Welcome from the Chairman and Declarations of Interest

The Chairman welcomed everyone to the meeting and in particular the five new Board members.

In response to the Chairman’s invitation for any perceived or potential declarations of interest in respect of the Board agenda, in addition to the recorded registers of interest, the following were received:

- Henry Robinson as trustee for the Fleet Estate for item 3, and as a director of a company applying for a wildlife licence in respect of item 6.
• Simon Lyster as a long standing friend of individuals who are challenging Natural England by way of judicial review.
• Teresa Dent as CEO of the Game and Wildlife Conservation Trust which would be responding to the consultation referred to at item 5.
• Marion Spain as Chief Executive of Plantlife which is in receipt of funding from Natural England’s Species Recovery Programme and also as a friend of an individual challenging Natural England by way of judicial review.
• Julia Aglionby in her role as agent acting for Birkbeck Commoners.

James Cross reported the intention to investigate the publication of Board members’ Registers on Interest on GOV.UK and this was supported by the Board.

1. **Confirmation of the February Minutes and Matters Arising (NEB M77 01)**

1.1 The minutes of the February Board meeting were confirmed subject to the following amendments:

• Change third bullet on first page to ‘The Board noted that all Board members would check their ROI to make sure it reflects their range of interests.’
• 3.1.1. Add thanks to National teams for their involvement.
• 3.1.6. Change first sentence to ‘Noted and accepted the Chief Scientist’s advice on the particular circumstances in which burning for restoration purposes might be applied and agreed the importance of all our advisers being clear on this.’, and then delete to end.

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

1.2 The Board noted actions from the last meeting were completed or in progress with any updates to the Board to be given at the appropriate agenda item.

2. **Chief Executive’s Report (NEB 78 01)**

2.1 James Cross introduced his Chief Executive’s report and welcomed Abdul Razaq. The Board noted the update on our 2017/18 financial performance at Annex 1 and offered its congratulations on Natural England being on track to deliver a balanced out-turn. In discussion the Board:

2.1.1 Recognised the operational issues associated with the introduction of a Single Operating Platform (SOP) for financial management and noted that the National Audit Office’s interim audit had identified this as a risk.

2.1.2 Agreed Nigel Reader should be the nominated Board accounting expert to feedback on the draft Final Accounts, and agreed delegation of final approval of the 2017/18 Annual Report and Accounts to the Audit and Risk Assurance Committee for signing by the Accounting Officer.

2.1.3 Noted the outcome of the HMRC tax and national insurance contributions compliance review.

2.2 Abdul Razaq gave an update on Natural England’s 2018/19 Grant in aid settlement which was mitigated to some extent by our medium term financial strategy’s external funding and income generation. James Cross highlighted the negative effect the budget reductions will have on our ability to meet Biodiversity 2020 targets in future, particularly KPI targets 1 and 2, with those KPIs likely to turn red over the coming months. The Board noted this and noted
reductions on flexibility for the use of funds due to ring fencing which will mean difficult choices need to be made.

2.3 The Board were invited to consider the Performance Report at Annex 1 and noted the end of January performance and outlook to March 2018 for each Key Performance Indicator (KPI). In discussion the Board:

2.3.1 Shared officers’ concern about the risk of KPIs 1 and 2 staying green in the light of budget proposals and the correlation with KPI 4 which was rated red, and recommended that a solution to the problem identified would be to seek roll over of High Level Stewardship (HLS) particularly for priority habitats. While acknowledging the increased disallowance risk, unless agreed with the European Commission, driven by the desire to deliver environmental outcomes, the Board supported NE giving operational guidance to Defra recommending extension of HLS agreements. The Board agreed the Chairman should write to the Secretary of State.

**Action: Chairman to write to the Secretary of State with NE’s operational guidance to Defra recommending extension of HLS agreements**

2.3.2 Asked for the status of KPI 1 to be reconsidered in the light of the impact of the backlog of monitoring on SSSIs.

2.4 The Board noted the updates on issues reported in Annex 3 and in discussion:

2.4.1 Agreed NE’s advice to the Secretary of State on the Lynx licence should be determined by the Chairman, the Chief Executive and the Chair of NESAC, unless the case became contentious in which case it should be referred to the full Board at its June meeting.

2.4.2 Received an additional update to the Upland Management Plan Progress Report from Amanda Craig and in particular progress with voluntary commitments for surrendering burning consents on blanket bog and long term plans.

