

Natural England Board



Confirmed minutes of the 99th Natural England Board meeting 11th November 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
Catherine Dugmore	Professor Michael Winter
Professor Sue Hartley	
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	Richard Cornish, Chief Operating Officer
Guests	
David Hill, Director-General Environment Rural and Marine Defra	Sarah Dawkins, Head of Spending Review Programme
Abdul Razaq, Finance Director	Mick Oliver, Chief of Staff, Legal & Governance
Ken Roy, Director Corporate Governance	Graham Tibbetts, Legal & Governance
Jonathan Burney, Director Strategy & Government Advice	Delphine Pouget, Principal Adviser - Species Conservation
Rob Aubrook, Principal Adviser Strategy & Government Advice	Tom Roberts, Legal & Governance (secretariat)

Welcome from the Chairman and Declarations of Interest

The Chairman welcomed the Board to the 99th Natural England Board meeting and looked forward to the next meeting which would be the 100th official Board Meeting of Natural England.

With reference to Declarations of Interest, in specific regard to the meeting's agenda:

- Henry Robinson reminded the Board of his Countryside Steward application
- Kerry ten Kate noted her interest as a Trustee (Council member) of the RSPB

The Chairman reminded the Board of his request for volunteers for a Board Effectiveness Review. This review will follow on from the external review carried out in 2019. Kim Shillinglaw had volunteered to support the work, and Andy Clements and Rosamund Blomfield-Smith subsequently agreed to form a Task and Finish Group to take this review forward.

1. Confirmation of September Minutes and Matters Arising (NEB 98)

- 1.1 Dr Clements and Professor Winter noted amendments to the minutes in respect of the NESAC Report and the update on JNCC.

Action: Legal and Governance Team to update the minutes for the September Board to include the proposed amendments and then publish as normal on GOV.UK.

2. Board Sub-Group Updates

2.1 Remuneration Committee (RemCom)

- 2.1.1 Peter Unwin provided the Board with a verbal update. RemCom has not met since the last Board meeting.

- 2.1.2 The next meeting is on 23 November. The meeting will focus on the building of the pay case to support any case to HM Treasury next year. Peter recognised the high importance to the organisation of that pay case.

- 2.1.3 Peter acknowledged Marian Spain's work, along with her team, on reaching an agreed position with the Natural England Trade Unions. The Chairman thanked Marian and her team for this work.

- 2.1.4 A report from that RemCom meeting will follow at the next Board meeting.

2.2 NESAC

- 2.2.1 Dr Clements referred the Board to Board Paper NEB 99 01, the report of NESAC's meeting of 8 October 2020.

- 2.2.2 In the meeting of 8 October NESAC considered:

- Natural England's proposals for Landscape Monitoring to Secure Positive Changes in Landscape and Waterscape Character.
- The People and Nature Survey for England: Research Programme. This is a widely recognised piece of work by Natural England. The dataset, which has been gathered over some time, offers phenomenal options for research and evidence work. This is particularly important due to the public's growing public understanding of, and engagement with, the natural environment following the Coronavirus crisis, and the lack of engagement from disadvantaged communities.

- 2.2.3 Dr Clements extended an invite, from Beth Brockett one of Natural England's key social science specialists, for the Board to attend a People in Nature event.
- 2.2.4 The Chairman noted the mention of the proposed Natural England Social Science Panel in the NESAC minutes, and acknowledged the growing importance of social science for Natural England especially for public engagement and ELMS and the reaction to policy, bridging the gap between behaviour and data.
- 2.2.5 Professor Winter informed the Board of the plans for the Natural England Social Science Panel which he will chair and which will be convened as a sub-group of NESAC. Advertisements for members for the panel will now be progressed
- 2.2.6 Kim Shillinglaw recognised Natural England's world-class work on People in Nature, which is a critical national issue. Kim suggested to the Board that this needs to be firmly linked with Natural England's wider communications plan.

