

Natural England Board



Title: **Confirmed minutes of the 84th Natural England Board meeting on 5th December 2018**

Members attending	Senior Leadership Team
Andrew Sells (Chairman)	Tim Hill, Chief Scientist
Julia Aglionby (morning session)	Alan Law, Chief Strategy and Reform Officer
Lord Blencathra (apologies for CEO report)	Julie Lunt, Chief Officer Legal and Governance
Andy Clements	James Diamond, Director Operations
Teresa Dent	Amanda Craig, Director Operations
Professor Sue Hartley	Guests
Simon Lyster	Abdul Razaq, NE Director Finance and Business Partner (for item 2)
Henry Robinson	Sonia Phippard, Director-General for Environment, Rural and Marine, Defra (for item 3)
Professor Michael Winter	Evelyn Jack, Principal Adviser: Upland Programme Lead, Operations Team (for item 3)
Marian Spain, Chief Executive	Caroline Cotterell, Director Strategy Implementation (for items 4 and 5)
	Sarah Dawkins (for item 4)
	Susannah England (for item 4)
	David Vose (for item 4)
	Jonathan Burney, (for item 7)
	Dr Richard Caldow (for item 7)
	Rob Cooke, Director EU Exit (For item 9)
Apologies	Secretariat
Catherine Dugmore	Tom Roberts, Legal and Governance Team

Welcome from the Chairman and Declarations of Interest

The Chairman welcomed everyone to the meeting. Before the usual matters were dealt with the Chairman welcomed Marian Spain as interim Chief Executive, and then recorded the Board's thanks to James Cross for four years of loyal service for which the Board was very grateful.

In response to the Chairman's invitation for any perceived or potential declarations of interest in respect of the Board agenda, both Julia Aglionby and Henry Robinson declared

their usual interests.

Lord Blencathra gave his apologies and temporarily left the meeting

1. Confirmation of the June Minutes and Matters Arising (NEB M83 01)

- 1.1 The minutes of the September Board meeting were confirmed with minor amendments to:
- 2.4 – the Board noted that bTB licences are primarily monitored by Natural England, not APHA.
 - 2.95 – the Board agreed the removal of the paragraph as it did not accord with discussions made by the Board.
 - 3.1.2 – the Board confirmed the omission of the word ‘from’
 - Additional typographical errors throughout the minutes.

Action: Legal and Governance Team to produce confirmed September Board minutes, in particular carrying out a proof read of various typographical errors.

- 1.2 Julia Aglionby noted that there were no minutes for the Board Strategy Workshop in November 2018. It was confirmed that it was not normal practice to produce any minutes in respect of a Board workshop. In respect of the uplands discussion that took place in November it had been agreed that a letter should be sent to Defra. Following discussion with the Chairman, Julia Aglionby sent a letter to Defra on behalf of the Board in her role as Chair of the Uplands Working Group.

- 1.3 The Board noted that actions from the last meeting were completed or in progress, with the exception of:
- Action point 5: The letter referred to is not needed. Marian Spain explained that she had meetings arranged with environmental NGOs and the farming and landowner community. Marian extended an invite to any Board Members who wished to join her; and
 - Action point 7: Marian Spain is hoping to propose a new structure for the Senior Leadership Team shortly.

Action: CEO’s office to circulate an email with the dates of the stakeholder meetings and details of the intentions of each meeting.

2. Chief Executive Report (NEB 84 01)

- 2.1 Marian Spain introduced the Chief Executive’s report and welcomed Abdul Razaq, Natural England Director Finance and Business Partner.

2.2 Priority Matters

- 2.2.1 Marian Spain set out her key priorities, they were:

- to improve stakeholder and staff engagement;
- the structure of Natural England’s senior management;
- the big risks to the organisation, namely uplands, staff wellbeing and the England Coast Path; and
- the need to understand and build a better relationship with Defra.

2.3 External Matters

- 2.3.1 The Board noted the importance of the Dame Glenys Stacey Review on Farm Inspection

and Regulation, due to be published on 13 December 2018, and the risks and obstacles posed by this.

Action: Marian Spain to circulate the executive summary to the Board.

- 2.3.2 The Board agreed that, following the opening of consultation on net gain, an external event should be convened with a panel discussion. This is to be organised by Natural England's Executive early in the New Year. The Executive to consider who would be a credible chair for the Panel.

Action: Natural England Executive to organise an external event on net-gain early in the New Year.

2.5 Key Performance Indicators in the Chief Executive's Report

- 2.5.1 It was noted that most of the under-performing KPIs would be the subject of a more detailed Board session early in the new year.
- 2.5.2 The Board acknowledged in particular the KPI for health and safety was currently at amber red and that this would be covered in January's Board meeting.