2.4.3 Noted the programme for 2018 Secretary of State Appointments to National Park Authorities and Conservation Board and noted that Natural England would receive updates at key stages in the process.

2.4.4 James Cross recommended the Board have a deep dive discussion on the Children and Nature Programme at a future Board meeting.

**Action: Legal and Governance Team to invite Jim Burt to a future Board meeting for a deep dive discussion on the Children and Nature Programme.**

2.4.5 Noted the opportunities presented, but the limited resources for JNCC’s joint approach on air pollution and advised harnessing the expertise in the University sector to plug country agency gaps.

**Action: Tim Hill to tap into university expertise on air pollution**

2.5 The Board noted the update on legal issues in Annex 4 and the following action was identified in discussion:

**Action: Julie Lunt to keep the Board sighted on the Dersingham Bog case.**

2.6 The Board commended the Chief Scientist’s Report at Annex 5.
2.7 The Board noted the 25 Year Plan submission to the Environmental Audit Committee at Annex 6.

3. **England Coastal Path Deep Dive (NEB 78 02)**

3.1 James Cross introduced the item as the first in a series of deep dives to be included on Board agendas. The Chairman welcomed Neil Constable and thanked him for doing a grand job. James Diamond updated the Board on progress to meet the government’s 2020 target for completion of a long distance walking route around the coast of England.

3.2 In discussion the Board:

3.2.1 Noted the programme was on track, and in budget, for a national launch in spring 2021.

3.2.2 Sought information on the impact of the coastal path on the rural economy and recognised that while there was anecdotal evidence of the benefits it could bring, provision of robust statistics awaited the output of an evaluation framework contract which would give a baseline against which progress could be measured in the years to come.

3.2.3 Received further information on the process Natural England followed for submitting stretches of coastal path to the Secretary of State for approval and noted the role of the Planning Inspectorate (PINs) in determining any objections.

3.3.4 Explored how Natural England balanced and reconciled its different responsibilities as both a proposer and regulator in relation to access and conservation, and using estuaries as an example, received information from officers on handling of different stretches of the coastal path. The steps taken by Natural England to reconcile different interests including business and nature conservation, and so avoid objections, was recognised.

3.3.5 Raised the sustainability of the business model, and particularly the need for ongoing path maintenance, and noted that this was work in progress with Natural England in consultation with Defra over the national trail funding formula.

3.3.6 Noted positive feedback from a Board member who had attended a Natural England presentation on the Solent section.

4. **EU Exit Update – Update on Day 1 Readiness (NEB 78 03)**

4.1 Rob Cooke and Dean Skrabania joined the Board and gave an update on EU Exit and on progress in delivery of planning for Day 1 Readiness for the EU Exit Programme.

4.2 In discussion the Board:

4.2.1 Commended the quality of information provided to the Board on EU Exit and received some additional intelligence from Board members.

4.2.2 Recognised the Withdrawal Bill would secure Natural England’s statutory role in processes currently enshrined in EU legislation.

4.2.3 Received assurance from the Audit and Risk Assurance Committee’s (ARAC’s) review of Day 1 Readiness for EU Exit at its December 2017 meeting and noted ARAC’s offer to stand over the programme.

4.2.4 Acknowledged the impact of EU Exit for Day 1 Readiness was primarily bureaucratic with key priorities in areas where Natural England was a regulator. Avoiding any complacency
was a key issue for Natural England to manage.

4.2.5 Noted progress with the programme was dependent on clarification of the EU Exit timetable and that opportunities to reinvigorate staff with required skills were presented by the outcome from bids for further tranches of EU Exit funding.

4.2.6 Noted that no IT development was required for Day 1 Readiness.

5. Natural England Response to the Defra Consultation Document on Future Farming (NEB 78 04)

5.1 Rob Cooke introduced the paper framing Natural England’s proposed response to the Defra consultation document on future farming. In considering the request that Natural England should respond to the forthcoming consultation reflecting the broad positions set out in the paper the Board thanked Rob Cooke for the briefing provided following the last meeting and for the paper, and:

5.1.1 Acknowledged that while the budget for the environmental management system remained unknown it recalled a previous figure of £2bn being given as needed to achieve environmental outcomes in the farmed landscape, and supported seeking private as well as public sector funding.

5.1.2 Advised that reference to ‘subsidy’ should be avoided as all payments should be in return for land management, and recommended that the wording in 3.11 should be couched in positive terms.

