

Natural England Board



Confirmed minutes of the 98th Natural England Board meeting 30 September 2020

Board Members Attending	
Dr Tony Juniper, Chairman	Kerry ten Kate
Lord Blencathra, Deputy Chairman	Henry Robinson
Rosamund Blomfield-Smith	Kim Shillinglaw
Dr Andy Clements	Peter Unwin
Professor Sue Hartley	Professor Michael Winter
Executive Team	
Marian Spain, Chief Executive (and ex-officio Board Member)	Navroza Ladha, Chief Officer Legal and Governance
Alan Law, Deputy Chief Executive	Gleny Lovell, Chief Officer Planning and Performance
Dr Tim Hill, Chief Scientist	Maggie Telfer, Director Operations (for Richard Cornish, as Acting Chief Operating Officer)
Guests	
Abdul Razaq, Finance Director	Sally Moore, Legal & Governance
Richard Broadbent, Head of Legal Services (for item 3)	Mick Oliver, Chief of Staff, Legal & Governance
Jo Russell, Principal Adviser Planning, Strategy and Government Advice (for item 4)	Tom Roberts, Legal & Governance (secretariat)
Brad Tooze, Head of General Licensing Reform and Uplands (for item 3)	
Apologies	
Catherine Dugmore, Board Member	Richard Cornish, Chief Operating Officer

Welcome from the Chairman and Declarations of Interest

The Chairman welcomed everyone to the meeting.

Apologies were received from Catherine Dugmore.

The Board discussed the Register of Interests information to ensure that this is up to date in respect of current interests.

In respect of the day's agenda:

- Henry Robinson and Rosamund Blomfield-Smith declared that general licences of the type being discussed today may be being relied on in relation to their farm management. This was subsequently confirmed
- Kerry ten Kate reminded the Board of her usual declarations, in particular her position as a Trustee of the RSPB
- Rosamund reminded the Board of her usual declarations, in particular with regard to mid-tier Countryside Stewardship
- Dr Clements noted a declaration that the BTO had provided advice to Natural England about species in general licences
- Henry noted that he is an applicant for Countryside Stewardship

Action: Legal and Governance Team to update Register of Interest records

1. Confirmation of July Minutes and Matters Arising (NEB 97)

1.1 The Board confirmed the unconfirmed July minutes with no amendments.

1.2 In respect of matters arising, Tim Hill provided an update on action NEB 96 05, the briefing on data science, mapping and Earth observation innovations was completed on 21 July 2020.

Action: Legal and Governance Team to work with NExCo to complete previous actions and log them when completed

Action: Legal and Governance Team to publish the minutes

2. Board Sub-Group Updates

2.1 NESAC

2.1.1 Dr Clements reported that the two NESAC meetings on the 7 July and 10 September had taken place by Zoom.

2.1.2 The 07 July meeting looked at measures to improve delivery of SSI monitoring, and a horizon scan of opportunities arising from Government's aspirations for green recovery.

2.1.3 On 10 September, NESAC reviewed new and emerging evidence on the management of upland blanket bog. This discussion was stimulated by the publication of new material critical of elements of Natural England's previous evidence review of 2013.

2.1.4 Dr Clements reported NESAC's formal advice that:

- Natural England scientists should undertake an appraisal of the need to update the 2013 Upland Evidence Review, and;

- given the review of new and emerging evidence, there was no risk to maintaining Natural England's current position statement on burning on upland blanket bog

2.1.6 Professor Winter asked for the NESAC minutes of the meeting of 10 September to reflect his apologies.

Action: Marian Spain to write to the Moorland Association, with the Secretary of State for Environment Rural Affairs copied in, to note the work by NESAC in independently reviewing evidence related to blanket bog

Action: Legal and Governance to amend the formal note from NESAC to correctly capture attendance at the session of 19th September

Action: Dr Clements to work with Legal and Governance Team to review NESAC minutes

2.2 Remuneration Committee (RemCom)

2.2.1 Peter Unwin provided the Board with an update on the work of the Committee, including the scrutiny of the proposed pay rise for senior staff (Chief Officers and Directors) where Civil Service Guidelines apply. The Board noted the disparity between Natural England officers and Civil Servants (in some cases a gap of 9-10% between the respective maxima and minima for each grade) and the need to gain assurance that Natural England is meeting its ambitions (and regulatory requirements) with regard to equal pay.

2.2.2 The Board also noted that:

- Some of the current issues did arise from different entry routes to the organisation, e.g. for staff who had come from different founding bodies.
- They were content with RemCom's recommendations, noting that the current pay offers delivered the most that could be delivered within the constraints set by the HM Treasury remit for the year.
- The Executive was continuing to work on a pay case for flexibility from HM Treasury

2.2.3 Peter presented RemCom's Terms of Reference for Board sign off, in particular noting that RemCom are an advisory body to the Chief Executive who is the final decision maker.

2.2.4 The Board endorsed RemCom's Terms of Reference.

2.3 ARAC

2.3.1 Abdul Razaq provided an update on the August extraordinary ARAC meeting. The purpose of this meeting was to consider whether the Annual Accounts could proceed to be laid in Parliament. The Board noted:

- The Auditors from the National Audit Office gave their update and briefed that they had no significant matters arising.
- The Auditors were content for the Accounts to proceed but would provide some recommendations.
- The ARAC meeting concluded that the Accounts should be laid before Parliament
- The Accounts were laid before Parliament on 17 September 2020 and made available at the Gov.uk website.
- The Auditors will provide their final report in the October ARAC meeting.

