

Board Meeting

Minutes of the **109th Natural England Board** meeting held on Wednesday 4 May 2022 at RSPB Saltholme, TS2 1TU

Attending

Dr Tony Juniper	Chair
Lord Blencathra	Deputy Chair
Rosamund Blomfield-Smith	
Dr Andy Clements	
Catherine Dugmore	
Henry Robinson	
Kerry ten Kate	
Professor Michael Winter	
Kim Shillinglaw	
Peter Unwin	
Dr Clare Fitzsimmons	

Executive Team

Marian Spain	Chief Executive (and ex-officio Board Member)
Edel McGurk (deputy for Alan Law)	Director Legislative Reform
Dr Tim Hill	Chief Scientist
Navroza Ladha	Chief Officer, Legal, Governance and External Affairs
Gleny Lovell	Chief Officer, Business Management and Change
Dr Oliver Harmor	Chief Operations Officer

Guests

David Hill	Defra, Director General, Environment Rural and Marine
Ken Roy	Director, Corporate Governance
Jane Piccaver	Defra Group, Finance
Mick Oliver	Chief of Staff, Legal and Governance
Jen Garrett	Defra, Business Partner (HR)
Paul Leat	Defra, Business Partner (Communications)
Laura McDixon	Manager, Health & Safety
Andy Smith	Director Operations (North)
Helen Kirkby	Area Team Manager, Cumbria
Dagmar Junghanns	Principal Adviser, National Nature Reserves
Ginny Hinton	Area Manager, Cheshire to Lancashire
Simon Webb	Lead Adviser, Upland Land Management
James Markwick	Principal Adviser, Strategy
Matt Heard	Head of Legislative Reform
Caroline Cotterell	Director, Resilient Landscapes and Seas
Jo Traill-Thomson	Principal Adviser, Local Nature Recovery Strategies
Anna Collins	Senior Adviser, Local Nature Recovery Strategies

Item 1 Welcome from the Chair and Declarations of Interest

- 1.1 The Chair welcomed the Board, Executive and guests to the 109th Board meeting.
- 1.2 Declarations of interest: there were no new declarations of interest.

Item 2 Review of March 2022 Minutes and Matters Arising

- 2.1 The Board requested that the figures in paragraph 8.5 should be checked and confirmed.
- 2.2 The Board approved the minutes, subject to these amendments.
Action: Governance Team
- 2.3 In relation to Matters Arising the following comments were made:
- The Defra and NE class licences for bTB vaccinations should be completed shortly and expect to be formally launched in the bTB moment planned for the end of May.
 - Following the Board's decision to declare the Somerset Levels NNR as a super NNR in January in principle pending resolution of the internal process of the Hawk and Owl Trust (H&OT) on it becoming an approved body, it was noted that this had now been resolved and the declaration of the Somerset Levels super NNR has now been completed.
- 2.4 With reference to the latter matter, the Board thanked Henry Robinson and Natural England staff for their support in working with the H&OT.
- 2.5 The Board noted the NESAC paper on freshwater issues would be discussed during the meeting.

Item 3 Board Sub-Group Updates

3.1 Audit, Risk and Assurance Committee (ARAC)

Catherine Dugmore updated the Board on the most recent meeting and ARAC's work at the end of Q4. The update included:

- The ongoing work of ARAC in providing scrutiny and challenge for the governance, assurance and risk management being put in place around major new programmes of work – including Biodiversity Net Gain and the Landscape Recovery Programme.
- The planned evolution of reporting to ARAC including provision of a more simplified dashboard of organisational performance / compliance against the requirements in the Assurance Plan.

3.1.1 Marian Spain provided further input on the following topics:

- Vacancy issues
- Work related stress
- Green Paper

3.1.2 The Board noted that 23% of the 21/22 budget had been spent in March. Marian Spain commented that some of this pattern related to land purchases but nonetheless the organisation was keen to learn lessons from this year and ensure a smoother spending profile.

3.1.3 The Board noted:

- The increase in 21/22 of land purchases.
- The need for better business cases and reporting processes to ensure more detailed future oversight of the spend profile.

3.1.4 The Board agreed that ARAC will stand over a lessons learned session (at the June meeting) with regards to the 21/22 spend (looking at final outturn and cross-year profiles).

Action: Gleny Lovell / Ken Roy

3.2 Natural England Science Advisory Committee (NESAC)

3.2.1 Dr Andy Clements briefed the Board on the most recent NESAC meeting which covered:

- The social science studies conducted on cultural shifts associated with becoming a fully evidence-led organisation as described in NE's Science, Evidence and Evaluation Strategy.
- Biodiversity Net Gain.