5.1.3 Cautioned against any scheme design that might lead to some farmers engaging in providing environmental outcomes and others not, and would wish to see as many as possible involved: the scale of funding was important in this respect.

5.1.4 Supported piloting new schemes to test farmer engagement and providing the best environmental outcomes and advised that Natural England could provide added value from pilots at a landscape scale.

5.1.5 Advised that use could be made of expertise amongst University academics for evaluation of the pilots, and for the definition of public goods.

5.1.6 Advised that the full breadth of Natural England’s responsibilities should be covered by the inclusion of landscape and access.

5.1.7 Offered views on the pros and cons of regulatory delivery

5.1.8 Stressed the importance of keeping the new scheme simple and including provision of advice for ensuring environmental delivery.

5.1.9 Advised that Natural England’s evidence to the HoL Select Committee should be flagged up in our response.

5.1.10 Advised that greater attention should be given to biodiversity by including threatened species in the scope.

5.2 James Cross thanked Board members for their input to the discussion. In terms of future involvement, the Board agreed that a small working group (Julia Aglionby, Marion Spain, Henry Robinson and Simon Lyster) should join officers in finalising the Natural England response and that the final formal response should be sent to the full Board for information.
Action: Rob Cooke to make arrangements for the working group to join officers in finalising the Natural England response to the Defra consultation document on Future Farming.

6. bTB Delivery Update (NEB 78 05)

6.1 James Diamond and a National Operations Manager provided an update on cull operations in 2017, including the published outcome of the 2017 cull, an update on supplementary badger cull operations, preparation for the 2018 season, and summarised recently launched Defra consultations.

6.2 The Board acknowledged progress made by Natural England to the credit of all staff concerned. The Board was reminded that Natural England operated within agreed government policy as the licensing authority. In discussion the Board:

6.2.1 Expressed concern about the potential removal of the annual cap on the number of culls in terms of Natural England’s capacity to manage the licensing process with the required rigour. Efficiencies achieved by the team were noted. The Board supported officers’ intention to escalate the risks involved if Natural England was asked to licence more culls than it could resource unless additional resources were provided.

6.2.2 Reported farmer evidence on cull effectiveness but noted the Chief Scientist’s advice that it was too early for the Chief Veterinary Officer to have robust enough evidence to draw conclusions on cull effectiveness.

6.2.3 Noted the review of the TB Strategy would be a forward look review towards an exit strategy rather than a review of culling.

6.2.4 New Board members were advised of the security measures in place which, although covered as part of their induction programme, it was agreed would be circulated in advance of their meetings.

Action: Legal and Governance Team to circulate security guidance to all new Board members.

7. Countryside Stewardship Delivery and Change Programme Update (NEB 78 06)

7.1 James Diamond introduced the update on the delivery of Countryside Stewardship (CS) and establishing CS/ES Transition and the CS Improvements Programme.

7.2 Progress with CS delivery had been reviewed by the Board under the Chief Executive’s report item but additionally the Board was encouraged by the Chief Executive’s report of joint ownership between Defra, RPA and Natural England in finding solutions to operational challenges and looked forward to Paul Caldwell attending a future Board meeting.

7.3 The Board noted that since the decision for the transfer of CS and ES to the RPA staff had been briefed in advance of the announcement with a series of follow up communications including a Hot Seat. The operational process would be overseen by a Programme Board, on which James Cross and James Diamond represented Natural England, with a view to completing the transfer process by the autumn. In discussion the Board:

7.3.1 Received clarification on the Natural England staff who would be in scope for TUPE transfer to the RPA and noted Natural England’s role in future would be to assist with higher tier applications; run events to help people join mid-tier, offer advice on outcomes to RPA as
agreements were processed, provide aftercare, monitor and evaluate environmental outcomes, and provide technical advice to Defra.

7.3.2 Reported and reflected on the feelings of the organisation. Feedback given to Board members expressed concerns about Natural England still being in a position to offer strategic advice to government and farmers and a desire for clarity between RPA and Natural England roles after the transfer.

7.3.3 Concluded it would wish to be reassured that concerns over the description of future roles had been addressed by the drawing up of a Memorandum of Agreement (MOU) between Natural England and the RPA which it understood would be welcomed by the RPA too.

**Action:** ES/CS Programme (James Cross and James Diamond represent NE on the Programme Board) to produce MOU to define future RPA-NE relationship to deliver CS and ES.

