



Natural England Board

Confirmed minutes of the 107th Natural England Board meeting: 19 January 2022

Board Members Attending	
Dr Tony Juniper, Chairman	Kerry ten Kate
Lord Blencathra, Deputy Chairman	Professor Michael Winter
Rosamund Blomfield-Smith	Kim Shillinglaw
Dr Andy Clements	Peter Unwin
Catherine Dugmore	Dr Clare Fitzsimmons
Executive Team	
Marian Spain, Chief Executive (and ex-officio Board Member)	Navroza Ladha, Chief Officer Legal, Governance and External Affairs (LGEA)
Alan Law, Chief Strategy	Gleny Lovell, Chief Officer Business Management & Change
Dr Tim Hill, Chief Scientist	Oliver Harmar, Chief Operations Officer
Guests	
David Hill, Director-General Environment Rural and Marine Defra	Ken Roy, Director Corporate Governance
Paul Leat, Defra Communications	Mick Oliver, Chief of Staff, Legal & Governance
Abdul Razaq, Director of Finance - Defra Group Finance	Graham Tibbetts, External Affairs
Sarah Dawkins, Transformation Director	Dawn Metcalfe, Governance (minutes)
Amanda Craig, Connecting People with Nature, Director	Richard Broadbent, Head of Legal Services
Cheryl Willis, Connecting People with Nature,	Ian Fugler, Director, Business Planning and Performance
Claudia Chambers, Director Spending Review	Rachel Williams, Area Manager, Wessex
Steph Bird-Halton, Area Manager Northumbria	Dagmar Junghanns, National Nature Reserves national lead

Apologies: Henry Robinson (Board Member)

1. Welcome from the Chairman and Declarations of Interest

1.1 The Chairman welcomed the Board to the 107th meeting. The connection was checked with those joining remotely via the video feed and attendees confirmed satisfactory connections.

1.2 Kerry ten Kate asked that the Register of Interests be updated to reflect her membership of 'Finance Earth'.

- *Action: Legal and Governance Team to update the Register of Interests details of Kerry ten Kate*

2. Review of November 2021 Minutes and Matters Arising (NEB 106)

2.1 The minutes of the 106th Natural England Board meeting of 10 November 2021 were approved.

2.2 There were no comments on the matters arising or on actions carried forward from previous Board meetings.

- *Action: Legal and Governance Team to publish the approved minutes for November.*

3. Board Sub-Group Updates

Audit, Risk and Assurance Committee (ARAC)

3.1 Catherine Dugmore noted that ARAC had met on 13th December and had reviewed the potential business disruption risks faced by Natural England, including the ongoing impacts of Covid-19, the potential industrial action by NE staff and the recent asks on Natural England to provide support to APHA in their work related to Avian flu. ARAC also noted wider risks being managed within the business including ongoing recruitment and procurement challenges. The Committee also received updates on longer term matters including the review of accounting policy with regard to heritage assets and the development of a new version of the Natural England Framework Document.

3.2 The Board noted:

- That operational impacts (for example from Covid) were currently moderate.
- The continuing challenges with the pace and scale of staff recruitment, onboarding and induction.
- The importance of the continued focus on assessing levels of stress within the organisation and commended the work within the current 'deep dive' which will be reviewed by the executive team shortly.
- The importance of a more detailed and dynamic view of delivery challenges – by business area and by geography – and welcomed the work led by Oliver Harmar on this challenge and on the longer-term model for delivery teams.
- The value of a fit for purpose Framework Document – to capture key priorities and values (e.g. with regard to Equality, Diversity and Inclusion (EDI)) and to enable more collaborative working within Defra Group.

Natural England Science and Advisory Committee (NESAC)

3.3 Dr Andy Clements reported that NESAC had not met since the last Board. In December the Board had considered and accepted NESAC's scientific advice to continue with the southern re-introduction of Hen Harriers.

3.4 Kerry ten Kate and Andy Clements had oversight of Biodiversity Net Gain (BNG) developments in advance of NE inputting to Defra's consultation.

3.5 The Social Science panel had met on 17th January, a note would be included in the next

NESAC report.

Remuneration Committee (RemCom)

3.6 Peter Unwin reported that RemCom had met on 23rd November and noted three issues:

- Prospect ballot.
- Equal pay / gender pay gap – noted progress had been made.
- Pay flex case.

3.7 The Board flagged up potential staff concerns regarding inflation and considered whether all possible action was being taken to recognise staff efforts. It was noted that the In Year Reward scheme had been well utilised, with the majority of the agreed budget having been allocated already.