2.3 ARAC

- 2.3.1 Catherine Dugmore reported to the Board that ARAC last met on 14 October 2020.
- 2.3.2 On the main focus of the ARAC meeting, a deep dive on Natural England's risk registers, Catherine reported:
 - The view of ARAC members on the good progress made by the management team in implementing the risk management strategy and in turning the registers into live documents.
 - The feedback given by James Seymour (Area Manager Sussex and Kent) on the positive way that the new approach was being addressed.

Catherine highlighted further areas covered by ARAC, including the review of the process for the development of the 19/20 Annual Report and Accounts.

- 2.3.3 In response to a question from the Chairman, Catherine confirmed that the view from the National Audit Office was positive and that it was a credit to Natural England's finance team that the accounts were completed early in September and laid before Parliament. Lessons learnt from the successes will be brought into the next accounting year as impacts from coronavirus will continue to affect ways of working. For the 20/21 report, there will be further investment in project management to meet the anticipated timetable.
- 2.3.4 The Board congratulated and thanked Abdul and the Defra group Finance team for the work on the accounts.

3. **Chief Executive's Report (NEB 99 03)**

- 3.1 Marian Spain introduced her report and provided updates on topical items, noting.
 - The recent activity on report re impacts of Gamebird release:
 - The joint Natural England/BASC review of gamebirds was published in August 2020, the RSPB review was published October 2020. Independently, these reviews have reached broadly the same conclusions based on the available evidence.
 - Wild Justice have withdrawn their legal challenge against Defra on the basis of the undertakings that Defra provided to the court in their latest witness statement set out in an agreed consent order. This includes the implementation of an interim licensing regime for the release of Pheasants and Red Legged

Partridges for the coming season. These policy undertakings were published on 30 October

- Natural England are in discussion with Defra as to how a licensing system can be designed and implemented. The locations and numbers of gamebird release sites are currently being analysed.
 - Natural England are discussing the development of a General Licence which will provide permission for people to release birds in accordance with industry best practice and at safe (<1000 birds / ha) densities within 500m buffer zones of sensitive EU Protected Sites. No formal decision has been taken as to who will be the licensing authority. Natural England will provide informal and then formal advice to Defra as part of its statutory role.
 - Defra and Natural England have started to plan out next steps, including working with stakeholders on the various different operational scenarios.
 - Natural England are also developing operational guidance to inform its future consenting decisions. The draft evidence-based advice is now with Strategy and Government Advice (SGA) who are assessing the regulatory risks / implications (if any); it will then be checked by the Legal team before being rolled out to Area Teams for implementation when they receive notice of intended gamebird release or other gamebird related casework. It is anticipated that the guidance will go 'live' December 2020.
 - Natural England are also working with Defra to establish how a review of gamebird consents could be resourced and undertaken and how this would fit within a wider prioritised programme of reviewing consents.
 - We are also working with Defra to establish what additional monitoring (and associated resources) will need to be put in place to support these arrangements.
 - Natural England officers met with the RSPB to discuss their gamebird review and the review of grouse moor management and Natural England's gamebird review and the latest evidence on moorland management practices.
- On 9 November, Defra published the new general licences for the control of wild birds, ahead of them coming into force on 1 January 2021. Consequently, there will be implications for Natural England in the issuing of individual licences. In addition, Natural England will continue to provide advice to Defra on how protected sites will be treated within the general licences.
 - The progress the of Peat Strategy and the implications for Natural England's activities

3.2 In discussion, the Board:

- Highlighted the possible need for additional evidence re gamebirds, e.g. with regard to safe levels of gamebird density and with regard to economic implications
- Noting the factors that would need to be taken into consideration re any future licensing regime
- Noted Defra's thanks to Natural England, and in particular the work of Brad Tooze and his team, for the terrific support and timely advice on the General Licence review.

ACTION: Tim Hill to provide an update to Board on planned / required research re gamebirds (with Defra and with wider partners)

3.3 The Chairman noted the opportunity and the need to offer engagement and scientific advice to Defra; and to engage with stakeholders to produce additional evidence through joint research programmes. Tim Hill informed the Board that Natural England and the RSPB had met and discussed the possibility of initiating work to look across the science and various stakeholders to improve the evidence base. This could include social science and economics. The Board supported the benefits of working with these various organisations.

