

Natural England Board



Confirmed minutes of the 101st Natural England Board meeting 24th March 2021

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	Abdul Razaq, Finance Director
Ken Roy, Director Corporate Governance	Sarah Dawkins, Head of Spending Review Programme
Dave Slater, Interim National Operations Director	Jonathan Burney, Director of Strategy & Government advice
Dr Hannah Wood, Principal Adviser Resilient Landscapes and Seas programme	John Holmes, Director of Operations (South)
Matt Heard, Area Manager Somerset, Avon and Wiltshire	Gill Kerr, Manager Strategy and Government advice
Dave Stone, Deputy Chief Scientist	Mick Oliver, Chief of Staff, Legal & Governance
	Matthew Wood, Legal & Governance (secretariat)

Welcome from the Chairman and Declarations of Interest

The Chairman welcomed the Board to the 101st Natural England Board meeting.

Tony Juniper began by giving the Board an update on reappointments. Short-term measures have been taken to ensure that the Board remains formally quorate over summer 2021 in advance of longer-term appointments / re-appointments.

With reference to Declarations of Interest:

- Henry Robinson flagged that he is applying for Countryside Stewardship, Chairs the Hawk and Owl Trust and is the Director of a company with regards item 5 and would stand down for that session;
- Rosamund Blomfield-Smith asked that her business interest in farming cattle be noted and that there is a bTB cull on land that is in joint tenancy (from the Trustees of the Courtfield Estate). Rosamund flagged that this land is in a Countryside Stewardship scheme;
- Professor Michael Winter flagged his membership of the Godfray Review team;
- Lord Blencathra flagged that he has voted with the government's policy with regards to bTB;
- Kerry Ten Kate flagged that she is a member of the RSPB council.

Action: Legal and Governance Team to update the Register of Interests (to reflect Board Member updates).

1. Confirmation of November Minutes and Matters Arising (NEB 100)

- 1.1 The Board suggested two minor amendments to the minutes of the February Board Meeting:
- Chief Executive's Report – to confirm the investigations at the River Lugg are being undertaken by both the Environment Agency and Natural England.
 - Flightpath to ELMS - to provide clarity on NE's role in the Sustainable Farming Initiative.

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

- 1.2 The Board noted the previous matters arising.

2. Board Sub-Group Updates

2.1 ARAC (Audit Risk and Assurance Committee) Update

- 2.1.1 Catherine began by providing the Board with an overview of the three functions of the Committee - Assurance, Audit and Risk.
- 2.1.2 Catherine highlighted recent developments to the Committee's agenda and process, including introducing a section where Board Members that are part of other Committees within the organisation can report on issues that have pertinence to ARAC and the introduction of a CEO Briefing at each ARAC which picks up topical issues of potential relevance or concern.

2.1.3 Catherine then gave an overview of the business that was discussed at the last ARAC meeting on 10th March, noting:

- The ongoing business response to COVID including risks we need to manage with reference to future ways of working;
- The remaining risks to be managed that come from the 21/22 Business Planning process;
- The recently established Defra review into the roles, responsibilities and accountabilities of ALBs which is linked to a wider government review involving the Cabinet Office and the National Audit Office (NAO);
- The ARAC discussion about how we evolve the way that risk is discussed at the full Board level;
- The ongoing challenges of managing the long-term risks to Natural England related to the current Defra group Corporate Services model;
- The continuing ARAC oversight of the setup of the Peat Grant scheme;
- The current preparation for the year-end reporting – and for engagement with the NAO and external auditors.

2.2 JNCC

2.2.1 Michael Winter gave an overview of the key issues discussed at the JNCC meeting on the 10 – 11 March: Air pollution and links to biodiversity, framing the JNCC offer for Super year 2021, COVID update, ARAC and risk management.

2.2.2 With reference to air pollution, the Board discussed whether more could be done to join up resources at the UK level to look at cross cutting issues.

2.3 NESAC

2.4 Dr Andy Clements provided an update on future plans for NESAC work:

- Gideon Henderson (Defra Chief Scientist) has been invited to a meeting in the summer;
- NESAC is reviving the idea of NESAC seminars, which Board members can attend to look at specific issues with internal /external colleagues. The next one will be in the Autumn.