7.3.4 Although it was recognised that the business case to the Permanent Secretary had provided the necessary governance for the transfer which would now be backed up, as requested by the Board with a MOU, it was acknowledged that there was also a more immediate need for further communications to reassure staff and stakeholders.

**Action:** James Diamond to circulate brief to Board members on CS/ES transfer business case.

7.3.5 Agreed ARAC should stand over TUPE process for the CS/ES transfer to RPA on behalf of the Board.

**Action:** Emma Appleby (RPA Programme Manager) to update ARAC on ES/CS transfer programme, as a standing item through to transfer.

8. **2018/18 Business Planning (NEB 78 07)**

8.1 Julie Lunt introduced the paper updating the Board on progress to date with the 2018/19 business planning round explaining that Key Performance Indicators (KPIs) would be agreed once the budget had been finalised and in the light of information awaited from Defra on the 25 Year Plan (25YP).

8.2 The Board noted the Finance Director’s update and the steers from Defra on 2018/19 business planning set out in Annex 1. In discussion the Board:

8.2.1 Noted the ministerial targeting of Strategy and Reform and advised that the merit of this part of the organisation in delivering ministerial priorities should be clarified.

8.2.2 Expessed concern about the effects of budget cuts on the delivery of government policies and priorities set out in the 25YP. Advice was given that investment in the 25YP was a timing issue and should be addressed by bidding for further funds for the future and encouraging others to advocate our case.

8.2.3 Developed the proposal for seeking a longer term solution by advising that Natural England should start thinking now about resources needed in the future and what it would be bidding for in 2019/20 and beyond while at the same time recognising it was incumbent to continue to find greater productivity as our contribution to government efficiencies. Acknowledged for 2018/19 Defra priorities were EU Exit and business as usual followed by the 25YP and noted the opportunities for realignment presented by the forthcoming Spending Review in 2019/20.
8.2.4 Agreed the Board should take stock on future strategic funding at its May Strategy session.

8.3 For 2018/19 the Board noted the impact of the financial settlement on what Natural England would be able to deliver. The Board in commenting on the Action Plan advised:

- The marine KPI would be achievable although challenging but offered alternative risk ratings for CS/ES and species extinction KPIs.
- Metrics and milestones should be added for net gain and that the last bullet on page 7 should be reworded to reflect the objective of enhancing newt conservation.
- References to ‘non-executives’ should be changed to ‘the Board’.
- KPIs should be added for landscape.

8.4 The Board agreed to send any further points on the 2018/19 Action Plan to Julie Lunt for inclusion in the next version. The Board supported the suggestion that Sonia Phippard should be invited to join them at the May Strategy session when they would have the opportunity to discuss further strategic priorities and funding, review the stretch and achievability of targets, and sign off the 2018/19 Action Plan.

**Action:** Board members to send any further points on the 2018/19 Action Plan to Julie Lunt for inclusion in the next version.

**Action:** Julie Lunt to present the updated 2018/19 Action Plan to the May Board Strategy session.

9. **Health, Safety and Wellbeing Update (NEB 78 08)**

9.1 James Diamond introduced his overview and update on the recent Health and Safety Senior Leadership event held to launch Natural England’s approach to establishing a positive health and safety culture. In discussion the Board:

9.1.1 Supported setting the right tone from the top advising that leadership was key to embedding health and safety in the organisation

9.1.2 Noted that wellbeing was not ignored but was now covered in Julie Lunt's Equality, Diversity and Inclusion (EDI) updates to the Board.

9.1.3 Recommended that the health and safety KPI should be reviewed as part of the overall process for setting KPIs for 2018/19.

10. **Board Sub-Group Updates**

10.1 **Audit and Risk Assurance Committee**

10.1.1 Nigel Reader reported:

- The postponement of the last meeting due to bad weather from 1 March to 9 April.
- The agenda for the Defra ARAC meeting on 22 March of relevance to Natural England.
- Arrangements for briefing and handing over to Catherine Dugmore.
- A summary of his own priorities as ARAC Chair until his departure on 31 May.

10.1.2 The Board noted that Defra ARAC wished to see a Safe Payments completion report and that the last outstanding action preventing closure by our ARAC was the Board Effectiveness Review which was now getting underway.
10.2  Remuneration Committee (RemCom)

10.2.1 Nigel Reader reported from the RemCom meeting held the previous day when RemCom had advised on the annual pay remit and had received the recommendations from the cultural review. The Board noted it would receive the minutes as part of its June meeting pack.