2.6. Financial report to the end of October 2018

- 2.6.1 Abdul Razaq gave the latest financial position to the end of quarter two and stated that: Natural England has balanced its budget and will be within budget, Defra has funded priority uplands work, and Natural England remains on this trajectory towards the end of the year.

2.7 People position to the end of October 2018

- 2.7.1 Marian Spain explained that the people position section of the report was purely factual. More thought would be given to how this might provide useful information in the future.
- 2.7.2 In discussion, the Board acknowledged that it was very important for members to have the headline numbers and welcomed the inclusion of this section of the report.

2.8 Future Strategy / Change Position to end of October 2018 – 25 Year Environment Plan Progress

- 2.8.1 Marian Spain and Alan Law explained to the Board that the ten points listed in the Chief Executive's Report are those which Natural England are engaged in now and that they are key deliverables rather than an indication of where the organisation is now.

2.9 Organisational Risk to end of October 2018

- 2.9.1 Marian Spain explained that this was a new section; Julie Lunt added that the content was taken from the narrative provided to the Board in November 2018. This had been expanded and mitigating actions highlighted.

2.10 Chief Scientist's Report

- 2.10.1 The Board acknowledged that the evaluation work discussed in the Chief Scientist's report was carried out by a mix of internal and external evaluators.
- 2.10.2 Henry Robinson posed a question to Tim Hill, Chief Scientist, as to whether park deer were considered wild. It was agreed that he would write to Tim Hill about his concerns.

2.11 Governance update - Legal Casework

2.11.1 Julie Lunt updated the Board on the current status of judicial reviews which were currently in progress.

2.12 The Board acknowledged the clarity and straightforward nature of the CEO report, which gives a good indication of the status of the matters recorded.

3. **Upland Delivery Programme update (NEB 84 02)**

3.1 Sonia Phippard and Evelyn Jack were welcomed to the meeting. Amanda Craig provided the Board with the background to the Uplands Delivery Programme. Evelyn Jack provided the Board with an update on progress of the overall programme. In discussion the Board:

3.1.1 Recognised the complexities of the issue and considered the risk of different approaches.

3.1.2 Noted the presence of some scientific uncertainty and the challenges of expressing the evidence.

3.1.3 Acknowledged the site specific requirements of sites, taking in to account geology, climate and resilience to grazing; noting the possibility of a case by case approach.

3.1.4 Acknowledged the importance of working with willing land managers to achieve the aim of restoring blanket bog.

3.1.5 Discussed the outcomes approach and noted the purpose of guidance to inform decisions rather than being prescriptive.

3.1.6 Acknowledged the need to meet the Rural Payments Agency deadlines for 2019 Countryside Stewardship schemes, noting that Uplands Countryside Stewardship schemes should include the management and restoration of blanket bog.

3.2 The Board agreed that the matter should be left with Marian Spain to articulate the level of risk to Defra and to draft a settled position in light of the points made by the Board, for eventual communication with all interested parties

Action: Marian Spain to communicate the conclusions from the Board's discussion on the Uplands Delivery Programme to Defra and other stakeholders

4. **Natural England's response to the Glover Review of Designated Landscapes (NEB 84 04)**

4.1 Alan Law provided the Board with background, explained that a working group had been established, and introduced Caroline Cotterell.

4.2 Caroline Cotterell asked for the Board to advise on the proposed recommendations to the Glover Review, and to agree the key messages that the Board wants to convey to Julian Glover.

4.3 In discussion the Board:

4.3.1 Acknowledged that they wished to see designated areas as delivering benefits for nature.

4.3.2 Noted that headline point of 'Stronger Together' should not add layers of bureaucracy and

that this should be seen in terms of establishing a collective sharing best practice.

- 4.6.3 Noted concerns that Natural England must have a distinct position in any decision making process.
- 4.6.4 Noted that there was a wide variation in approach from stakeholders and that a number of farmers and land managers opposed increases in designated areas.
- 4.6.5 Noted that in considering the impact of economic issues, restriction on development may require consideration of other funding streams.
- 4.6.6 Acknowledged that net-gain should be considered within the ambit of funding and sustainable development.
- 4.6.7 Wished to convey a message that the 25 Year Environment Plan was extremely laudable and note should be taken of this Plan.
- 4.6.10 Acknowledged that while 'Stronger Together' and 'Champions of the Environment' were key, biodiversity should not be neglected.
- 4.6.11 Acknowledged the benefit of applying a landscape scale approach.

