr and Mrs Gilbert</td>
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<td>Jane Norman, Stenographer</td>
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**Secretariat**
Emily Finnie. Board and Executive Services Team
Welcome from the Chairman and Declarations of Interest

The Chairman welcomed everyone to the meeting. In addition to the usual declarations of interest, declarations were received from:

- Nigel Reader who reported he had been appointed as a non-executive director at APHA and that his Natural Resources Wales appointment had been extended for a year.
- James Cross who explained that he would exclude himself from the SSSI confirmation decision at item 14 because as a member of the Senior Leadership Team he had been responsible for the decision to notify the site.
- Andy Clements, in relation to item 14, reported that the organisation for which he was Chief Executive had provided evidence on which an assessment of scientific importance was based.

1. Confirmation of the September Minutes and Matters Arising (NEB M73 01)

1.1 The minutes of the September Board meeting were confirmed subject to the correction of some typographical errors and:

- A request from Teresa Dent to correct the wording in relation to her declaration of interest which would be changed to ‘Teresa Dent referred to item 6 on the agenda, the Chief Executive’s Report, and declared an interest in light of the reference to the Game and Wildlife Conservation Trust.’
- Replacement of 2.2.12 with ‘Noted that Natural England’s strength was in designing schemes and as a trusted adviser to both government and at individual land manager level, and that was where the future focus of the organisation should lie.

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

1.2 The Board noted actions from the last meeting were completed or in progress with the following updates:

- Assurance from the Chief Executive that the status of all Board actions captured over the past 6 months had been reported to the Board, but recognition that a particular issue raised in relation to species extinction was requested for consideration by the Board, in addition to NESAC. It was agreed the draft species extinction risk would be included for information at the December Board meeting in advance of consideration by NESAC.

Action: Alan Law to bring the draft species extinction risk to the December Board for information.

- Action 4: A request by the Landscape Review Panel for an update from Alan Law and Caroline Cottrell which was discharged outside the meeting.

- Action 14: An update from Alan Law on the position with the latest draft of the Defra 25 Year Plan. The Board welcomed the ambitious statement for the environment in line with Conservation 21.

- Paragraph 6.6.2: A request that an update on the Hen Harrier brood management project be given to the December Board meeting.

Action: Guy Thompson to give an update on the Hen Harrier brood management licence application to the December Board meeting.
2. **Countryside Stewardship Update (NEB74 01)**

2.1 Kirsty Shaw provided an update on the latest position on Countryside Stewardship (CS) simplification and delivery of, and developments for, the CS Programme. The Board noted the update on activity on the CS Programme and explored the key risks and issues to delivery.

2.2 In reviewing the proposals made for CS simplification the Board:

2.2.1 Noted the four options proposed for simplification - grassland, arable, uplands and mixed farming, and received assurance that sufficient resources would be available if the competitive element was removed.

2.2.2 Noted that a submission on the options would be made to the Secretary of State and subject to the Secretary of State’s response to the Submission there would be consultation on any scheme changes.

2.2.3 Welcomed developments to make the arable package available online to allow completion at the same time as Basic Farm Payment.

2.2.4 Queried the resources that would need to be deployed to making changes for just one year, but recognised the investments in efficiencies and making the scheme more outcome focussed also provided an opportunity to test out options for the future.

2.2.5 Recognised the potential risk of achieving processing efficiencies at the expense of environmental benefits and advised that any trade-offs should be presented in the context of a cost benefit analysis.

2.2.6 Were encouraged to hear about future developments and the leadership being offered having a positive impact on staff culture along with good relationships between Natural England, Defra and RPA. The aim should be for strategic alignment to link together management of different potential outcomes to deliver benefits for customers and environmental outcomes.

2.3 The Board noted current performance in relation to 2016 final claims, 2017 advance payments and 2018 offers of agreements and in discussion:

2.3.1 Acknowledged that manual payments would be needed to meet the end of November deadline for payment of 2016 final claims.

2.3.2 Acknowledged that as NE was a delegated authority for the purposes of RDPE schemes any final decision on any manual payments lay with Defra.

2.3.3 Requested assurance that Defra had approved in writing the manual payments before any 2016 final ‘off system’ payments were made, and that the approval once received should be circulated to Board members.

