

# Natural England Board



Title: **Confirmed notes of the 91<sup>st</sup> Natural England Board Meeting of 11 September 2019**

<b>Members attending</b>	<b>Guests</b>
Tony Juniper, Chairman	Abdul Razaq, Defra Business Partner Director Finance
Lord Blencathra, Deputy Chairman	Ken Roy, Director of Governance
Dr Andy Clements	Caroline Cotterell, Director, Resilient Landscapes and Seas
Teresa Dent	Dr Peter Holmes, Team Leader West Midlands Area Team
Catherine Dugmore	Ben Fraser, Senior Adviser - SSSI Designations
Professor Sue Hartley	Emma Johnson, Area Manager West Midlands Area Team
Dr Simon Lyster	Dr Richard Jefferson, Senior Specialist Grassland
Henry Robinson	Lucy Binnie, Ecological Consultant
Professor Michael Winter	Steve Chaplin, Overton (Gloucester) Limited
	Charles Daniell, C P W Daniell Ltd
	James Yardley, Agricultural Manager
<b>Senior Leadership Team</b>	
Marian Spain, Interim Chief Executive (and ex-officio Board Member)	
Richard Cornish, Chief Operating Officer	<b>Secretariat</b>
Dr Tim Hill, Chief Scientist	Tom Roberts, Legal and Governance Team
Navroza Ladha, Chief Officer Legal and Governance	
Alan Law, Deputy Chief Executive	

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

The Chairman welcomed everyone to the Open Formal Session of the Board meeting.

No apologies were received.

### **1. Review of July Board Minutes and Matters Arising (NEB M90 01)**

1.1 The Board discussed the unconfirmed July minutes and suggested detailed amendments.

1.2 The Board addressed matters arising from the July Board.

1.2.1 Alan Law confirmed that Natural Capital Committee's report on Environmental Net Gain would be sent as soon as it is available.

1.2.2 Alan Law provided an update on the charging powers and the possible legislative vehicles for these.

**Action: Legal and Governance to complete corrections to the July Board minutes.**

### **2. PUBLIC SESSION - SSSI Designation – Oridge Street Meadows Site of Special Scientific Interest (SSSI), Gloucestershire (NEB PU91 01)**

2.1 The Chairman introduced the Board members and Natural England Chief Officers. He confirmed that, the Chief Executive, Marian Spain, although a Board member, in relation to this SSSI case 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.

2.2 Navroza Ladha, Chief Officer Legal & Governance 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, that it needed to ensure that due process had been followed and that intellectual rigour had been brought to the process – this was not a rubber stamping exercise. Navroza indicated that if any Board member required further clarification on their role or responsibility during the course of the meeting, this could be provided.

2.3 Caroline Cotterell, Director Resilient Landscapes and Seas, introduced the site and the Natural England officers present who would provide further information in respect of the site. Caroline passed across to Emma Johnson, Area Manager West Midlands Area Team.

2.3.1 Emma Johnson explained the scope of the Area Team's work, the characteristics of the site within the Area and also provided an overview of the composition of the site and of the ownership.