5. Proposed variation to the boundary of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (NEB 43 03)

- 5.1 The Board welcomed Susannah England, Sarah Dawkins and David Vose to the meeting.
- 5.2 David Vose explained the context of the proposed variation and the fact the results of the statutory and public consultation were being presented to the Board. He summarised the output of that consultation as being that the principle of declaration was supported, but that there was no overall consensus between stakeholders on the exact boundary of the AONB.
- 5.3 Simon Lyster, who had conducted a site visit with officers, observed the immense care and detail carried out by Natural England officers to appropriately apply the guidance on natural beauty and desirability to the variation proposal, including the application of "wash over" principle.
- 5.4 After consideration of the documentation, the Board agreed to approve the proposal submitted by the Natural England officers, noted the Officers Report and the Report of the Consultation, approved the draft Order and approved the undertaking of the formal Notice period. Henry Robinson noted his dissent from the consensus of the Board.
- 5.5 The Board also noted, acknowledging the large volume of documents produced for the variation, a wider issue that the process of variation should be simplified.

6. Bolton Fell and Walton Mosses NNR declaration proposal (NEB 84 05)

- 6.1 Amanda Craig summarised the background of the Bolton Fell and Walton Mosses NNR declaration proposal.
- 6.2 The Board:
 - 6.2.1 Acknowledged that members had visited in the past, but not recently.
 - 6.2.2 Noted the Minister's positive comments in relation to the restoration of the NNR.

6.2 The Board agreed that the acquired 4.24ha of Walton Moss be approved as forming part of an extended Bolton Fell and Walton Mosses NNR.

7. Approval to submit advice to Defra to classify the Solway Firth potential Special Protection Area (pSPA) (NEB 84 06)

7.1 Alan Law reminded the Board that the purpose of this item was not to classify the SPA itself, but rather to seek Board approval for Natural England's final advice to Defra on the classification of the Solway Firth potential Special Protection Area (pSPA). Alan introduced Jonathan Burney, who in turn introduced his colleague Dr Richard Caldow.

7.2 Jonathan Burney highlighted the importance of the site. The procedural difficulties in the process were raised, including the fact that more than 50% of the site was in Scotland, with Scottish Natural Heritage leading and including the site with four other sites for consultation.

7.3 The Board noted that there was a question in relation to the age of the data and considered this risks in this regard. Jonathan Burney stated that the best available scientific data had been used.

7.4 The Board agreed that they were content with the decision to submit advice to classify the pSPA.

8. Business Planning Update

8.1 The Board noted the difficult situation posed in respect of anticipated cuts in 2019/20 of between £3.5 and £8 million in Grant in Aid.

8.2 Welcomed the opportunity to be updated on business planning in the New Year.

9. EU Transition Update (NEB 84 07)

9.1 Rob Cooke introduced paper NEB 84 07 and took this as read by the Board members

9.2 Agriculture and Environmental Land Management

9.2.1 The Board noted that the Agriculture Bill had cleared committee stages but was currently held up in a 'waiting room', that further work would be prepared in the House of Lords, and that a policy statement may require further work.

9.2.2 Noted that the Agriculture Bill will likely be published before Christmas 2018 following a 10 week consultation. Noted that if new legislation is required, this will likely be incorporated into the Environment Bill.

9.2.3 Noted the implications of the Dame Glenys Stacey Review of Farmland Regulation and welcomed the proposal to receive a scoping paper in January of February 2019.

Action: Rob Cooke to submit a scoping paper to the Board on the Stacey Review

9.3 The Environment Bill

9.3.1 The Board noted that the Environment Bill will likely be published by late April, or July 2019.

9.3.2 Noted with that Withdrawal Agreement requires the United Kingdom to report on non-regression and that this may be carried out by one single body or four joined up bodies covering the Devolved Administrations.

- 9.3.3 Rob Cooke explained that on the face of it, non-regression meant no diminution of environmental standards, primarily to provide a level playing field for trade with the EU 27.
- 9.3.4 The Board noted that the new Environmental Body would likely be a Defra Arm's Length Body in the form of a Non-Departmental Public Body.
- 9.3.5 The Board noted that Natural England was, in line with Defra's approach, working towards plans for three scenarios: firstly an Implementation Period with a deal at the end, a no-deal scenario, and a scenario where there was an Implementation Period but with no deal at the end of this period.

10. Update on Staff Survey

- 10.1 Tim Hill introduced the staff survey to the Board, and reported the fact that this ran for six weeks and ended on Tuesday 27 November 2018.
- 10.2 The Board noted:
 - 10.2.1 that evaluation of the results had not been completed but the positive news was that there had been a high level of response at 71%, with a lot of feedback.
 - 10.2.2 that staff felt that the purpose of the organisation was unclear and that pay and benefits were less favourable compared to similar roles elsewhere.
 - 10.2.3 that the employment engagement index was common across the Defra Group which could therefore provide comparison across the Group. Natural England had the second lowest score across the Group at 52%, the highest being JNCC at 79%. Acknowledged that staff do not feel engaged.
- 10.3 The next steps will be to carry out, team by team analysis and to provide a full paper to the Board on the results of the Staff Survey.