**Action:** Legal and Governance Team to circulate the approval from Defra authorising manual payments, when received.

3. **EU Exit Update (NEB 74 02)**

3.1 Rob Cooke gave an update on the latest developments with EU Exit in relation to the Withdrawal Bill and White Papers / Bills for fisheries and agriculture.
3.2 The Board:

3.2.1 Noted the proposed amendments to the Withdrawal Bill in relation to addressing the governance gap for holding the Government to account. Having explored the case for a separate body, and aware of the risk of complacency with advocating the status quo, was of the opinion that Natural England’s current responsibilities for both statutory delivery and regulation were founded on a science base and provided the balance needed to secure environmental outcomes.

3.2.2 Noted Natural England was inputting into submissions for: the Agriculture White Paper with the aim of setting a clear direction of travel for future agri-environment schemes.

3.2.3 Invited Geoff Radley to attend the next Board meeting to give Board members the opportunity to hear about emerging thinking for future agri-environment schemes and to help with messaging.

**Action: Legal and Governance Team to invite Geoff Radley to the Next Board meeting for the EU Exit item.**

3.2.4 Noted the lack of clarity around the implications of a phased transition on decisions in relation to the Common Agriculture Policy.

3.2.5 Noted the Fisheries White Paper was focussing first on access and quota restrictions and advised on the likely response from Europe.

4. **Lynx Trial Release Update (NEB 74 03)**

4.1 Alan Law updated the Board on progress with assessing the application that had been made to release Lynx to Kielder Forest for a 5 year trial.

4.2 The Board noted Natural England had been issued with a Direction by the Secretary of State to the effect that he would determine the decision on the application, and also noted there was requirement for Defra to publicise the Direction. Noted Natural England’s role to advise the Secretary of State.

4.3 After noting the progress being made with the application and discussing the risks associated with this for Natural England, the Board concluded:

- When a valid application was received it would be considered through the proper process which would include a review of the evidence by NESAC (including international experience), and public consultation.
- Natural England officers should assess the application made on its merits and not devote resources to improving the application.

5. **Uplands and Infraction (NEB 74 04)**

5.1 Guy Thompson updated the Board on Defra’s progress on responding to the EU Commission on the infraction, and the implications for Natural England’s upland work programme.

5.2 The Board noted progress being made and the risks for Natural England associated with this.

5.3 In discussion the Board:
5.3.1 Noted the current position.

5.3.2 Noted Defra’s intention to meet with stakeholders.

5.3.3 Noted Natural England’s investment in operational readiness to deliver management plans by 2019.

5.3.4 Supported the need to protect Natural England’s position on collaborative partnerships and the need to maintain an outcome focus.

5.4 The Board noted Julia Aglionby’s update from the Upland Working Group which was focussing on designing the principles underpinning the long term moorland management plans and giving the Board assurance on early adopters and novel and contentious cases.

5.5 In conclusion James Cross summed up that Julia Aglionby and Amanda Craig/Brad Tooze would represent Natural England at the round table meeting when arranged.

**Action:** Guy Thompson to arrange for Julia Aglionby to represent Natural England at the Defra meeting when arranged.


6.1 Graham Tibbetts and Andy Clements introduced the Sub-Group’s External Engagement Strategy and stakeholder analysis.

6.2 The Chairman thanked the Sub-Group for its useful piece of work. The Board in discussing how best to build on the strategy and stakeholder analysis:

6.2.1 Supported the three engagement objectives to support Natural England’s corporate priorities.

6.2.2 Acknowledged the identification of 10 priority partners but advised that this should not be seen as exclusive and that consideration should be given to partnership working with new groups.

6.2.3 Agreed that sharing Board members’ intelligence from stakeholder networks would best be achieved in informal discussions the evening before Board meetings or through submitting written updates, and should not be a standing item on Board agendas.

6.2.4 Advised that it would be important to have appropriate governance in engaging with stakeholder relationships both in relation to any potential conflicts of interest and division of responsibility between executives and non-executives.

7. **Chief Executive’s Report (NEB 74 06)**

7.1 James Cross introduced his Chief Executive’s report and welcomed Abdul Razaq.

7.2 The Board noted the report on financial performance at Annex 1 and Abdul Razaq’s update. The Board noted the 8% overspend at the half year and, having secured additional funding, the forecast to deliver a balanced budget at year end.

7.4 The Board noted the Corporate Risk Register at Annex 4 and:
- Reported on the ARAC discussion on species extinction and Biodiversity 2020 risks and advised of the need to recognise that mitigation for risks driven by externalities might not change the outcome.
- Advised of the potential risk of risks not being captured which came with using the Defra Group risk management model.
- Advised that in reporting the Amber Green rating for Biodiversity 2020 it should be clear that this was a measurement of Natural England’s strategic delivery.