- 2.3.2 Emma explained that Mr Chaplin, the current owner of the northern field has raised objections to the designation of the northern field as part of the SSSI. Recent management arrangements had been arranged with Mr Chaplin, however objections remained.
- 2.3.3 Emma provided assurances to the Board that the necessary notification procedures had been followed for the site.
- 2.4 Caroline Cotterell explained to the Board that Natural England's CEO notified the site on 10 January 2019 as the site was of national importance by way of the species rich grassland. This was placed within the local context.
- 2.4.1 Caroline explained that Natural England officers had taken in to account the JNCC SSSI guidelines during the selection process.
- 2.4.2 Caroline provided an overview of both the southern and northern fields comprising the SSSI. The case for the designation of the southern fields was said to be clear. Caroline also explained that the northern field was, in the view of Natural England officers, of special interest, but currently in unfavourable condition. Caroline explained that evidence of National Vegetation Classification (NVC) type MG5 grassland had been observed in 2014, but that observations were made that this may have been transitioning from MG5 to MG9 NVC type, likely due to lack of management.
- 2.4.3 Caroline explained that the northern field had been subject to an Environmental Impact Assessment (Agriculture) screening notice. This screening notice had identified unimproved grassland species. A further survey following notification identified MG5 grassland in unfavourable condition. Caroline explained that the view of Natural England officers was that the northern field retained characteristics of lowland unimproved grassland that would be recoverable within ten years.
- 2.5 Caroline made a final point that SSSIs can be notified for their potential value, referencing the JNCC Guidelines.
- 2.6 Caroline confirmed that the officer perspective was that:
- The site is of special scientific interest
  - The notification was consistent with the SSSI selection guidelines
  - The site would contribute to the SSSI series review priorities nationally
  - The site fulfilled the procedural requirements such as notifying all owner/occupiers of the notification of the site.
- 2.7 Dr Clements raised a point of clarification, asking, in respect of the infographic provided to the Board, for the proximity of the Oridge Street Meadows site to the Lazy Meadow and Malvern Common SSSIs. The three SSSIs had formed part of the West Midlands Area Team strategic response to grassland in the Area.
- 2.8 Peter Holmes, Team Leader West Midlands Area Team, clarified that the three sites were not very close.
- 2.9 Lord Blencathra asked for clarity on the 2014 survey which identified MG5 features and the effects of subsequent ploughing and reseeded of the site.
- 2.9.1 Dr Richard Jefferson, Grassland Specialist, clarified that there was a high level of confidence that the site can get to MG5 in favourable condition and that some MG5 species survived the ploughing.

- 2.10 Henry Robinson reported that he had visited the site and that species were visible following ploughing and reseeded.
- 2.10.1 Henry Robinson asked for clarity on whether the boundary hedges of the fields would comprise part of the SSSI. Peter Holmes confirmed that they would.
- 2.11 Dr Lyster asked officers to clarify how important the northern field is to the integrity of the SSSI as a whole. Peter Holmes confirmed that the site itself is 2.6ha, with the northern field being 0.9 ha. Therefore the northern field provides a significant amount of MG5 grassland. Richard Jefferson confirmed that the site can be seen as an integral whole – there is only a small road between the fields and the species overlap.
- 2.12 Teresa Dent asked Richard Jefferson for clarity on the lack of management which may have contributed to the site being identified as MG5 possibly moving to MG9. Richard explained that the ideal management would be a hay cut in June or July followed by aftermath grazing. If that management is relaxed, there can be an incursion of MG9 type grasses which can affect the MG5 grasses. Caroline Cotterell added that it may be possible to conclude that there was a lack of management of the site.
- 2.13 The Chairman invited the Board to hear unresolved objections and invited the objectors to introduce themselves. The Chairman confirmed that guidance had been given to the objectors and welcomed them to the Board meeting and made reassurances that the Board had read the written representations.
- 2.13.1 Charles Daniell introduced himself as a rural surveyor representing the landowner, Overton (Gloucester) Ltd, Mr Steve Chaplin of Overton (Gloucester) Ltd introduced himself, Mr Chaplin's agricultural manager James Yardley introduced himself and Lucy Binnie introduced herself as an environmental consultant.
- 2.13.2 Mr Daniell introduced the unresolved objections, emphasising that the objections were limited to the northern field only. Mr Daniell stressed that the objection is principally set out in the written objection of 8 May and that the summaries may have slightly misrepresented this.
- 2.13.3 Mr Daniell:
- Noted the differences in the northern and southern fields. Mr Daniell also noted the difference in land use and management. In respect of the road separating the two fields, Mr Daniell highlighted that this was a busy two-lane road. Mr Daniell summarised the works undertaken by his client and by a previous owner of the northern field.
  - Submitted that it was not felt that the 2014 surveys definitively classified the northern field as MG5 grassland.
  - Raised issue with the list of operations requiring consent.
  - Summarised that despite the presence of interesting grassland species, it appears to be a grossly excessive use of power to designate the northern field as SSSI.
- 2.13.4 Lucy Binnie reiterated the points of Mr Daniell, emphasising her opinion that there is no close fit to any of the NVC types, and that reaching such grassland type would take extensive work and a lot of time. Ms Binnie reiterated the past management of the northern field. Furthermore Ms Binnie contested the justification for MG5 classification, submitting that in the objector's opinion it was not in line with the JNCC Guidance. Accordingly the notification should not be upheld.

