



Board Meeting

Minutes of the **Natural England** Board meeting held on 27th July 2022

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	
Dr Clare Fitzsimmons	

Executive Team

Marian Spain	Chief Executive (and ex-officio Board Member)
Alan Law	Deputy Chief Executive
Navroza Ladha	Chief Officer, Legal, Governance and External Affairs
Gleny Lovell	Chief Officer, Business Management and Change
Jen Almond (deputy for Oliver Harmar)	Director, National Operations
Ruth Waters (deputy for Dr Tim Hill)	Director Evidence

Guests

David Hill	Defra, Director General, Environment Rural and Marine
Karen Hetherington	Defra, Communications
Ken Roy	Director, Corporate Governance
Abdul Razaq	Defra Group – Director of Finance
Adelle Rowe	Director, External Affairs
Mick Oliver	Chief of Staff, Legal and Governance
Ian Fugler	Director, Business, Planning and Performance
Laura McDixon	Manager, Health & Safety team
Caroline Cotterell	Director, Resilient Landscapes and Seas
Ben Fraser	Principal Adviser, Protected Sites Team
Dawn Metcalfe	Principal Adviser, Governance
Matthew Wood	Senior Adviser, Governance (minutes)

Apologies

Peter Unwin

Board Member

Dr Tim Hill

Chief Scientist

Oliver Harmar

Chief Operations Officer

Item 1 Welcome from the Chair and Declarations of Interest

- 1.1 The Chair welcomed the Board, Executive and guests to the 111th Board meeting.
- 1.2 The Chair noted that Andy Clements has been appointed as Chair of the Species Task Force and asked that this be included in the register of interests.
- 1.3 Catherine Dugmore confirmed that she is now a Board Member for Housing 21.

Item 2 Review of June 2022 Minutes and Matters Arising

- 2.1 The Board approved the June minutes, subject to minor amendments.
Action: Governance Team
- 2.2 The Board agreed that Board actions should have attributed target dates for completion.
Action: Governance Team

Item 3 Board Sub-Group Updates

- 3.1. Audit, Risk and Assurance Committee (ARAC)
- 3.2. Catherine Dugmore provided updates on the following topics discussed at June's ARAC meeting.
 - Effectiveness review of ARAC.
 - Annual Report and Accounts.
 - The role of ARAC to provide scrutiny to the Nutrient Neutrality scheme.
- 3.3. Catherine flagged the potential risk that procurement issues could have on delivery.
- 3.4. Natural England Science Advisory Committee (NESAC)
- 3.5. Andy Clements referred to the Biodiversity Net Gain (BNG) paper that was considered by NESAC.
- 3.6. Andy provided a verbal update on the last NESAC meeting which included:
 - A discussion with a range of stakeholders on BNG and irreplaceable habitat guidance.

- A session on Science and Evidence Strategy and culture within the organisation, working with the University of Cambridge.
- Future Systems and Innovation team update.
- Trees and Waders advice.

3.7. Natural England Landscape Advisory Panel (NELAP)

3.8. Rosamund Blomfield-Smith confirmed that the next meeting will take place in September.

3.9. Joint Nature Conservation Committee (JNCC)

3.10. Lord Blencathra provided an update on the most recent meeting with reference to the impact on sea bird populations from Highly Pathogenic Avian Influenza (HPIA) and requested a written briefing on the current situation.

Action: Tim Hill/ Ruth Waters

3.11. Chair updated the Board on the joint nation meeting and discussions on input for the next Conference of Parties (COP) meeting in Montreal.

Item 4 Chief Executive's Report

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

- The publication of Natural England's Action Plan (22/23).
- The Beaver Statutory Instrument (SI) and NE's wider licensing function.
- Pacific Oysters.
- Nutrient Neutrality. The Executive agreed to consider the addition of a Performance Indicator (PI) to the Report to enable progress to be reported to the Board and Defra through usual the reporting process.

Action: Alan Law

- Pay Award.

4.2. Jen Almond provided an update on the COO Report, reporting on performance across the whole organisation and focused on highlights and exceptions.

4.3. Jen confirmed that the indicative performance ratings overall are positive, but it was noted that we are early in the delivery cycle.

4.4. Jen confirmed that the Delivery Committee has considered what action can be taken to alleviate the procurement issues and confirmed that operational teams are working closely with the legal team on ways forward.

- 4.5. Catherine Dugmore, as Chair of ARAC, endorsed pursuing alternative actions with procurement and advised that this must be managed with appropriate monitoring and testing of risk at ARAC.

Action: Gleny Lovell

- 4.6. Abdul Razaq confirmed the consequent risks of underspend to the Board.

- 4.7. Marian Spain then provided an updates on recruitment, pay, legal issues and complex casework.

- 4.8. The Board expressed thanks to the communications team for the communications report and suggested more should be done to promote the National Nature Reserve (NNR) festival.

Action: Adelle Rowe

Item 5 Corporate and Operational Risks

- 5.1. Gleny Lovell presented the Board with the Corporate Risks for 2022/23. The Board were asked to note and comment on the current risk profile and mitigation measures.