Joint Nature Conservation Committee (JNCC)

3.8 Professor Michael Winter reported on a JNCC engagement event on monitoring in December which had considered a draft science and evidence strategy and the volunteer service. An observer programme was being developed to improve understanding of the Committee.

3.9 Lord Blencathra requested that JNCC provide a briefing in due course on government view of CBD* COP15 (*Convention on Biological Diversity). Chair noted that he would discuss when he next met with Katrina Williams and Andrea Ledward of Defra.

Natural England Landscape Advisory Panel (NELAP)

3.10 Rosamund Blomfield-Smith explained that an impressive list of panel members for NELAP had been secured and an induction meeting was to be held the next week. Sarah Mukherjee had been confirmed as Co-Chair and the list of panel names would be shared shortly along with external communications.

4. CEO Report NEB 107 01

4.1 Marian Spain presented her report and noted the expectation of two imminent announcements - on management arrangements for Environmental Land Management (ELM) pilots and on the Species Re- Introduction Taskforce.

4.2 MS provided more detailed updates on the following topics:

- Nutrient Neutrality: Marian Spain noted that advice to Defra to be launched in mid-February to allow time for conversations with Department for Levelling Up, Housing and Communities first. David Hill flagged up Ministers Pow and Pincher's effusive praise for NE's work on the toolkit. The Board formally acknowledged and thanked Mel Hughes and her team for their work on this topic.
- Finance: Marian Spain noted the challenges of managing a growing organisation and the consequent budget situation. Defra Procurement difficulties were aired, noting the impact on delivery. Abdul Razaq flagged the two finance main risks being monitored were (i) the amount of programme budget yet uncommitted and (ii) significant land purchases scheduled for Q4. Delivery Committee were to consider these risks later that week.

4.2 The Board queried how best to address the procurement issues and what flexibility existed in the budget regarding allocation. David Hill acknowledged the challenges with the Defra

Group Corporate Services model adding that he was due to meet with Sarah Homer to discuss the issue and it would be useful for Marian Spain to join that conversation.

- 4.3 Gleny Lovell explained that, as part of the recent recruitment programme, thousands of interviews had been conducted which had significant impacts on the organisation but should result in being in a better staffing position for start of next financial year. Alan Law summarised the budget flexibility which had been agreed within (not across) Defra DG budgets.

5. Business Planning (for 22/23)

- 5.1 Alan Law and Caroline Cotterell provided an overview the approach being taken in seeking to negotiate an ambitious but deliverable plan for 22/23 (the first year of the three-year Spending Review period).

- 5.2 The Board noted the importance of learning lessons from the planning processes in previous years and flagged concerns relating to pressures on future budgets (for example with regard to current and future inflation).

- 5.3 The Board also discussed the need for further investment in Management Information to allow the Board (and the Executive Team) to track the in-year progress of what was likely to be a challenging programme of work.

- *Action: Oliver / Gleny to develop a documented proposition re clearer planning and delivery MI to enable the Board to carry out their scrutiny role over the coming three years.*

- 5.4 Kerry ten Kate flagged specific risks regarding SSSI delivery – noting the ongoing discussions with the department about efficiency savings in this and in other areas of activity.

- *Action: Marian / Alan to bring back a more strategic set of options re further investment in SSSIs and to involve the Board in that thinking.*

6. Natural England's Inclusion Strategy

- 6.1 Gleny Lovell introduced the session then Amanda Craig presented the paper supported by Cheryl Willis and Sarah Dawkins asking the Board to provide a steer/comment on: (a) the role of NE as a leader in this area; (b) the Board level strategic approach; (c) reflections on the previous evening's stakeholder discussion.

- 6.2 Board Members were unanimous in highly complimenting Amanda Craig and her team for the stakeholder session the previous evening, describing it as a 'great, open, collaborative space' and 'an amazing session'.

- 6.3 The Board discussed the merits and options around:

- Full Colour's planned road map for change.
- Green jobs for nature website (noting opaqueness of environment career paths).
- Regenerating the Mosaic Project.

- Board education/training on EDI (noting the need for reputable supplier).
- EDI champion.
- Targets (pros and cons versus immediate action).
- The wider cultural context and challenges.
- The scope for using NELAP to steer some activity.
- Staff survey results (queried comparison with other organisations).
- Importance of role models and speaking the truth of experiences, differences, and vulnerabilities.
- Recruitment *and* retention issues.