3. **Chief Executive's Report (NEB 101 04)**

3.1 Marian Spain introduced her report and provided updates on topical items, highlighting three points at the outset:

- The refreshed Countryside Code Launch – noted that this is the start of a long campaign;
- HS2 licensing issue (Jones Hill) – provided further background on this case. The Board were informed that HS2 have primary legislative authority to construct the new line and Natural England's role is a very specific regulatory role necessarily focused on specific protected species. Marian also noted that the HS2 Minister's recent report to Parliament puts in writing that NE are undertaking a feasibility study into Net Gain for phase 2.
- Somerset Levels SSSI – updated the Board that the condition status is likely to change from unfavourable recovering to unfavourable declining.

3.2 Gamebird Releases

3.2.1 The Board asked about the consistency between Natural England's advice on controlled

gamebird releases on or around European sites and our advice on releases in the wider landscape. Marian Spain summarised the current approach and the links to current evidence (including from a recent joint study undertaken with BASC). Marian also updated the Board on some of the current legal background to this work.

3.2.2 Dr Tim Hill also noted the wider evidence backdrop – including the localised nature of negative impacts and the evidence of associated benefits for biodiversity from general woodland management associated with gamebird rearing and shooting.

3.2.3 The Board suggested discussing with Defra a process whereby NE could convene partners and stakeholders in the sector to come to a common understanding of good standards and practice.

3.2.4 The Board agreed that Chairman, Rosamund Blomfield-Smith, Michael Winter and Henry Robinson would meet with the executive to test the advice before it is signed off by the Chairman.

ACTION: Develop options for a leadership / convening intervention on the back of the Game Birds review. The aim would be to further develop a good model for shoots and an agreed view of best practice. (Alan Law)

3.3 Gull Licensing

3.3.1 The Board discussed the potential impacts of greater numbers of visitors to coastal towns this summer.

ACTION: Review proactive comms / handling around gulls licensing (Liz Newton)

3.4 Freeports

3.4.1 The Board agreed that it would be important to understand the operational linkages between Natural England and those involved in the development of Freeports – and to ensure pre-emptive engagement with key stakeholders including BEIS and MHCLG.

ACTION: Consider an operational risk related to the asks on Natural England related to Freeports. Plus consider options for pre-emptive engagement (Alan Law/Liz Newton)

3.5 Hen Harrier Action Plan

3.5.1 The Board requested a briefing on the current status of the Action plan considering the upcoming Southern re-introduction with a view to potentially reviewing the current actions.

ACTION: Provide a further immediate update to the Board on the progress of the Hen Harrier Action Plan (including on values/attitudes work). Consider whether there is a further role for NESAC and for a formal mid-point review. (Alan/Liz Newton)

3.6 Annual Report and Accounts (ARA)

3.6.1 The Board advised that the Chief Executive's statement in the forthcoming 20/21 Annual Report and Accounts should include the expression of Natural England's achievements

over the last year that have gone beyond 'just coping'.

ACTION: Develop Chief Executive ARA statement to include the positive achievements over the last year and consider how this is communicated more widely. (Ken Roy/Mick Oliver)

4. Business Planning 2021-22

4.1 Alan Law introduced the session – noting that the purpose for this iteration was to secure an overall sense check of the emerging position in advance of the presentation of the detailed Action Plan to May Board for formal sign-off.

4.2 Alan began by iterating that this remains a fluid situation in terms of budget allocations – and that some specific elements of the 21/22 financial settlement are not yet confirmed.

4.3 Abdul Razaq provided the Board with an update on the current detailed budget assumptions noting the expected overall increase in budget. Abdul confirmed that the delegation letter from Defra is not expected to conclude the budget position for the coming year and therefore planning will need to continue through Quarter 1.