Action: Tim Hill to provide a paper to the Board in respect of the results of the Staff Survey.

11. Board Committee Updates

- 11.1 ARAC (NEB 84 080)
 - 11.1.1 Noted that the Board had a copy of the minutes of the October 2018 ARAC Committee meeting. Julie Lunt had no further comments, but noted that Catherine Dugmore was keen to encourage the annual accounts being presented to the Board.
 - 11.1.2 Teresa Dent noted the provision of financial training for the Board and noted that the Natural Capital Accounting work would be welcomed by the Board. Julie Lunt confirmed this topic would be added to the Forward Look.
 - 11.1.3 Henry Robinson noted that the Defra metrics are integral to the Natural Capital accounting work and suggested that these figures needed practical examples. Simon Lyster acknowledged that these should be covered by an upcoming webinar.
- 11.2 BIG (NEB 84 09)
 - 11.2.1 Simon Lyster noted that the unconfirmed minutes for the most recent BIG meeting were in

progress.

- 11.2.2 It was confirmed that the next focus of BIG would be on the draft response to the net gain approach and that this would be an opportunity to road test responses which would then go back to BIG.
- 11.2.3 The Board noted issues with stakeholders in respect of Great Crested Newt District Level Licensing.
- 11.2.4 Professor Michael Winter raised the issue of a social science committee and the fact that he had previously discussed and written to James Cross in respect of this. Professor Winter suggested that more awareness was required of Natural England's involvement in social science aspects and that it would be beneficial to see this information prior to Board meetings, in particular the farm advice paper. Simon Lyster agreed that he would circulate this.

Action: Simon Lyster to circulate the Farm Advice Paper.

11.3 Natural England Science Advisory Committee (NEB 84 10)

- 11.3.1 Andy Clements introduced NESAC paper 10, arising from the meeting of 17 October 2018. It was noted that the most significant item was the evaluation of the Upland Delivery Programme. Dr Clements passed his thanks to Professor Sue Hartley for chairing the NESAC committee meeting in his absence.
- 11.3.2 The Board discussed the difference between 'outputs' and 'outcomes'. In discussion, the Board noted the importance of predator control in protecting vulnerable species benefiting from positive environmental outcomes.
- 11.3.3 The Board acknowledged the desire for a teach-in about payments by results and predator control.
- 11.3.4 Lord Blencathra noted that he would be attending an arable event and would benefit from a more scientific way of ensuring outcomes within the Environmental Land Management Scheme (ELMS). Henry Robinson agreed that it would be beneficial to discuss this at a later point.

11.4 JNCC Update

- 11.4.1 Professor Michael Winter noted that he had stepped in to Joe Horwood's shoes.
- 11.4.2 Professor Winter informed the Board that opportunities for JNCC to gain income were discussed alongside JNCC's risk appetite. He also relayed JNCC's concerns in respect of the Nature Productivity Network.
- 11.4.5 Professor Winter also informed the Board that JNCC had considered Natural England's concerns in respect of open data and that JNCC would update Natural England by the end of April in respect of Habitat Directive reporting. The Board agreed to this level of detail.

12. **Board Diary and Forward Look (NB 84 11)**

- 12.1 Julie Lunt had no updates, but asked the Board to contact her or Pamela Mills-Cooke if necessary.

13. AOB

13.1 Teresa Dent offered to assist with practitioner evidence workshops.

Actions log

No	Agenda Item/Paper	Ref	Action	Owner
1	Confirmation of September Board minutes and matters arising	1.1	Produce confirmed September Board minutes, in particular carrying out a proof read of various typographical errors.	Legal and Governance
3	Confirmation of September Board minutes and matters arising	1.3	Circulate an email with the dates of the stakeholder meetings and details of the intentions of each stakeholder meeting.	Marian Spain
4	CEO Report	2.3.1	Circulate the draft Dame Glenys Stacey Review to the Board.	Marian Spain
5	CEO Report	2.3.2	Organise an external event on net-gain early in the New Year	Natural England Executive
8	Upland Delivery Programme update		Communicate the conclusions from the Board's discussion on the Uplands Delivery Programme and in respect of evidence that risks are being managed.	Marian Spain
14	EU Transition Update	9.2.4	Submit a scoping paper to the Board of the implications of EU exit on Agriculture.	Rob Cooke
15	Update on Staff Survey	10.10	Provide a paper to the Board in respect of the results of the Staff Survey.	Legal and Governance Team
16	Board Committee Updates - BIG	11.2.4	Circulate the Farm Advice Paper.	Simon Lyster