10.3  Natural England Science Advisory Committee (NESAC) Update (NEB 78 09)

10.3.1 The Board noted the minutes of the NESAC seminar on ‘Different Forms of Evidence in Environmental Decision Making’ held on 7 February 2018, and that the March meeting had been postponed because of bad weather.

10.4  JNCC

10.4.1 Joe Horwood reported from the March JNCC meeting held in Edinburgh which had included a Scottish Natural Heritage function showcasing their involvement in Scotland’s Year of the Child. The Board noted the JNCC meeting had covered:

- A report from the Conservation Bodies Chief Scientists” Group
- An interagency paper on air pollution and future work in this increasingly important area.
- Work on the overseas territories.

Intercessionally JNCC had received a review of terrestrial evidence commissioned by JNCC.

10.5  Uplands Working Group

10.5.1 The update from the Uplands Working Group had been taken under the Chief Executives Report earlier on the agenda.

10.5.2 The Board agreed in principle, pending the outcome of the Board sub-group review, that this working group had taken the strategic decisions it had been set up for and was no longer needed. It was agreed that Board input and oversight could now be covered by papers coming to the Board quarterly, more regular updates in the Chief Executive’s report, and by Board members with responsibility for the uplands continuing to support the executive.

Action: Legal and Governance Team to note the scheduling of Uplands reports in the Board’s programme of business.

10.6  Engagement Group

10.6.1 Graham Tibbetts reported that the Engagement Strategy was being refreshed for 2018/19 in the light of the 25YP and would be presented to the May Board Strategy session for discussion.

Action: Graham Tibbetts to present the updated Engagement Strategy to the May Board Strategy session.

10.6.2 The Board requested lines to take on the CS/ES transfer to RPA and it was agreed this would be provided.

Action: Legal and Governance Team to arrange for the Board to be provided with lines to take on the CS/ES transfer to RPA

10.7  Board Innovation Group (BIG)

10.7.1 Simon Lyster reported the next BIG meeting was to be held on 16 April when Nigel Reader
had agreed to conduct an effectiveness review for BIG and the agenda would cover the new roll out, net gain and biodiversity metrics. A report would be made to the June Board meeting.

10.8 **Landscape Group**

10.8.1 The Chairman reported that Ministers had been briefed on this group’s work.

11. **Board Diary/May Strategy Session (NEB 78 10)**

11.1 The Board noted the dates and locations of 2018 and 2019 Board meetings. Earlier on the agenda the Board had agreed the agenda for its strategy meeting and Board members requested a paper as the basis for discussion.

**Action:** Alan Law to prepare a paper as the basis for discussion at the Board Strategy Session.

12. **Any Other Business**

12.1 The Chairman proposed changes to Board sub-group membership to fill vacancies left by departing members and to appoint new Board members as follows:

- NESAC: Sue Hartley
- ARAC: Catherine Dugmore (Chair) and Lord Blencathra
- RemCom: Catherine Dugmore (Chair) and Lord Blencathra
- BIG: Henry Robinson and Marion Spain (Michael Winter to leave BIG)
- Engagement: No changes
- Landscape: No changes
- JNCC: Proposals for Michael Winter to continue and for Marion Spain or Sue Hartley to attend as the second NE member depending on the agenda and their availability.

12.2 The Board agreed the proposals subject to advising that it was not good governance for the Chair of RemCom to be the same person as the Chair of ARAC. The Chairman agreed to review the appointment of the RemCom Chair and in the meantime Catherine Dugmore agreed to join RemCom as a member.

**Action:** Chairman to review the appointment of the RemCom Chair.

12.3 The Chairman commended all Board members to read Lord Cameron’s report from the Lords Select Committee review of the Natural Environment and Rural Communities Act 2016.

12.4 This being Nigel Reader and Will Cockbain’s last Board meeting, the Chairman thanked them both for all they had done as Board members and for their stalwart support. The Board would not be the same without them.

12.5 James Cross held a review of the meeting; Board members and officers gave positive feedback

**Action:** Legal and Governance Team to respond to Board members’ requests in relation to ensuring papers are clear on what the Board is being asked to do and to help with acronyms.
<table>
<thead>
<tr>
<th>No</th>
<th>Agenda Item/Paper</th>
<th>Ref</th>
<th>Action</th>
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