4.4 Alan provided the Board with a high-level summary on the current state of play and made the following key points:

- There is a significant increase in capital expenditure – for example to invest in our NNRs (and their safety) and in the development of new sources of evidence;
- We have worked with Defra colleagues to agree a proportionate degree of flexibility over the aggregate of the allocated budgets to ensure we are able to deliver against the priorities that Ministers, and the Board have set;
- We will not cross-subsidise between different Director General budget allocations but will manage flexibly within those pots;
- We will ensure that we maintain investments that we have started to grow in this current financial year;
- There remains a challenge within our overall 21/22 budget given the need to absorb baseline cuts in several areas, as well as picking up responsibilities;
- We will apply flexibility by buffering some of the cuts to baseline in areas that are our statutory priorities, whilst trying to manage and adjust the scale of ambition that we apply to new areas of business;
- We are going to invest in change reforms and new systems that will enable us to make efficiencies between BAU and the new activities;
- There will be focused recruitment this year that will be managed in a way that avoids an impact on the way that we deliver against our objectives;
- There will be a significant shift in terms of moving more towards programme expenditure to move in line with our mission to work more in the role of creating partnerships that deliver nature recovery. This will require us ensure there is the right back office procurement systems in place to support that work;
- We are committed to a significant investment in change programme that will create allow us to operate more effectively.

4.5 Alan then provided the Board with a summary of the headline risks and activities that we will not be able to do under the new regime.

4.6 In discussion the Board:

- Welcomed the increase to the overall Natural England budget and recognised the challenge in resolving the issues and tensions that have emerged through what has

- been a complex business planning process;
- Requested assurance that the final settlement will allow Natural England to advance the organisation's agreed long-term outcomes;
- Advised that there needs to be clear transparency within the proposed 21/22 Action Plan -to enable the Board to understand where there are sufficient funds to deliver our outcomes and where there remain gaps;
- Requested a simple summary that describes the activities the organisation would no longer be able to deliver in 21/22;
- Cautioned on the risk of budget underspend in 21/22 and advised how that could be mitigated by programming ambitiously;
- Cautioned on the risks that may come from any reduction in our landscape designation activities;
- Noted the external need for clear statements on how we will be delivering our statutory and regulatory functions

4.7 Alan responded by providing reassurance that in terms of outcomes we will be investing more in NRN partnerships and priority recovery areas. We will also certainly be investing in tools that provide strategic solutions to our work with local authorities. In terms of accountability and transparency we will measure outputs against the allocated resource through the business planning process. Alan recognised the risks to our statutory activities and confirmed that we will be open and honest with our stakeholders to help them understand what we will be doing and how we want to work together in partnership.

ACTION: The Board agreed to meet before the next scheduled meeting in May and following receipt of the Ministerial letter on organisational priorities to interrogate the issues identified. The Board requested the one pager that would describe what we would no longer be funding alongside proposed messages to stakeholders. (Alan Law)

4.8 The Board commended the work that had been done on this year's round of business planning by Abdul Razaq, Ian Fugler, Sarah Dawkins and Rachel Hart.

5. Badgers and Bovine TB – current consultation on licensing changes (NEB 101 03)

5.1 Dr Tim Hill introduced the paper. Dave Slater joined to provide further detail. The purpose of the discussion was to provide an update to the Board on the current consultation relating to bTB licensing changes, to consult the Board to inform the formal consultation response and provide an opportunity for Board Members to offer views on the priorities for NE during this important transition period for the programme.

5.2 Tim provided an overview of the evidence-led approach that Natural England has taken in developing the draft consultation response. Tim noted that he has steered the Natural England response to be broadly supportive of the proposed way forward, whilst highlighting specific areas where further evidence would subsequently need to be gathered for government's new approach to succeed.

5.3 In discussion the Board made the following comments:

- Agreed the supportive approach to the response and welcomed it being well-argued, objective and evidence led;
- Noted the future risks related to the timing of any change in policy;
- Noted the conclusions were in line with the discussion and advice from NESAC following their meeting in December 2019;
- Suggested that we could offer some further detailed practical advice as to how the intended evolution of policy could best be achieved including what evidence gaps need to be addressed to support any desired changes in approach.

ACTION: Finalise and submit the consultation response (Dave Slater) and review external handling and further advice to government (Marian Spain / Tim Hill)

6. Governance Update (NEB 101 04)

6.1 Ken Roy introduced the paper. The purpose of the session was to request that the Board endorse the proposed refresh of the Board Retained Authority document for final legal review and publication; endorse the recommendations of the Board Effectiveness Review and provide steers on the handling of future Board Meetings.

