

# Natural England Board



Title: **Confirmed minutes of the sixty ninth Natural England Board meeting on 22 March 2017**

<b>Members attending</b>	<b>Senior Leadership Team</b>
Andrew Sells (Chairman)	Tim Hill, Chief Scientist
Julia Aglionby	Paul Lambert, Chief Transformation Officer
Andy Clements	Alan Law, Chief Strategy and Reform Officer
Will Cockbain	Julie Lunt, Chief Legal and Governance Officer
Teresa Dent	Guy Thompson, Chief Operating Officer
Simon Lyster	Graham Tibbetts, Principal Adviser, Engagement
Nigel Reader	<b>Guests</b>
John Varley	Rob Cooke, Director, EU Transition
Michael Winter	Greg Smith, Manager, EU Transition
James Cross, Chief Executive and ex-officio Board member	Abdul Razaq, Director, Defra Corporate Services
<b>Apologies</b>	Sarah Dawkins, Area Manager, Norfolk and Suffolk
Joe Horwood	Jonathan Burney, Director, Government Advice
	John Bleach, Team Leader, Specialist Services
	<b>Secretariat</b>
	Gill Hunt

## Welcome from the Chairman and Declarations of Interest

The Chairman welcomed all to the meeting. Apologies had been received from Joe Horwood who had submitted written comments for consideration during the meeting.

In addition to the usual declarations of interest, a declaration was received from:

- Nigel Reader in a change to his standing declaration, he is no longer Chair of the MMO ARAC or APHA but remains on the Committees as a member.

### 1. Confirmation of the January 2017 Minutes and Matters Arising (NEB M68 01)

1.1 The minutes of the January Board meeting were confirmed.

**Action: Board and Executive Services (BES) to produce confirmed January Board minutes.**

- 1.2 The Board noted the status of actions from the December and January Board meetings and noted updates against the following actions:
- Item 6 – Julie Lunt confirmed that Board Members were no longer required to sit on interview panels for SoS appointments to National Park Authorities and AONB's but a protocol would be put in place to ensure the Board was consulted on the proposed candidates.
  - Item 19 had been sent out to Board members.
  - Item 21, work had been undertaken to realign Board members with Area teams but portfolios would now be redone to reflect the February strategy session outcomes. James Cross confirmed that Julie Lunt would be contacting Board Members to discuss their portfolios.
  - Item 7, the Uplands working group had picked up the action to look at agreements on behalf of the Board and the terms of reference would be revised to reflect this.

## **2. Environmental Leadership: Natural England's role and our USP (NEB 69 01)**

- 2.1 The Board reflected on the outcomes of the Strategy away day and in discussion:
- 2.1.1 Considered the importance of the NERC Act and Strategic Direction against the need for a forward look and scope for new ways of working.
- 2.1.2 Explored the meaning of 'unique', the scale of the organisation's ambition and the need to work in partnership.
- 2.1.3 Explored the scope of leadership and the current leaders in the environment against the need to not always lead from the front but recognise when others are better placed to lead with Natural England enabling others.
- 2.1.4 Noted that one of the organisations USP's was scientific expertise which differentiates the organisation from others in the same field.
- 2.1.5 Recognised that Natural England played an important role as a 'convener' at both national and local levels.
- 2.2 The Board agreed that more work needed to be done on the USP and asked Alan Law to rewrite the paper with views from the meeting taken into account and bring a new version to the May Board meeting.

**Action: Alan Law to bring a revised paper on USP to the May Board meeting.**

## **3. Audit and Risk Assurance Committee Update (NEB 69 02)**

- 3.1 The Board noted the unconfirmed minutes of the December ARAC meeting and the verbal update from Nigel Reader for the March meeting. Nigel drew the Board's attention to matters covered in the meeting which included:
- Countryside Stewardship, risks and issues associated with the closure of the CAPD programme and a reversion to business as usual.
  - Environmental Stewardship interim payments 2015
  - Risk management and the Strategic Risk register
  - Defra's transformation programme
  - Framework Document
  - Health and Safety Annual report.

- 3.2 The Board noted the KPMG internal audit report and the good progress made.
- 3.3 The Board noted the issues arising from a number of interim Environmental Stewardship payments made in the summer of 2016 which were the subject of a recent letter from Clare Moriarty to James Cross advising that she had commissioned Defra's Head of Internal Audit to conduct a lessons learned review. The outcome of the review would be considered by ARAC at its next meeting in June.
- 3.4 The Board requested that an action plan in relation to Countryside Stewardship be brought to ARAC and then tracked at the Board to ensure expectations are met next year and enable progress to be tracked on a monthly basis.