- 2.14 The Chairman invited the Board to ask clarification questions of the objectors.
- 2.15 Dr Clements thanked Mr Daniell and Ms Binnie for their submissions, and reassured the objectors that he had read the original objection. Dr Clements acknowledged the management history of the site, however informed the objectors that the Board was concerned with whether the meadow as part of the overall site was of special interest now. Dr Clements asked the objectors to clarify whether they disagreed with the professional judgement of the Natural England officers that the meadow is MG5 or shows evidence of MG5 features, or that it is recoverable to MG5.
- 2.15.1 Mr Daniell stated that he did not disagree that the field could be recreated to MG5, on the basis of the Guidance. However, Mr Daniell suggested that the evidence that he had received suggested that it was not possible at present to classify the field.
- 2.15.2 Mr Clements followed up asking for clarification of the objector's submission that any former arable or semi-improved grassland could be converted to MG5 grassland, despite the Natural England officers explaining that the Guidelines were in fact more specific.
- 2.15.3 Ms Binnie acknowledged that certain conditions needed to be present, however stressed the substantial amount of management, which set a high bar, to achieve the MG5 status. Ms Binnie suggested that the Guidelines did not support such a high bar.
- 2.16 Dr Lyster asked the objectors to clarify their position on the northern field's importance to the ecological integrity of the whole site.
- 2.16.1 Mr Daniell acknowledged the close proximity of the northern and southern fields, however stated that he was unable to identify the relative importance between those fields. Following Dr Lyster's further specification of the question, Mr Daniell noted the very different stages of the field conditions. Ms Binnie supported Mr Daniell's submission on the difference of management and questioned the functional dependence of the different fields.
- 2.17 Lord Blencathra asked, despite this superficial difference in appearance, whether the objectors accept that the seven species of MG5 grassland had been identified by Natural England officers, and that these species were coming through.
- 2.18 Mr Daniell and Ms Binnie accepted that some MG5 species were present. However argued that this was a matter of degree of meeting set standards. Ms Binnie submitted that in her opinion, the most recent survey would not meet the target herb/grass ratio for MG5.
- 2.19 Lord Blencathra asked for clarification on the quantity of species that may be present in ten years' time.
- 2.19.1 Dr Jefferson clarified the difference between the site condition in terms of grass/herb ratio and positive indicators under the common standards monitoring condition assessment and the fit to NVC type MG5, which is the relevant consideration under the SSSI Guidelines.
- 2.19.2 Ms Binnie submitted that the wording of the most recent survey did not provide a close fit to any of the neutral grassland NVC types. Dr Jefferson reiterated the points relating to the difference between the NVC classification and the condition assessment, summarising that the site is very nearly meeting its condition targets but in terms of the NVC it is not a particularly close fit, but it is nearest to MG5.