- 3.4 Marian Spain provided the Board with an update on communications. Marian noted recent high-profile events and the good support provided by Defra group Communications. The Board were updated of the announced changes within government on the centralisation of departmental communications teams.
- 3.4.1 In discussion, the Board noted:
- The successes with the recent comms events, especially on the Nature Recovery Network partnership
 - The value of highlighting the work of local teams in national communications
 - The importance of increasing volume in NE's use of social media.
 - The importance of emphasizing the distinctive nature of Natural England's need for communications, in particular local communications
 - The importance of further focusing future communications and engagement work on key themes notably the Nature Recovery Network.
- 3.5 Richard Cornish provided the Board with an update on the ongoing organisational response to the COVID-19 crisis, noting that the shift to the recent National Restrictions had been relatively smooth – with manageable impact on our operations.
- 3.5.1 The Board commended the Executive's ongoing management of the situation and noted:
- The need for continued support for staff, given the duration of the crisis and the time of year
 - The need to maintain a focus on cyber-security.
- 3.6 Marian Spain drew the Board's attention to Richard Cornish's Health and Safety report annexed to the CEO report.
- 3.7 Richard Cornish provided the Board with a report on the Quarter 2 KPI Report. The Board noted:
- The impact of the re-prioritisation of resources in Q1 and the ongoing reduction (of around 10%) in workforce capacity through Q2.
 - The progress with recruitment, noting the impact and constraints as a result of Covid
 - The areas where new targets have been agreed with Defra for the year
 - The remaining risk re the backloading of some planned delivery into Quarters 3 and 4 with some specific challenges around the Commercial capacity in that period.

Action: Richard Cornish to produce a briefing on the reality of the changing balance between local and national resource

- 3.8 Alan Law provided the Board with a more detailed report on the 5 Year KPIs, noting the agreed work to refine the performance indicators further, and the shorter term dependency on Spending Review outcomes. The Board welcomed the improved presentation of the short and long term performance position and noted:
- The need for KPIs to reflect the financial position and also allow an assessment of risks in a timely basis
 - The need to see KPIs as a forward look, having importance as a management tool, and not just a report of the past.
 - The impacts of the rise in Higher Level Stewardship extensions on Countryside Stewardship applications.
 - The progress in bringing delivery of the England Coast Path back on track following delays as a result of Covid

- 3.9 On the pay case, the Board noted:
- The significant turnover in some local teams
 - The emergence in some areas of work of skills gaps due to pay constraints
- 3.10 Marian Spain passed across to Abdul Razaq who provided the Board with an update on Quarter 2 Financial Performance. The Board noted:
- A delegation letter has been received from Defra requesting that Natural England holds back 2.5% of its budget, this results in an in-year budget cut of £2.9 million.
 - COVID-19 pressures have been mitigated but not eliminated, Defra will make provision for these.
 - The need for Natural England's Executive to bring the Board's attention to any in-year financial issues and, if necessary to provide a further update to the ARAC meeting in December.
- 3.11 The Board noted the figures on new recruitment and discussed the use of the Apprentice Levy to assist the development of staff.
- 3.12 Navroza Ladha provided the Board with an update on legal casework.

4. Corporate Risk Register (NEB 99 03)

- 4.1 Gleny Lovell introduced the review of the corporate risk register, reminding the Board that this has been previously discussed at the Board Strategy session and at the recent ARAC meeting.
- 4.1.1 In discussion, the Board:
- Welcomed the revised approach to presenting the risks, with some suggestions to aid interpretation

5. Post-Comprehensive Spending Review (CSR) Planning (NEB 99 05)

- 5.1 Alan Law provided an update on the progress on the CSR and the potential implications for business planning for 2021/2. Alan outlined the different scenarios that the Executive Team were considering.
- 5.2 In discussion, the Board:
- Emphasized the need for continued focus and ambition in taking forward the Nature Recovery Network
 - Acknowledged the need to maintain statutory functions – but to continue to explore options for reform

6. Advice to Defra re beaver re-introduction (NEB 99 06)

- 6.1 Alan Law was joined by Delphine Pouget, Principal Adviser - Species Conservation to provide a summary to the board of NE's advice and recommendations for beaver reintroduction, management and licensing in England prior to submission to Defra.
- 6.2 Alan provided context on the project so far:
- The River Otter Pilot concluded earlier this year, advice to Defra was then provided
 - Natural England is now providing formal advice to Defra on whether and how beaver reintroduction should be undertaken across England.
 - Defra will commence public consultation around their proposals.