**Action: Guy Thompson to bring an improvement plan for the 2017 processing round of Countryside Stewardship to the next ARAC and then track implementation through reports to every Board meeting.**

#### **4. Remuneration Committee Update (NEB 69 03)**

- 4.1 Nigel Reader drew the Board's attention to the revised Terms of Reference and the proposed amendments to the remit of the Committee, as well as the requirement for a third Board Member to join the Committee with Nigel to be confirmed as the Chairman.
- 4.2 The Board agreed the revised terms of reference and noted the need for a third Board member.
- 4.3 The Board noted the pay remit discussion for the coming year and the 1% restriction that remained in place and the options for implementation within the organisation and were content for the Remuneration Committee to review the modelling and proposals put forward by the CEO.

#### **5. EU Exit and the design of a future Environmental Land Management Scheme. (NEB 69 04)**

- 5.1 Rob Cooke and Greg Smith joined for this item and in discussion the Board:
  - 5.1.1 Noted the outline principles contained in the paper based on outcomes from the Board strategy workshop.
  - 5.1.2 Explored the case for public payments for public goods and the challenges faced from both industry and the public.
  - 5.1.3 Considered the case for a universal scheme against prioritisation and a more targeted approach and the transition from existing support mechanisms to any offered post Brexit.
- 5.2 The Board welcomed the paper but agreed that this was an issue which needed more consideration and agreed further papers should come to the Board regularly with opportunities to input to the principles.

**Action: Board Members to send bullet points to Rob Cooke and Greg Smith on the principles of a future Environmental Land Management Scheme.**

#### **6. Hen Harrier Recovery Programme (NEB 69 05)**

- 6.1 Rob Cooke updated the Board on progress of the Hen Harrier Recovery Programme. In discussion the Board:
  - 6.1.1 Considered the overall objective of the southern reintroduction and agreed this was to help relic upland populations in respect of the genetic diversity and the overall favourable conservation status of the species.
  - 6.1.2 Examined the data in respect of the brood management trial and agreed that NESAC needed to sanction the work behind the data.
  - 6.1.3 Noted the fact that a licence application had been received for the brood management aspect of the project.
  - 6.1.4 Noted the need for funding for the southern reintroduction project.

## **7. Chief Executive's Report (NEB 69 06)**

- 7.1 James Cross welcomed Sarah Dawkins and Abdul Razaq to the meeting and in discussion the Board:
  - 7.1.1 Noted the balance scorecard and the performance against the corporate KPI's.
  - 7.1.2 Explored the central theme of putting CS21 into practice and the tools and behaviours needed to ensure this happens.
  - 7.1.3 Noted Sarah Dawkins examples of CS21 such as Suffolk coast planning and Breckland farmers and the outcomes approach in her Area Team and the changing attitudes of staff in respect of looking at outcomes rather than mechanisms and the more strategic approach bringing in partners and stakeholders enabling conversations to happen.
- 7.2 The Board considered communications across Natural England following the move of communications responsibilities and resource to Defra. Graham Tibbetts outlined the challenges around workloads and expectations and the work of the Communications Board sub-group to look at communications priorities for 2017/18 in the context of the Defra Communications Strategy and approach.
- 7.3 Andy Clements updated the Board on the recent activity of the communication sub-group and the outlined Terms of Reference. The Board learned that the group would together form a narrative and some priorities which would be brought to the Board with the aim of allowing the Board to take a particular view about certain issues which could be communicated externally.
- 7.4 The Board heard an update on the financial situation from Abdul Razaq in the context of the end of year spend figures and the forthcoming budget for 2017/18. The Board requested an updated version of the financial table and in discussion:
  - 7.4.1 Noted an interim audit by the NAO had found nothing of significance and therefore the organisation could move forward in producing the Annual Report and Accounts.
  - 7.4.2 Agreed the Annual Report and Accounts should be reviewed and signed off by ARAC.
  - 7.4.3 Noted the organisation still awaited a letter from Defra confirming the amount of GiA

funding for 2017/18 and as a result all teams would receive an indicative budget on an at risk basis.

**Action: Abdul Razaq to circulate an updated version of the financial table to Board Members.**

7.5 The Board noted the updates given in Annex 3 and Annex 4 of the report.

## **8. Marine Conservation 'Deep Dive' (NEB 69 07)**

8.1 The Board welcomed Jonathan Burney and John Bleach to the meeting and congratulated them on the work of the team in both the progress and the team's relationships across Defra. In discussion the Board:

8.1.1 Noted the difficulties in getting the message across about the quality and importance of the marine environment given the fact by its very nature it cannot be easily seen or valued.

8.1.2 Recognised that despite the difficulties of getting people engaged in the marine environment the team had produced excellent ideas and products through videos and infographics.

8.1.3 Noted three major challenges ahead including:

- The most difficult designations were yet to come
- The struggle to resource work to progress tailored assessment tools
- Understanding and securing the long term role of Natural England in the marine environment.