6.2 In discussion the Board made the following comments:

- Endorsed the proposed refresh of the Board Retained Authority document, noting the value of the wider framing of the Board's role;
- Noted and approved the recommendations with regard the Board Effectiveness Review;
- Noted and commended the Board the level of support the Board receives;
- Agreed to the proposals for the ongoing planning of Board Meetings, including open sessions.

ACTION: Finalise the new Board Retained Authority document for publication on GOV.UK (Ken Roy)

ACTION: Implement the recommendations from the Board Effectiveness Review and the agreed actions re future Board handling (create a 21/22 Board Governance Development Plan) (Ken Roy)

7. The Marine Environment – the post designations landscape and Natural England's future role (NEB 101 05)

7.1 Alan Law introduced the paper, Jonathan Burney and Hannah Wood joined to participate in the discussion and add further points of detail.

7.2 Alan began by providing the background to NE's work in marine over the last decade, noting that the marine designations work is probably the biggest conservation achievement in England during that time. The network is now in place, but it is not yet as well managed as we would like it to be and evidence around the condition of the network and the wider marine environment is still not as full as we would wish it. In recent years we have seen a massive ratcheting up in terms of pressures on the marine environment for many, many different users. There are some real choices to be made on the vision for the marine environment, how we should be focusing our efforts and what our level of ambition should be.

7.3 Jonathan highlighted key areas of the paper including potential work areas that we have considered to be the most appropriate going forward and how we would need to be resourced to do so. Jonathan commented on the Fisheries Act and how it provided an enormous opportunity to work with Defra and partners to develop a sustainable, consistent approach to fisheries management. Jonathan commented on the huge amount of development that is taking place on the sea and the noted the opportunities for NE to work with developers, and with regulatory authorities to get a more strategic approach to spatial planning.

7.4 The Board offered the following comments:

- Noted the impacts of increased offshore wind energy production and how that may impact the marine environment;
- Commented that we do not currently have the marine spatial planning and mitigation toolset for the scale of development that is planned;
- Commented that strategic solutions needed to be in place before development takes place and advised that we can play a role by ensuring that the right evidence is gathered, the right tools are developed and then trialled, tested and integrated with policy;
- Commented that there is an opportunity to consider the interaction with terrestrial areas in places like estuaries which highlight the issues and linkages between land and sea (i.e. phosphate run off);
- Considered how NE can make the most of the opportunity to contribute to the development of a new marine vision and how we position ourselves in a way that is collaborative and supports Defra;
- Questioned whether there would be an exploration of any future vision for England or the whole UK.

7.5 Following the discussion, the Board provided Alan and Jonathan with a steer to pursue the proposals within the paper with ambition, noting the current opportunities and need to move with speed.

ACTION: Develop a proposition for how we move forward on the establishment of a wider marine vision (Alan Law)

8. NNR Declaration and De-declaration cases (NEB 101 06)

8.1 Richard Cornish introduced the paper, John Holmes and Matt Heard joined in support.

8.2 John began by providing background to all three cases. The request for the approved declaration Kingcombe NNR, a site already managed by Dorset Wildlife Trust, and at the heart of a high nature value landscape that provides excellent connection with nature for local communities and visitors. The request for the approved de-declaration of Fyfield Down NNR (Wiltshire) and Kingston Great Common NNR (Hampshire). These are both NNRs leased to Natural England where the leases are ending. Natural England will no longer have significant control of the land or management operations. Both are notified as SSSIs and remain protected.

8.3 John Holmes and Matt Heard gave the following comments on each site:

8.4 Kingcombe NNR

8.4.1 Described the site as an outstanding example of the sort of mosaic habitat that would have once extended over large parts of southern England and has remained as it would have found it at the turn of the 20th century;

8.4.2 There is a first-class visitor and education facility in the heart of the site which gives a great opportunity for people to enjoy that landscape.