2.3.2 The Board acknowledged and thanked Abdul and his team's superb job as recognised by the Auditors.

2.4 JNCC

2.4.1 Professor Michael Winter provided a report of the last JNCC meeting which took place one week preceding this Natural England Board meeting.

2.4.2 The JNCC meetings comprised a deep dive session and a full meeting the following day. Professor drew the Board's attention to four points:

- Pay issues
- Wider markets – JNCC has focused on generation additional income from wider markets; the meeting included detailed analysis of such income.
- Offshore wind – JNCC has done an extraordinary amount of research on the impacts of offshore wind on various elements of wildlife. JNCC presented a position paper on JNCC's projected position on this sector.
- Recruitment of a new JNCC chairman and Chief Executive, and the related arrangements around this.

3. **Chief Executive's Report (NEB 98 02)**

3.1 Marian noted that, despite the changes to elements of the Government's COVID advice, there had been no material change to Natural England's COVID approach over recent months. The organisation is continuing to see some loss of staff capacity, despite gaining some capacity benefits from the current re-opening of schools. In responding to reduced capacity, customer-facing and high priority areas have continued to be prioritised. The Board noted the range of caring commitments that some staff are continuing to address.

3.2 The Board noted the potential mental and physical health impacts of increased home working and working within changing COVID restrictions – and asked that the Executive continue to monitor these impacts.

3.3 Marian Spain provided an update on the current progress of the Spending Review.

3.4 The Board noted the Number 10 announcement on '30% by 2030' and discussed the possibility for supporting targets and the tie-in with the UN Biodiversity Conference COP 15.

3.5 The Board noted the importance of designations and the way that it can work with stakeholders to further the improvement of designated areas, possibly through a coordinating role. The Board were keen to engage with stakeholders on site visits where possible.

3.6 The Board noted the revised charging consent letter from Defra and the future opportunities that this may provide.

ACTION: Tony Juniper to write a letter to the Secretary of State suggesting that the 30% by 2030 target should be included in the Environment Bill

ACTION: Richard Cornish ensure that the issues related to working from home are more clearly flagged in the regular Health and Safety report

4. **Review of General Licensing: DRAFT Natural England Statutory Advice**

4.1 Navroza Ladha set out the governance context for this discussion and explained that NE

had two roles relevant to this discussion: as the statutory conservation adviser providing advice to the Secretary of State before he exercises his general licence functions and as the wildlife licensing authority for England.

- 4.2 Alan Law explained the approach taken in developing Natural England's advice.
- 4.3 Brad Tooze gave a summary of the draft statutory advice, noting Defra's improved evidence base and the study by APHA on the impact of various species on different interests.
- 4.4 Richard Broadbent provided a brief overview of the legal position.
- 4.5 The Board noted:
- The desire to see the APHA study once this was in the public domain.
 - The importance of evidence around conservation purposes.
 - The importance of highlighting where there are remaining evidence needs that should be considered by Defra.
- 4.6 The Board endorsed the detailed advice.

ACTION: Advice and covering letter to be sent to Defra.

ACTION: Legal and Governance to sight the Board the public documents when released by Defra.

5. Planning White Paper

- 5.1 Navroza Ladha explained that the Board Retained Authority document and the detailed Schemes of Delegation required that Natural England's response to this consultation be brought to the Board.
- 5.2 Alan introduced Jo Russell and provided the Board with a summary of the item. Alan explained the potential alignment between our advice and the wider ambitions for nature recovery.
- 5.3 In discussion, the Board noted:
- The connection between this work with the Glover Report and the Government's recent 30/30 announcement.
 - The importance of the advice reflecting Natural England's broader remit around nature, including contact with nature and recreation, green infrastructure in urban areas, and protecting natural beauty and landscapes.
 - The importance of prioritising nature recovery within the planning system and of utilising Natural England's role as the statutory advisor on the natural environment, in particular in the support provided to MHCLG and Local Authorities.
 - The need to recognise the nuance and sophistication in approaching the three zoning categorisations.
 - The importance of emphasizing the need for a change of attitudes to green space (in the context of the COVID crisis).
 - The need to move away from piecemeal, case by case advice, to working at a more strategic level.
- 5.4 Alan Law noted the organisational intention for the wider environment and nature to be more joined up and resilient in a 'Lawtonian' approach. There should be a focus on 'renewal' as an area of opportunity.

ACTION: Marian Spain to sign-off the final formal response, with further input from the agreed group of Board Members

6. Forward Look (NEB 98 05)

- 6.1 Navroza Ladha provided an overview of Board planned business to the Board.
- 6.2 The Board asked that, as the plan is evolved, regular opportunities were found for pre-Board stakeholder events and for site visits.

Action: Legal and Governance Team to develop the forward plan – to encompass further stakeholder events and site visits

7. Feedback and close

- 7.1 The Board thanked officers for their contributions and for the quality of the briefing papers.