8.1.4 Considered the embedding of marine work into Area teams and supported this approach and the continued development of staff and their engagement with partners and stakeholders in the marine environment.

8.1.5 Recognised the challenges faced through Brexit and the Common Fisheries Policy reform which would be forthcoming but recognised an opportunity for a wider marine policy.

8.2 In conclusion the Board agreed the work of Natural England's marine staff had been excellent and concluded there were positive examples on which to build future engagement and support for the outcomes approach in the marine environment and linkages with the approach in coastal and terrestrial environments.

## **9. Buzzard Licensing (NEB 69 08)**

9.1 Alan Law updated the Board on the current position in respect of preparing for future licence applications. The Board noted:

9.1.1 The level of risk attached to granting buzzard licences and the need for continued gathering of evidence to support any licences submitted.

9.1.2 The proposed approach of use of an expert working group to examine licences and evidence where there is a relatively low level of risk attached and supported this approach.

9.1.3 Internal guidance for staff was being produced and Board Members advised it would

be useful to be sighted on this through the CEO report.

- 9.2 In conclusion the Board agreed that any protocols for future handling should be signed off by the Board and any applications where there were concerns over the number or spread of licences should also be brought to the Board for decision.

## **10. 2017/18 Business Planning and Natural England Action Plan (NEB 69 09)**

- 10.1 Julie Lunt updated the Board on progress of the Action Plan. The Board noted the proposed content within the provided template from Defra and agreed sign off of the final version could be delegated to the Chief Executive and Chief Legal & Governance Officer..

## **11. Holkham National Nature Reserve- Approved Body Status for Holkham Estate (NEB 69 10)**

- 11.1 Sarah Dawkins joined for this item and gave background as to how the current proposal had been reached and the negotiations that had already taken place between the Holkham Estate and Natural England. In discussion the Board:
- 11.1.1 Noted the NNR's journey through a Nature Reserve Agreement to the current proposal for Approved Body status and the fact that the relationship between the Area team and the Estate was very strong.
- 11.1.2 Explored the risks associated with the Holkham Estate becoming an Approved Body and were satisfied that any risks in relation to the management of the NNR had been sufficiently mitigated.
- 11.1.3 Considered the monitoring and performance management of all Approved Bodies and agreed to the need to have a set of clear objectives and an appropriate monitoring programme for all Approved Bodies managing NNRs.
- 11.1.4 Were satisfied that from a legal perspective it is clear that Natural England can bestow Approved Body Status but can also take this away.
- 11.2 In conclusion the Board approved the Area team's recommendation that the Holkham Estate be given Approved Body Status. Noted that arrangements with the Estate would be finalised and a formal announcement would be made in July to coincide with the 50<sup>th</sup> anniversary of the declaration of the NNR.
- 11.3 The Board also agreed to delegate future cases for Approved Body Status to the Chief Executive.

## **12. External Engagement Update**

- 12.1 The Board were content they had received this update as part of item 7, the Chief Executive's Report.

## **13. bTB Update (NEB 69 11)**

- 13.1 Tim Hill updated the Board and drew attention to 5 parts of the paper which included:
- Prioritisation criteria in relation to maximum number of areas to be licensed.
  - Supplementary badger control
  - Perceived risks to staff

- Ongoing policy
- Review of badger populations in the cull areas.

13.2 The Board noted and agreed that in light of Defra's recommendation, Natural England would not seek to initiate a review of the badger population this year.

13.3 The Board also reflected on the continued requirements for farmers to adhere to reasonable biosecurity precautions.

#### **14. Health, Safety and Wellbeing Update – H&S Audits (NEB 69 12)**

14.1 Guy Thompson gave an update on the results of the audits and the Board noted the range of issues across the organisation with emphasis on the high risk areas of NNRs and supported the view that a conversation around risk appetite in relation to Health and Safety would be helpful.

#### **15. Natural England Science Advisory Committee (NEB 69 13)**

15. Andy Clements drew the Board's attention to the summary and minutes of the last meeting which had been an interesting and positive meeting with a cross section of external and internal colleagues, bringing broad perspectives to items discussed. The Board noted the Terms of Reference had been adjusted and a recruitment exercise for external committee members would be carried out.

#### **16. Uplands Working Group Update (NEB 69 14)**

16.1 Julia Aglionby led the Board through the latest activity of the Uplands Working Group. The Board noted:

16.1.1 The group had met with a cross-section of Area Teams to discuss the approach that had been taken to developing management plans in the uplands.

16.1.2 These agreements were being entered on a voluntary basis and that the plans would take the form of a management agreement under section 7 of the NERC Act.

16.1.3 At each site a mixture of regulatory and consent issues were being examined alongside the use of the outcomes approach.

16.1.4 A set of 7 principles that all plans should follow had been developed in liaison with the Chief Scientist using a stress test approach.