3.2.2 Tim Hill noted that Defra have flagged a specific evidence issue related to how to reach the best decisions in certain habitats about the balance between tree planting and provision of suitable habitat for ground nesting birds. The Board agreed that NESAC should undertake an assessment of evidence and report back in November.

Action: Tim Hill

3.2.3 The Board suggested that the "right to roam" issue should be on the forward look for future consideration by the Social Science Expert Panel (SSEP) noting the links to related work within the Connecting People with Nature Programme.

Action: Tim Hill

3.3 Remuneration Committee (REMCOM)

3.3.1 Peter Unwin provided an update on:

- Payment issues.

- People issues.

3.3.2 The Board advised the Terms of Reference for RemCom should be refreshed to capture a broader remit, encompassing non-executive oversight of the delivery of the wider People Strategy.

Action: Gleny Lovell / Ken Roy

3.4 Joint Nature Conservation Committee (JNCC)

3.4.1 Lord Blencathra provided a brief update on the JNCC's four country report and confirmed that the minutes and reports will be shared with Board Members.

3.4.2 Marian Spain confirmed that the JNCC's response to the Green Paper will also be shared with Board Members.

3.5 Natural England Landscape Advisory Panel (NELAP)

3.5.1 Rosamund Blomfield-Smith updated the Board on the first formal NELAP meeting.

The Panel discussed the Glover Report and focussed on access to nature

3.6 Other updates: BNG Task & Finish Group update

3.6.1 Kerry ten Kate reported on the Roadmap for the Biodiversity Net Gain (BNG) system and agreed to be point of contact for the Strategy team. The Board noted and thanked the BNG Task & Finish group that had successfully completed its remit.

Item 4 Chief Executive's Report

4.1. Marian Spain presented her report to the Board. Marian gave detailed updates on the following topics:

4.2. **Nutrient Neutrality:** Marian updated the Board on the ongoing work of Natural England in working closely with Local Authorities to advise them and to support solutions in areas where this is a recognised challenge.

4.3. The Board noted that ongoing communications and engagement were going to be critical

4.4. **Pay reform:** The Board commended Marian Spain and the Executive on their effort in assessing and navigating a difficult set of choices.

4.5. Noting the wider context regarding cost of living the Board asked for re-assurance on lower pay levels. Marian provided re-assurance that NE staff remuneration was always above the levels of the national and living wage.

- 4.6. Marian then provided an update on recruitment. The number of applicants applying for most roles remains very high – indicating that despite pay issues, Natural England continues to be an attractive place to work for a range of external candidates.
- 4.7. **Ways of working:** Marian updated the Board on the next steps in the move from home-based working during the times of Covid restrictions and towards a more sustainable hybrid approach.
- 4.8. Oliver Harmar summarised the Q4 Performance position and highlighted the following:
- Performance has remained steady over the last 2 years.
 - 22 out of 28 KPIs are recorded as Green Green/Amber.
 - We have seen a 20% increase in the size of the organisation (aligned to specific areas of new investment agreed with Defra).
- 4.9. Oliver Harmar noted the work to further evolve the performance framework which will see:
- Moving into a shorter and simpler set of metrics.
 - Further prioritisation of the KPIs within-year.
- 4.10. The Board agreed that this is the best Performance Indicator summary so far and noted the outstanding work that had taken place to meet the Sites of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) targets.
- 4.11. The Board requested that future reports encompassed enhanced management information on stress levels and on the links to hybrid working.
- 4.12. Navroza Ladha provided an update on key legal cases.
- 4.13. Marian Spain also provided an update on licensing issues.

Item 5 Health and Safety Action Plan (Q4 report)

- 5.1 Oliver Harmar presented with support from Laura McDixon.
- 5.2 Oliver provided a verbal update on the tragic death of a sub-contractor who died whilst working in Frostenden NNR.
- 5.3 Oliver confirmed that ongoing support has been given to staff members that have been affected. The Health and Safety Executive investigation is ongoing. Oliver Harmar confirmed NE would be looking at how our own H&S procedures could be improved and optimised following the incident.)
- 5.4 Oliver then updated the Board on an incident at Lady Park Wood NNR that highlighted issues on risk assessments and incident reporting.

5.5 Laura McDixon summarised the priorities for the organisation's Health and Safety work in 22/23, setting out the specific emphasis on culture and on assurance.

5.6 The Board:

- Commended the support that had been given to staff involved in the recent incidents and advised that this should continue.
- Supported and endorsed the proposed cultural shifts.
- Re-iterated the importance of the process to record near misses, as this will encourage and reflect the culture of H&S within the organisation.
- Agreed with and endorsed the Action Plan.