- 2.20 Teresa Dent asked to clarify the sequencing of surveys and actions surrounding the field's management and ownership.
- 2.21 Caroline Cotterell clarified the sequence as follows:
- The original survey was in 2014
  - The field changed hands in 2017
  - Field surveys were carried out in 2018 before the site was notified.
  - A further survey was carried out in 2019 following notification to reconfirm that it was, in the view of Natural England officers, still of MG5 type.
- Caroline explained that the field may not be a 'textbook' version of MG5 however noted that the classification is on a spectrum. Nevertheless Natural England officers did not doubt that it is species rich lowland unimproved grassland.
- 2.22 Dr Lyster clarified whether the opinion of MG5 classification endured despite the history. Caroline confirmed that despite the management history this opinion stood, adding that some of the management had been beneficial to this finding.
- 2.23 Dr Clements asked for clarification from Dr Jefferson and the team on the field's potential for recovery within ten years.
- 2.23.1 Dr Jefferson explained that the rate of the field's recovery was due to the presence of species in the field. Despite the ploughing, turf fragments and, to a lesser extent, the seed bank meant that a sufficient number of MG5 species were present. Therefore the site was seen to be recovering well and may recover at a faster rate. Dr Jefferson added that in his opinion future management would not be particularly complex.
- 2.24 Dr Clements sought to clarify the level of management, characterised as a high bar by Lucy Binnie, with Dr Jefferson.
- 2.24.1 Dr Jefferson explained the hay cutting, removal of hay crop and grazing which may be required.
- 2.25 Dr Clements then asked Ms Binnie to clarify the characterisation as a high bar.
- 2.25.1 Ms Binnie explained that the requirement for a suitably qualified ecologist and the notified 'list of operations requiring Natural England's consent', requiring the provision of notice to Natural England.
- 2.25.2 Caroline Cotterell invited Peter Holmes to provide further context on the management of the Site. Dr Holmes provided an account of the management history and explained that original concerns that the restoration may be more difficult had been allayed and that the requirement is now for almost standard grassland management.
- 2.26 Lord Blencathra commented on the extent and range of operations requiring Natural England's consent. Dr Holmes provided an overview of why more extensive lists of operations were generally required. Dr Holmes' explanation was supported by Ben Fraser, Senior Adviser - SSSI Designations, who added that the particular reasons for the operations being specified for this site were provided in the supporting information document.
- 2.27 Following the Chairman's invitation for further clarification questions, nothing was raised. The Chairman then invited Caroline Cotterell to provide further information on the three further representations received on the notification.

- 2.27.1 Caroline summarised the three representations of support from the following parties:
- RSPB
  - Mr Rawlings – a member of the public
  - Gloucestershire Wildlife Trust
- 2.27.2 Caroline confirmed to the Board that Natural England gave landowners and occupiers four months to raise objections and representations, running from 10 January to 10 May 2019. Notices were also placed on site and in the press. No further objections were received.
- 2.28 Following the Chairman’s invitation for questions on the further representations, nothing was raised. The Chairman then invited Henry Robinson, Board member who visited the site, to provide a verbal report.
- 2.28.1 Mr Robinson confirmed that he visited the site on 22 July 2019. Mr Robinson noted:
- That the site was relatively smaller than he expected
  - The southern fields were uncut and you could see lots of good grasses and wild flowers.
  - The northern field was clearly reseeded, but you could see the new species coming up in it.
- Mr Robinson confirmed that he saw nothing conflicting with anything in the recommendation. The species identified were present.
- 2.29 The Chairman invited Tim Hill, Chief Scientist, for the perspective of his office in Natural England.
- 2.29.1 Dr Hill confirmed that the science behind the notification was rigorous.
- 2.29.2 Dr Hill explained the NVC classification of grasslands and endorsed Dr Jefferson’s conclusions that the best fit for the grassland in the northern field was MG5.
- 2.29.3 On the application of the Guidelines, Dr Hill explained that the inclusion of ‘potential value’ was carefully written and drew the Board’s attention to the test around it.
- 2.29.4 Dr Hill concluded that there could be reasonable confidence that the site is MG5 and recovering and the application of the guidelines is entirely appropriate in this case.
- 2.30 The Chairman invited the Board, having considered the outstanding objections, representations and recommendations and in light of the evidence provided, to record its decision on the recommendations made on the confirmation of the notification of Oridge Street Meadows SSSI, without modification.
- 2.31 The Chairman recorded unanimous endorsement of the scientific case for the designation of the site, and that the Board had approved the confirmation of Oridge Street Meadows SSSI as recommended.

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

## Actions log

No	Agenda item/paper	Ref	Action	Owner
1	Review of July Board Minutes and Matters Arising (NEB M90 01)	NEB M90 01	Action: Legal and Governance to complete corrections to the July Board minutes.	Legal and Governance
2	SSSI Designation – Oridge Street Meadows Site of Special Scientific Interest (SSSI), Gloucestershire	NEB PUB91 01	Area Team to serve formal SSSI confirmation papers on owners, occupiers, the Secretary of State, Local Planning Authorities and other relevant statutory consultees.	West Midlands Area Team