- 6.3 Alan provided the Board with an overview of the River Otter project:
- It has been judged as a success with successful breeding of beavers
 - The land management community were involved from the outset, and felt that they had relevant support. As a consequence, in the main, beavers were seen as a positive for the area.
- 6.4 Delphine highlighted the key elements of Natural England's advice which covered
- The pace of introductions; recommendations are for moderate introduction to allow for the necessary research gaps to be filled and for a robust management framework to deal with conflicts.
 - The legal status, the paper presents three options: no protection, partial protection during the breeding season, and European Protected Species status in line with the Habitats Directive. The recommendation from Natural England Officers is for partial protection.
 - Funding and resourcing to ensure efficiency and management, through a combination of public and private functions. Three options have been explored with varying levels of central funding.
- 6.5 Delphine summarised the risks of beaver reintroduction to the Board, noting the potential for growth in the species population due to the lack of natural predators.
- 6.6 The Chairman thanked Delphine for her work and detailed preparation.
- 6.7 In discussion, the Board:
- Noted the need for a robust management framework to support the conservation and enhancement of the species and the maintenance of welfare standards
 - Considered the choices concerning the legal status of the species, considering three initial options
- 6.8 The discussion focused on how best to ensure that the future management regime for the Eurasian Beaver was dynamic, proportionate and specific to the circumstances in England, establishing a new and progressive form of domestic legal protection to allow beaver populations to thrive and expand where their presence was most beneficial and to ensure the welfare of individuals when management becomes necessary.
- 6.9 On the basis of steers received, Alan Law agreed to develop further the detailed advice to the department and to review further with Board Members.

ACTION: Alan Law to redraft the advice document re beaver re-introduction and circulate to Board for info / comment before submission.

7. The Office for Environmental Protection and its relationship with Natural England (NEB 99 07)

- 7.1 Jonathan Burney introduced Rob Aubrook and outlined the role of the proposed Office for Environmental Protection (OEP) and the interface with Natural England, noting the intention to capture this relationship in a Memorandum of Understanding.
- 7.2 Rosamund Blomfield-Smith questioned the relationship between the OEP and Natural England in respect of the exclusion of a public authority 'from complaining to the OEP as this would amount to one arm of government or the public sector complaining about another'. It was noted that paragraph 8.3 of paper NEB 99 07 could benefit from additional explanation.

7.3 In discussion, the Board:

- Noted the possibility for the OEP to request or draw upon the expertise of Natural England and the possibility of fees for such advice.
- Noted the value of additional clarity on the treatments of complaints between the OEP and Natural England
- Explored where the regulation of environmental markets would sit in the new institutional landscape

ACTION: Alan Law / Jonathan Burney to send the explanatory notes at paragraph 263 to Rosamund Blomfield-Smith concerning the clause 29(4) provision’.

ACTION: Alan Law to liaise with Defra around the timing of further briefings from the OEP team

8. Forward Look (NEB 99 08)

8.1 The Chairman explored current assumptions re the format of Board Meetings over coming months. The Board noted the likely need for some further remote meetings and asked that the Executive explore the practicalities of blended (i.e. online and physical) meetings at some point in the future.

8.2 The Board considered options for smaller meetings through field visits, such as National Nature Reserves in different parts of the country.

Action: Legal and Governance Team to explore options for face-to-face gathering of sub-groups of Board meetings in the spring (NNR visits) and develop a wider plan for future Boards in 2021 (including consideration of hybrid meetings)

9. Feedback and close

- 9.1 The Board and attendees:
- Acknowledged that the large volume of items covered in an efficient manner.
 - Reflected on the best balance of future items