7.5 The Board noted the updates on issues in Annexes 5 and 6, and:
- Received a verbal update from Alan Law on marine designations. The Board noted the Minster’s request for boundary map scenarios for Marine SPAs but that our responses would not entail any changes to the advice provided to Defra previously by Natural England.
- Noted progress with plans to communicate the strategic successes around newts and Favourable Conservation Status in the context of the Habitats Directive.

7.6 The Board was pleased to see the Chief Scientist’s report at Annex 7 and complimented its presentation.

7.7 The Board noted the External Communications dashboard at Annex 8.

7.8 The Board noted the NERC Act House of Lords Select Committee Draft Submission at Annex 9 and the proposed focus for the next committee appearance on 5 December. The Board advised that Natural England’s exciting delivery allowed by the Act should be emphasised and that case studies should be collected and given as examples of what the Act had allowed us to do.

**Action:** Alan Law, Andy Clements and the Chairman to prepare for the next HoL Select Committee appearance as advised by the Board.

7.9 The Board noted the Natural England Key Services document at Annex 10 and advised that it should capture partnership and collaboration.

**Action:** Alan Law to update Natural England Key Services document to include reference to partnership and collaboration.

8. **Health, Safety and Wellbeing Update (NEB 74 07)**

8.1 Guy Thompson introduced the refreshed approach to health and safety across Natural England. In discussion the Board:

8.1.1 Explored the need for a new strategy and received assurance that it would not be a distraction from managing health and safety risks and building capability in practice.

8.1.2 Recognised that health and safety was to be driven by ownership and management at team level which would be complemented by assessment of capability and risks centrally by the newly constituted Steering Group.

8.1.3 Welcomed promotion of the cultural shift to embed health and safety beyond compliance.

8.1.4 Recognised Board members’ role in reinforcing the behaviours Natural England was aspiring to and the opportunities presented for Board to signal change.
8.1.5 Concluded that it supported the development of a new Health and Safety Strategy and its underlying principles of capability, communications and contact.

9. Bovine TB Update (NEB 74 08)

9.1 Guy Thompson introduced his update on bTB licences and cull operations in 2017 and preparation for further applications in 2018.

9.2 The Board:

9.2.1 Congratulated all involved on good handling with the scaling up of operations in 2017.

9.2.2 Advised that a reminder about security sweeps should be issued before the 2018 round.

9.2.3 Agreed that future updates to the Board should be aligned with the critical path for operational delivery and were no longer required for each Board meeting.

Action: Guy Thompson to provide updates to the Board on bTB at key points during the year.

10. Equality, Diversity and Inclusion Update (NEB 74 09)

10.1 Julie Lunt and Laura Hodgkisson introduced the update on progress made and future plans for Equality, Diversity and Inclusion (EDI) in Natural England. In discussion the Board:

10.1.1 Noted the shift in culture in relation to emphasis and ownership of EDI by Natural England with HR taking on the expert adviser role, the report they had requested on the progress of women, and identification of mental health and disability as future focus areas.

10.1.2 Welcomed the huge steps forward made in this area. The report illustrated the mature approach adopted and consideration by the Board demonstrated that EDI was being treated with the same seriousness as other business issues.

10.1.3 Explored the issues around progression for women, and while recognising progress made, supported continued encouragement noting work to build the talent pipeline. A drill down on expectations for travel and the constraints from caring responsibilities was recommended.

10.1.4 Suggested that use should be made of learning from other places in addition to the Civil Service.

10.1.5 Recognised EDI was important in terms of morals and values, and also from an operational perspective because when people felt safe it led to better decision taking and delivery.

11. Board Sub-Group Updates

11.1 Audit and Risk Assurance Committee (NEB 74 10)

11.1.1 Nigel Reader introduced his highlight note summarising the outcomes from the ARAC workshop and meeting held on 11 October 2017.

11.1.2 The Board noted ARAC had:
    - Reviewed status of actions from the lessons learned from safe payments as requested by the Board.
    - Raised concerns over the current capacity of the NE Finance Director’s team which was the smallest unit in the Defra Group and had stressed the importance of
maintaining a viable and sustainable capacity.

- Received an overview of Corporate Services Transformation and had welcomed assurance over its management. It was noted snags and other areas where there was further work to do had been identified to ensure continuing quality of service and an effective long-term working relationship with the group-wide providers.

11.2 Remuneration Committee

11.2.1 The Board noted the Remuneration Committee was meeting on 29 October 2017 and that the secretariat support requested by the Chair was now in place.