- 5.2. Gleny asked the Board to note that the risk on procurement capacity has been escalated to Defra's Executive Committee (ExCo).

- 5.3. Catherine Dugmore raised concerns regarding staff capacity and capability, in particular capacity at a senior level.

- 5.4. The Board asked for the evidence risk to be unpacked and updated for a deep dive at November's Board meeting

Action: Gleny Lovell / Tim Hill

- 5.5. David Hill advised that individual requests from Defra policy teams (for additional work) should be flagged to either him or Edward Barker.

- 5.6. Gleny agreed to review the format of the regular risk papers to focus on deeper dives on individual risks rather than focusing on the overall register.

Action: Gleny Lovell / Ian Fugler

Item 6 Health and Safety update

- 6.1 The purpose of the session was to provide the Board with an opportunity to review progress against the 22/23 Action Plan for Quarter one, a progress update on actions relating to incidents at Lady Park Wood and Frostenden, and incident statistics summary for quarter one.

- 6.2 Jen Almond provided the Board with a high-level summary of Health and Safety (H&S) activity. Jen highlighted that the focus for the team has been on raising the profile of the work area within the organisation and rolling out training to new staff.
- 6.3 Laura McDixon took the Board through the progress on recent significant incidents and detailed how staff have been supported and lessons learned have been implemented.
- 6.4 The Board welcomed the paper and approved the focus on H&S. The Board noted that a quarter of staff have not received bespoke H&S training and agreed that it must be an overriding concern that all staff have the required training for the activities that they are likely to undertake. Laura confirmed that training is being delivered at pace and this will be completed by the end of September.
- 6.5 The Board gave a strong endorsement of the direction of travel in this area and made it clear that keeping people safe is the most important issue for the organisation.
- 6.6 The Board asked the team to consider how the Board and Executive should reinforce to the organisation messages on the critical importance of H&S and how it must be a key part of any contract decisions. The Board offered to provide help and leadership in communicating the importance of good practice.
Action: Jen Almond / Laura McDixon
- 6.7 The team (with support from Legal) were asked to consider Natural England's insurance liabilities regarding the England Coastal Path, National Nature Reserves and National Trails and to clarify the rules regarding insurance and contingent liabilities.
Action: Jen Almond / Laura McDixon / Navroza Ladha

Item 7 Annual Report and Accounts

- 7.1 Abdul Razaq asked the Board to give final clearance of the Annual Report and Accounts (ARA) 2021/2 and delegate to the Chair of ARAC to oversee the issues relating to heritage assets.
- 7.1 Abdul gave the Board key highlights from the financial statements and confirmed that the organisation had delivered to 0.1% of the forecast on revenue.
- 7.1 The Board were asked to review the schedule of contingent liabilities and raise any concerns with the Chief Officer for Legal and Governance.
- 7.1 The Board approved the proposal that Catherine Dugmore (as Chair of ARAC) would stand over the review of the final document and provided a steer to the

CEO that it may be appropriate to accept a technical qualification of the accounts if there are outstanding issues with the heritage assets valuation.

- 7.1 The Board identified minor formatting issues on page 26 of the Annual Report and Accounts and a typographic error in Annex A regarding membership of NESAC.

Action: Abdul Razaq

Item 8 SSSI designation programme update

- 8.1 Alan Law sponsored the paper. Caroline Cotterell and Ben Fraser joined to present the session.
- 8.2 The purpose of the session was to present the Board with an update to the SSSI designation programme recently agreed by the Resilient Landscapes and Seas Programme Board (RLSPB).
- 8.3 Ben began by setting out both the approach that Natural England has taken to its designation programme, in terms of resources and evidence gathering, and the wider policy context.
- 8.4 Ben advised that RLSPB had commissioned specialists and area teams to nominate priorities for sites to be considered by the SSSI designation programme.
- 8.5 Ben detailed how the RLSPB prioritised sites based on those that would have the most positive impact on strategic designation priorities across a range of feature groups and according to the contribution to SSSI coverage, ecological network fit and natural capital value.
- 8.6 RLSPB had agreed the addition of 12 cases to the SSSI designation programme as detailed in the paper.
- 8.7 Caroline confirmed that all the proposed cases are supported by local teams through the Area Managers and detailed next steps.
- 8.8 The Board commended the paper and agreed that it would like further clarification at a future meeting on our overall strategy for SSSI designation and condition within the context of statutory targets and the Nature Recovery Green Paper.

Action: Alan Law / Caroline Cotterell

- 8.9 The Board suggested more thought was given to strengthening the communications plan to improve understanding of our designation plans.

Item 9 Policy update and ALB Reform

- 9.1 The Board discussed potential options ALB Reform within the context of the current Defra Group Transformation Programme.
- 9.2 The Board noted that various options for improvement were possible either through structural or non-structural approaches.
- 9.3 The Board particularly noted the importance of integration of the Delivery Landscape, with the desire for a more integrated approach across Defra Group.

Item 10 Forward Look

- 10.1 Ken Roy led the Board through the forward look of meetings and arrangements for the following year. Ken highlighted the plans for the Strategy session in September and proposals for meeting venues in 2023.