8.5 Fyfield Down NNR (Wiltshire)

8.5.1 Confirmed that after extensive conversations and engagement on retaining the sites status the landowner has decided to terminate the lease;

- 8.5.2 Provided reassurance that the site has recently signed up to a new and very good countryside stewardship agreement that will go a long way to protecting the features, and improving management;
- 8.6 Kingston Great Common NNR (Hampshire)
- 8.6.1 Described the history of the site and for context the history of relationship with the owners who dispute the site's SSSI status and the validity of the lease;
- 8.6.2 Provided detail on the process for de-declaration and the move to a regulatory position because of the comments regarding the SSSI status.
- 8.7 The Board questioned whether there was any suggestion that the landowner for Fyfield Down NNR had any other plans for the site given its status as a SSSI. John replied that there is an ongoing relationship with regards improving the SSSI which the landowner aspires to improve alongside his commercial beef enterprise.
- 8.8 The Board questioned whether de-declaring Fyfield Down NNR would affect the Nature Recovery Network and discussed the legislation in this regard. John explained the distinctions between SSSI and NNRs and advised that NNRs build on the protected site status which will be maintained.
- 8.9 Navroza advised that in terms of the way in which the legislation is framed, once the lease is terminated the site will not be held by NE and will no longer satisfy the test in the legislation.
- 8.10 Richard Cornish re-assured the Board that there is not a large amount of similar cases where landowners are seeking to de-declare where the leases are expiring.
- 8.11 The Board questioned what proportion of NNR sites that NE owns outright. It was confirmed that NE owns two thirds of the sites.
- 8.12 The Board agreed pursuant to the relevant legislation to the declaration of Kingcombe NNR as an approved NNR and to the de-declaration of Fyfield Down NNR and Kingston Great Common as approved NNRs.

ACTION: Consider options for new Kingcombe NNR launch in Dorset with possible SoS involvement.

9. Chief Scientist's Report (NEB 101 07)

- 9.1 Dr Tim Hill introduced the report and Dave Stone joined to answer any points of detail.
- 9.2 Tim began by providing context and referencing the content of the two previous reports. Tim highlighted our use of research in collaboration and the examples of different types of partnership working that we've done. The report highlights our ambition to go beyond our capabilities and recognises that we really need to work and build relationships with a much wider range of partnerships, academics, researchers and other institutions.
- 9.3 The Board were then asked to provide any comments on the draft before it was published:

- Commended the report and its evolution from the first Chief Scientists report particularly the focus on partnership working and the diversity of how science and evidence are brought together in things like the People in Nature programme;
- Suggested adding more emphasis in the foreword on how science is going to provide innovative solutions to the competing asks that are placed on the natural environment;
- Suggested refreshing the images (where possible) within the report to reflect greater diversity;
- Following the technology focus of the second report, suggested a future feature that offers a vision and inspiration around how a combination of some of the technical advances could revolutionise and transform our work on nature recovery;
- Suggested considering edits to the report that would help a reader who was not familiar with NE and our work to understand how the examples described fitted with the broader context of our work.

9.4 Tim thanked the Board for their comments and reflections, particularly noting the ask for greater EDI representation in NE image library more generally. He reflected on the comments and committed to finalise and publish the report having amended aspects as suggested.

ACTION: Finalise the 2021 Report and publish (Tim Hill)

10. Future ways of working (NEB 101 08)

10.1 Ken Roy introduced the paper, Gill Kerr and John Holmes joined to participate in the discussion. Ken reflected that similar conversations were currently being had by the Boards and senior leadership teams of organisations throughout the world.

10.2 The Board was asked to note the overall approach that Natural England intends to take in steering future ways of working that helps us deliver our business. This will be a balanced approach (involving office, home and wider-based working) building on the long experience of flexible working and recognised that, at heart, Natural England is, and needs to be, a place-based organisation.

10.3 The Board discussed and made the following comments:

- Endorsed the overall approach;
- Noted the importance that our overall suite of approaches maintained and increased inclusivity;
- Requested that we continue to track the environmental implications (e.g. in terms of carbon accounting);
- Cautioned on the cybersecurity risks that come with increased levels of home-based working.

10.4 The Board agreed that the organisation's ways of working need to be focused on the organisational mission and the long-term outcomes we are working to secure.

11. Forward Look (NEB 101 09)

11.1 The Board noted the schedule of future meetings and briefing sessions.