11.3 Joint Nature Conservation Committee (NEB 74 11)

11.3.1 Tim Hill reported that the last JNCC meeting had covered: marine biodiversity monitoring options; defining JNCC’s role in relation to Earth observation; and, Natural Capital.

11.3.2 The Board noted the influential role played by the Chief Scientist’s Group.

11.4 Uplands Working Group

11.4.1 The UWG update was covered at item 5.

11.5 Natural England Science Advisory Committee Update

11.5.1 Andy Clements gave an oral report on the NESAC meeting held on 19 October when the agenda had covered: defining attributes of resilient landscapes and seas; developing our approach to Favourable Conservation Status; and, an update on the SSSI Series Review.

11.5.2 The Board welcomed news that five new members had been appointed and four had attended the last meeting: Professors Penny Johnes & Zoe Davies and Drs Keith Kirby & Mariecia Fraser.

11.6 Board Innovation Group (BIG) (NEB 74 12)

11.6.1 Simon Lyster introduced the unconfirmed minutes of the last BIG meeting on 9 October 2017.

11.6.2 In reviewing BIG’s discussion on Farmer Clusters the Board welcomed developments in the Farmer Clusters’ approach and requested the latest metrics and maps, and recognised the importance of monitoring the impact of Farmer Clusters.

**Action:** Guy Thompson to provide Board members with the latest metrics and maps for Farmer Clusters

11.6.3 The Board agreed it should have a strategic discussion on the Farmland Conservation Programme at a future meeting, and that in future all Sub-Group Chairs should be given the opportunity to suggest items to be included on Board agendas.

**Action:** Alan Law to bring a paper on the Farmland Conservation Programme to a future Board meeting.

**Action:** Legal and Governance Team to consult Sub-Group Chairs over Items to be included on Board agendas.
In relation to BIG’s responsibility to keep an overview on commercial income generation on behalf of the Board, the Board noted issues raised in relation to service capacity which Guy Thompson would follow up, and recommended that commercial income generation had increased to the point where greater transparency in reporting to the Board, whether directly or through BIG or ARAC, would be appropriate.

**Action:** Guy Thompson to review our trajectory for commercial income in conjunction with business planning for income generation.

**Action:** Alan Law to respond to the suggestion that there should be greater transparency of reporting in reporting income generation to the Board.

12. **Board Diary (NEB 74 13)**

12.1 The Board noted the dates and locations of future Board meetings.

13. **Any Other Business**

13.1 The Chairman gave an update on Board member recruitment following the closing date for applications.

13.2 Board members requested an updated list of Senior Managers and their contact details.

**Action:** Legal and Governance Team to explore IT solutions for providing Board members with an updated list of Senior Managers and their contact details.

14. **PUBLIC SESSION**

**Mid Cornwall Moor SSSI Designation (NEB PU74 01)**

14.2 The Chairman introduced the item to consider whether or not to confirm the notification of Mid Cornwall Moors SSSI. He reminded the Board that for the consideration of whether or not to confirm the SSSI notification it was meeting as the Board of Natural England. However, the Chief Executive, James Cross, although a Board member, in relation to SSSI cases was here as an officer to advise the Board and would not be part of the decision making process. The Chairman advised the Board that a full record of the proceedings for this agenda item would be taken by a stenographer. A summary of the discussion is given below. The minutes would become a formal record and would be posted in due course.

14.3 The Chairman welcomed Mr & Mrs Gilbert whose land falls within the area proposed for designation and whom were attending in order to object to the designation in person.

14.4 Julie Lunt, Legal and Governance Chief Officer, drew the Board’s attention to the information in the papers on the Board’s role and responsibilities in relation to the legislation, the process of notification and the matters they needed to bear in mind during their
deliberations. In particular, she reminded the Board that its decision should be made only on the basis of the scientific information presented. She also clarified the extent of discretion available to the Board under s28C of the Wildlife and Countryside Act 1981 (as amended) where a SSSI is being extended.

14.5 Caroline Cotterell outlined the case for designation by setting out how the site met the SSSI criteria and the context and rationale for designation.

14.6 Wesley Smyth made a presentation setting out how notification would contribute to Natural England’s ambitions to deliver Conservation 21 as well as supporting the special interest of the site.

14.7 In response to the Chairman’s invitation, Board members asked questions of the presenters to satisfy themselves on the scientific interest of the site and to have a clear understanding of the rationale for notification. The Board:

14.7.1 Noted the JNCC SSSI Selection Guidelines have adopted National Character Areas as ‘areas of search’ for the purposes of SSSI selection in England and in response to representations received noted the heathland bird assemblages for the site did not meet the relevant threshold in the SSSI selection guidelines.