Item 6 Proposed NNR declarations

Wild Ennerdale

6.1 Oliver Harmar introduced the session. Andy Smith, Helen Kirkby and Simon Webb joined to provide further detail.

6.2 Helen Kirkby described the excitement and work involved with Upland work, the sites international profile and what can be achieved working in partnership.

6.3 Simon Webb highlighted and commented on the implementation of the refreshed NNR strategic priorities and on the positive engagement with partners at Wild Ennerdale

6.4 The Board commented on the quality of the presentations from Helen, Andy and Simon, and the work of partners in Ennerdale as an exemplar of partnership working.

6.5 The Board approved (1) declaration of Wild Ennerdale as a new NNR; and (2) the Approved Body as United Utilities Group Plc.

Flashes of Wigan & Leigh

6.6 Amanda Wright introduced the discussion, with support from Ginny Hinton who joined to provide further detail.

6.7 Ginny highlighted the industrial and post-industrial areas of the wetlands in this area, which is close to 2.8 million people who live nearby. There are 800 hectares of sites providing habitat to 2% of the national willow tits population which is growing rapidly alongside other breeding bird communities and wintering wildfowl.

6.8 Ginny described how the site connects the community with nature. The area team, partners and community are very excited in having this 'fresh' site.

6.9 The Board commented on the fantastic example of levelling up and the quality of papers and evidence, and the level of involvement of the local community.

- 6.10 The Board noted the importance of access and connecting people with nature and asked what facilities there were to bring people from urban communities into nature.
- 6.11 Amanda responded that Wigan Borough Council, as one of the approved bodies, is planning to improve and build visitor facilities, there will be something at both ends of the NNR and the planning is far ahead.
- 6.12 The Board approved (1) declaration of the Flashes of Wigan and Leigh as a new NNR; and (2) The Wildlife Trust for Lancashire, Manchester and North Merseyside, and Wigan Borough Council as Approved Bodies.
- 6.13 The Board commended leadership offered by Dagmar Junghanns and the National Team.

Item 7 2022/23 Natural England Action Plan

- 7.1 Edel McGurk, Oliver Harmar and Gleny Lovell introduced the paper and Heather Rennie joined to provide further details.
- 7.2 The Board were asked to:
- Support the content of 2022/23 Action Plan to deliver NE outcomes.
 - Support the Action Plan for communication with staff, (selected) external stakeholders and publication on gov.uk once it has been finalised.
 - Advise on how they would like to assure delivery of the plan through the Board Quarterly performance reporting and scorecard process.
- 7.3 The Board strongly welcomed the Action Plan.
- 7.4 The Board were advised on next steps. The Chief Executive will sign off the Action Plan after incorporating any changes following the meeting.

Item 8 Green Paper Response

- 8.1 Edel McGurk introduced the discussion. Brad Tooze, Matt Heard and James Markwick joined to provide further details.
- 8.2 The Board welcomed the draft response and noted the importance of emphasising an integrated approach to achieving environmental outcomes in places.
- 8.3 The Board noted the submission deadline on the 11th of May 2022 and agreed that Chair will sign off the response with support from Kim Shillinglaw.

Item 9 **Local Nature Recovery Strategies**

- 9.1 Caroline Cotterell introduced the proposed roll-out of Local Nature Recovery Strategies (LNRS) and Jo Traill-Thomson and Anna Collins joined to provide further detail.
- 9.2 Caroline advised that LNRSs represent a huge opportunity to recover nature. They put local authorities and the communities they represent at the heart of planning nature recovery. Defra are drafting regulations and statutory guidance to guide LNRS production, and Natural England is expected to play a key role across the Defra Group in supporting their effective roll out.
- 9.3 The Board:
- Agreed that LNRS are a vital tool, and that Natural England must provide active support.
 - Noted NE's proposed role, while agreeing a formal dispute resolution role would not be appropriate.
 - Asked for re-assurance on the scale of resourcing possible (one senior member of staff per each Responsible Authority).
 - Asked for more insight into the planned governance for this work.
 - Suggested the need for continuing prioritisation, seeking to pick specific localities where there could be early demonstration of success.
- 9.4 Marian Spain:
- Clarified the approach for executive oversight of the work.
 - Noted the opportunity and need for prioritisation of work across the suite of English Authorities and the current view that assigned resources would be adequate for this year's work.

Item 10 **Forward Look**

- 10.1 Ken Roy led the Board through the forward look of meetings and arrangements for the following year.
- 10.2 The Board noted continuation of the current approach for future meetings where the expectation was that all core attendees would attend in person with the option for remote access for presenters covering individual items.
- 10.3 In closing remarks, the Board commented that it had been an excellent meeting with high quality papers, presentations, and discussions. The Board recognised the work undertaken to organise the stakeholder dinner, site visit and meeting.