16.2 In discussion the Board:

16.2.1 Recognised this was a positive step forward in addressing the needs of upland Estate owners and moorland management in light of European regulations.

16.2.2 Noted there would be continual challenges going forward as some partners and stakeholders might not agree with the approach being taken.

16.2.3 Explored the opportunities to use those plans which currently met the key principles and passed the stress test to be used to enthuse and engage with other moorland habitat owners.

16.3 In conclusion the Board agreed with the recommendations from the Upland Working

Group on the approach to be taken in developing long term management plans for the Uplands and provided the answers to 3 questions posed in the paper as follows:

- 4.8.1 – Yes – the Board expected all rotational burning consents on blanket bog to be voluntarily withdrawn prior to sign off of a management plan.
- 4.8.2 - On a case by case basis other existing damaging consents to be voluntarily withdrawn.
- 4.8.3 - we would respond to something going seriously wrong on a site, that goes against the shared vision or outcomes, would be dealt with on a case by case basis.

16.3.1 The Board advised a set of principles and protocols in relation to 4.8.3 would be helpful.

**Action: Guy Thompson to develop a set of principles and protocols in relation to something going seriously wrong on a site covered by a management plan.**

16.4 The Board recommended that the guidance for staff on developing these plans be published and the 3 management plans that were ready to proceed be taken forward.

## **17. Board Innovation Group Update (NEB 69 15)**

17.1 The Board noted Simon Lyster's verbal update and the summary of recent activity and welcomed the proposal to bring a suite of papers as a substantial item to the next Board meeting covering at the Woking Great Crested Newt roll out and change plans.

**Action: Alan Law to bring a suite of papers on BIG activity and projects to the Board meeting in May.**

## **18. Board Diary (NEB 69 16)**

18.1 The Board noted the proposed dates and the Chairman agreed to speak with Julie Lunt in relation to the 2018 proposed dates.

**Action: Julie Lunt and Chairman to review the 2018 Board dates.**

## **19. Any Other Business**

19.1 James Cross asked Board members if any were willing to appear alongside Executives at future Select Committee hearings and the Board agreed to submit any volunteers to Julie Lunt as part of the review of Board Member portfolios.

**Action: Board members willing to volunteer to attend Select Committee hearings with Executives to discuss with Julie Lunt.**

19.2 Teresa Dent raised the offer by the Kent Area Manager – James Seymour to undertake a Board evening site visit to the Kent Downs the day before the Ashford Board meeting in June. Board members agreed this would be a helpful visit.

**Action: BES to research the options for a site visit with James Seymour and report back to Chairman.**



19.3 Chairman expressed his thanks to John Varley for his services to the Board and its Committees.

19.3.1 John Varley stated it had been a privilege to work alongside the Board and to be part of not only the Board team but the team of Natural England. Whilst he was sad to depart before the end of his term, he had learned a lot and stated the Natural England team are exemplary across the range of their work.

### Actions log

No	Agenda Item/Paper	Ref	Action	Owner
1	<b>Confirmation of the January 2017 Minutes and Matters Arising (NEB M68 01)</b>	1.1	Produce confirmed January Board minutes.	Board and Executive Services
2	<b>Environmental Leadership: Natural England's role and our USP (NEB 69 01)</b>	2.2	Bring a revised paper on USP to the May Board meeting.	Alan Law
3	<b>Audit and Risk Assurance Committee Update (NEB 69 02)</b>	3.4	Bring an improvement plan for the 2017 processing round of Countryside Stewardship to the next ARAC and then track implementation through reports to every Board meeting.	Guy Thompson
4	<b>EU Exit and the design of a future Environmental Land Management Scheme. (NEB 69 04)</b>	5.2	Send bullet points to Rob Cooke and Greg Smith on the principles of a future Environmental Land Management Scheme.	Board Members
5	<b>Chief Executives Report (NEB 69 06)</b>	7.4.3	Circulate an updated version of the financial table to Board Members.	Abdul Razaq
6	<b>Uplands Working Group Update (NEB 69 14)</b>	16.3.1	Develop a set of principles and protocols in relation to something going seriously wrong on a site covered by a management plan.	Guy Thompson
7	<b>Board Innovation Group Update (NEB 69 15)</b>	17.1	Bring a suite of papers on BIG activity and projects to the Board meeting in May.	Alan Law
8	<b>Board Diary (NEB 69 16)</b>	18.1	Review the 2018 Board dates.	Julie Lunt and Andrew Sells
9	<b>Any Other Business</b>	19.1	Board members willing to volunteer to attend Select Committee hearings with Executives to discuss with Julie Lunt.	Board members and Julie Lunt
10	<b>Any Other Business</b>	19.2	Research the options for a site visit with James Seymour and report back to Chairman.	BES