14.7.2 Explored the status of willow tit as a qualifying feature and received evidence for the site’s national importance with a larger number of breeding territories recorded here than any other site in Cornwall and only two sites with more territories nationally.

14.7.3 Understood that appropriate agricultural management was critical to the continued interest of the site and noted substantial parts of the site were covered by existing consents with the Area Team adopting a proactive approach with land owners as part of the designation process for the extension.

14.7.4 Noted all land in the SSSI contributed to its special interest directly or contributed to the ecological functioning of the site. For example for the marsh fritillary butterfly’s meta-population to function breeding habitat was important whether or not it was occupied or unoccupied at any point in time.

14.8 Teresa Dent gave a report on her visit to the Mid Cornwall Moors with Michael Winter. She thanked the Area Team for hosting their visit and reported on how helpful it was to enable them to get a full understanding of the special interest features of the site.

14.9 The Chairman thanked Mr and Mrs Gilbert for attending. He invited Mr and Mrs Gilbert to present their case to the Board. Mrs Gilbert read out a prepared statement. The Chairman:

14.9.1 Thanked Mr and Mrs Gilbert for the clear presentation of their case which was based on being unaware of the notification during their purchase of 0.7 acres of land that falls within the proposed SSSI and their contention that the SSSI notification process had not been followed as published.

14.9.2 Sought and received further information on the SSSI notification process experienced by Mr and Mrs Gilbert.

14.9.3 Acknowledged Julie Lunt’s legal advice on the status of any pre-notification correspondence noting that the statute did not require pre-consultation of any proposal.

14.9.4 Explored the scientific interest of the 0.7 acres and recognised the field included two notable
The Board noted that, in addition to the objection from Mr and Mrs Gilbert there had been 17 objections to notification but 10 had been withdrawn leaving seven further objections (one of which was now resolved subject to agreeing the officers’ recommendations) and five further representations for consideration. The Chairman invited the Board to consider the evidence from the objectors that had been submitted in writing. Caroline Cotterell took the Board through each of the objections in turn highlighting additional correspondence received and further recommended boundary modifications as set out in the supplementary paper which was tabled. The team answered points of clarification from Board members.

The Board noted Tim Hill’s confirmation, in his role as Chief Scientist that he was assured that the case had been made for the scientific interest of the SSSI.

The Chairman invited the Board to take a formal decision. The Board having had due regard to the legal context, having considered the objections in detail and the revised officer recommendations in the supplementary paper and having noted that these did not extend the boundary of the SSSI nor add any activities to the list of activities requiring consent approved confirmation of the notification of Mid Cornwall Moors SSSI with modification to the boundary and to the citation as follows. The Board:

14.12.1 With respect to:
- the resolved objection from Ms Coad and Mr Rowe;
- the unresolved objections from Mrs Gregory, Mr & Mrs Salisbury and Mr Wingrave;
- the representation from Mr Ragody Hughes; and
- the additional area team recommendations;

the Board approved the confirmation with modifications to the SSSI boundary (to exclude 11 areas of land totalling 4.09 ha) and to the citation (including the area figure as a result of the boundary modifications).

14.12.2 With respect to the unresolved objections from Mr Batten, Mr Bennallick, Mrs Bennallick and Mr & Mrs Gilbert, and all other neutral and supporting representations, the Board approved the confirmation without modification.

14.12.3 The confirmed area of the SSSI is 1,653.02 ha.

Action: Area Team to serve formal SSSI confirmation papers on owners, occupiers, the Secretary of State, Local Planning Authorities and other relevant statutory consultees.

The Board thanked the team and Mrs and Mrs Gilbert.

### Actions log

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<tr>
<th>No</th>
<th>Agenda Item/Paper</th>
<th>Ref</th>
<th>Action</th>
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<tbody>
<tr>
<td>1</td>
<td>Confirmation of the September 2017 Minutes and Matters Arising (NEB M73 01)</td>
<td>2.1</td>
<td>Produce confirmed September Board minutes</td>
<td>Legal and Governance Team</td>
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<td>16</td>
<td>Mid Cornwall Moors SSSI Designation (NEB</td>
<td>14.12.3</td>
<td>Serve formal SSSI confirmation papers on owners, occupiers, the</td>
<td>Area Team</td>
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<tr>
<td>PU74 01)</td>
<td>Secretary of State, Local Planning Authorities and other relevant statutory consultees.</td>
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