6.4 Chair summed up the key points from the conversation:

- The centrality of research and data in addressing this challenge.
- The importance of sustainable resourcing.
- The priority of looking for short term actions that could be instigated to build momentum, e.g., regenerate Mosaic or create a new initiative, possibly submit a lottery bid, finding the best possible platforms for action.
- The need for continued work to address the recruitment issues, including how to grow the academic pipeline.
- The commitment to continued training / awareness building for Board Members and for ongoing focus on ways to increase Board diversity.
- The need to reflect on how to use targets most effectively.
- The recognition of the wider context – looking outside NE for ways to collaborate across Defra Group for resource efficiencies.
- The criticality of establishing more role models and increasing their visibility.
- The recognition that not all roles across the organisation relate to environmental specialisms and there may be quicker opportunities to increase diversity in some non-specialist parts of the business.
- *Action: Amanda Craig to work with LGEA to develop proposals for Board awareness session to develop Board confidence (short term)*
- *Action: Gleny to develop proposals to share with the Board re further factual targets and statistics to capture and track the delivery of our ambition on inclusion*
- *Action: Alan to commission further evidence gathering (including on what could be learned from previous work such as Mosaic) and possible alternative practical interventions*
- *Action: LGEA to schedule a follow up Board stakeholder session (focused on diversity and inclusion) in 12-18 months' time.*

7. Cotswold Water Park SSSI Lessons Learned Exercise

7.1 Oliver Harmar introduced the paper and highlighted the three key questions / issues for the Board to consider:

- Strategic question: Have we the correct strategy/framework in place to be able to determine whether SSSI the correct tool in a given situation?

- The need to tighten up and formalise the approach, including a risk-based triage to ensure the correct skills and leadership are in place to support decision making at each stage of the process.
- The need to ensure the right experts and training is available to support the Board; and ensure complex cases are appropriately articulated to ensure Board can provide appropriate assurance.

7.2 The Board discussed the following points:

- The importance of ensuring Board scrutiny and independence of decision making from the Executive. The Board noted the value of the clear separation of functions as referenced by courts.
- The risk of over complicating the process (e.g. by adding further formal layers of pre-scrutiny).
- The continued importance of investing in stakeholder engagement – and in ensuring local teams have a full understanding of stakeholder perspectives, drivers and interests.
- The need for better communication to potential objectors on the legally-defined scope of Board decision – confirming that the decision must be taken on a scientific basis, not social or economic.

7.3 Chair summarised key points as:

- We should be proportionate in responding to the lessons learned through this case.
- NE is science led, but need to work with people to effectively communicate the science.

7.4 The Board asked that its thanks to Richard Broadbent be formally recorded, for all of his critical work within the organisation over the last 10 years.

8. Somerset Wetlands NNR

8.1 Chair reminded the Board that this was a place of enormous conflict 30 years ago but was now being proposed as a super nature reserve. Oliver Harmar presented the papers, supported by Rachel Williams (Area Manager for Wessex) and Dagmar Junghanns (national lead for NNRs).

8.2 The Board were appraised on how the proposal aligns with NE values and its strategic importance. The Board were asked to support the declaration and two new approved bodies to manage the land: The Wildfowl and Wetlands Trust (WWT) and The Hawk and Owl Trust (H&OT). It was noted that the H&OT still had some internal governance processes to conclude, and the Board were asked to consider the proposition, pending those steps being satisfactorily addressed.

8.2 It was noted that the super NNR would bring together existing and new reserves. It would elevate and strengthen the partnership and shared vision for that landscape, manage

resources efficiently and serve the public. The links to the planned Festival of NNRs was also described.

8.3 The Board were enthusiastic about the proposal, points discussed were:

- Stakeholder management regarding impacted land.
- Reasons why additional areas to join up to the coast were not included.
- Challenges of the impact of farms upstream within the catchment.
- Use of Peatland Discovery Fund and other opportunities for funding.

8.4 Summarising, Chair confirmed that the Board strongly supported the proposal, pending detailed confirmation of resolution of the outstanding process by the H&OT. The Area Team were commended on rising to the challenge of this flagship initiative which incorporates the Lawton principles.

- **Action:** *Oliver to complete the actions to implement the creation of the Somerset Levels NNR – including confirming the recommended approved bodies (subject to detailed confirmation from H&OT) and then to schedule an agreed announcement.*

9. Board Forward Look

9.1 Ken Roy noted that the Governance Team would continue to review the format of the meeting, retaining the option of hybrid meetings for at least the next few months. It was noted that the February Board meeting is scheduled for York; and March is for London. Thereafter we will look to return to meetings linked to visits and stakeholder engagement sessions.

9.2 Board noted thanks for the technical support for the recent suite of hybrid (and public) meetings and agreed the proposed planning assumptions for the remainder of the 2022 programme.