

# Board Meeting

## Minutes of the **Natural England** Board meeting held on 20 September 2023, Roots and Shoots, Lambeth. London

### Attending

Dr Tony Juniper	Chair
Prof Mel Austen	
Rosamund Blomfield-Smith	
Prof Lynn Dicks	
Catherine Dugmore	
Dr Clare Fitzsimmons	
Kerry ten-Kate	
Kim Shillinglaw	
Dame Caroline Spelman	
Kirsten Newble (Board Apprentice)	

### Executive Team

Marian Spain	Chief Executive (and ex-officio Board Member)
Kirsty Carter-Brown	Chief Officer, Business Management
Oliver Harmar	Chief Operations Officer
Tim Hill	Chief Scientist
Navroza Ladha	Chief Officer, Legal, Governance and External Affairs
Alan Law	Chief Officer, Strategy

### Guests

Rob Cameron	Deputy Director, Sustainable Development
Ilana Conn	Defra Group – Communications
Sean Cornall	Director, Assurance and Corporate Governance
Caroline Cotterell	Director, Resilient Landscape and Seas
Sarah Dawkins	Deputy Director, Species Recovery and Peat Restoration
David Hill	Defra, Director General, Environment Rural and Marine
Abdul Razaq	Defra Group – Finance
Mike Smith	Deputy Director, Strategy and Legislative Reform
Tim Wilkins	Principal Specialist in Species Recovery, Species Team
Hannah Wood	Deputy Director, Strategy and Government Advice

## Apologies

Lord Blencathra  
Henry Robinson  
Peter Unwin

### Item 1 Welcome from the Chair and Declarations of Interest

- 1.1 The Chair welcomed the Board, Executive and guests to the 118<sup>th</sup> Board meeting.
- 1.2 Kerry ten Kate raised an interest regarding Nutrient Neutrality due to her role as Chair of the Strategic Advisory Group for Nature Investment Standards for the British Standards Institution.
- 1.3 Kerry also referenced an earlier declared potential interest. This related to her personal involvement, with two other individuals discussing the possibility of contributing some funds towards the acquisition of an estate in Dorset for long term conservation. The other investors would be Natural England and an environmental NGO. A substantial proportion of the purchase price would be secured by sale of nitrate credits.
- 1.4 It was agreed that her interest would be reviewed ahead of any papers being submitted to the Board on these topics. The Governance Team will notify the author(s) of any related papers and ask them to check any potential conflicts, in which case Chair will be notified in advance.

**Action: Governance Team**

### Item 2 Review of Minutes and Matters Arising

- 2.1 The Board approved the 26 July minutes, subject to the change requested:
  - Amend section 9 (KPI A) to reflect the agreed outputs from the Board discussion.

**Action: Governance Team**

### Item 3 Board Sub-Group Updates

- 3.1. Remuneration Committee (RemCom)
- 3.2. Kim Shillinglaw provided a verbal update on behalf of Peter Unwin, Chair of RemCom. She sought the Board's approval of the revised Terms of Reference to mirror Defra's position on people issues.
- 3.3. **The Board approved** the revised changes in the Terms of Reference for RemCom.

### Item 4 Health and Safety update

- 4.1 Oliver Harmar introduced the session and outlined that there have been no significant incidents in August 2023. He highlighted three main points:
- 4.2 **Incident Trends:** The H&S team would continue to review and assess the key risks regarding stress and well-being in the Business Plan but recognised that

there was still more work to do. The workload of staff remains the highest used subcategory for work related stress reports (whether reported as a near hit or accident). The Health and Safety team would continue to work closely with the stress reduction working group (People Team) to identify areas of good practice/opportunities that can be shared for implementation by local teams as well as what systematic actions could be implemented across the whole organisation.

- 4.3 **H&S Strategy – Benchmarking:** The strategy implementation which aligned to the organisation's six pillars was launched in May 2023. The benchmarking activity required by all teams had been concluded. The data was being analysed to assess the H&S team progress. The data would be shared with Senior Leaders and a full report presented to the Board in due course.
- 4.4 **Training:** The Executive and Senior Management teams had all attended Institute of Occupational Health and Safety (ISOH) training and feedback was very positive. The Health and Safety team had produced an aide memoire to assist staff when they attend a site visit. Kirsten Newble confirmed that she had used the aide memoire and found it to be very useful.

## Item 5 **Chief Executive's Report**

- 5.1 Marian Spain presented her report to the Board and gave detailed updates on the following.

### **Reputational management**

- 5.2 NE would maintain an agile approach to media handling on high profile issues - including proactive media monitoring and rapid rebuttal where needed. The aim was to balance the immediate issues while developing medium and long-term approaches to risk and opportunities. The organisation would continue to implement the actions in the High-Level Handling Plan.
- 5.3 A positive pipeline of announcements were scheduled for autumn, including Species Recovery Capital Grants, Super National Nature Reserves (NNRs) and King Charles III England Coast Path. The aim was to demonstrate Natural England's partnership working.
- 5.4 NE was developing an autumn programme of engagements with farmers, as well as progressing Natural England's Parliamentary engagement plan - including a support package of engagement tools and advice for Area Teams to increase engagement with MPs.
- 5.5 Natural England was progressing with building capability, including a "Communications & Engagement Masterclass" training workshop.

### **Heather and Grass etc Burning (England) Regulations 2021**

- 5.6 Marian outlined that since the Regulations came into effect there have been seven licence applications: two approved, four refused, one withdrawn, one approved licence had expired without being exercised, one approved licence will be effective in the next two burning seasons.
- 5.7 Natural England will be publishing its revised evidence review in autumn, which will inform if any change to the position on when burning might be permitted is merited.

## **West Penwith Moors and Downs (Halow ha Gonyow Pennwydh West) SSSI**

- 5.8 Marian noted that there had been a Parliamentary debate on 18 September instigated by Derek Thomas, Member of Parliament for St Ives.

### **Item 6 Formal Approval of the Annual Report and Accounts (ARA)**

- 6.1 Catherine Dugmore, Chair of ARAC, outlined that the purpose of this item was to update the Board on the progress of the 2022/23 Annual Report and Accounts (ARA) since the last ARAC meeting of 24 July and confirm plans for final approval and laying.
- 6.2 Discussions with Ernest & Young and the National Audit Office (NAO) on the independent review of the ARA, were still ongoing and therefore the ARA was not yet ready to be approved. The Secretary of State had received a working version of the accounts. Following an interim report by the NAO it was noted that there were several outstanding issues to work through but none that were material.
- 6.3 Due to the delay in laying of the ARA, an additional meeting will need to be arranged with the ARAC members prior to final approval by Board in November. Laying in Parliament will now occur in November 2023. The ARA must be laid by the end of January.
- 6.4 The Board noted that clear communications would be needed to set out the reason for the timeline delays adding reassurance. NE should flag to Ministers that this is ongoing.
- 6.5 The Board requested sight of the NAO interim audit report.
- 6.6 The Board requested that an updated timeline for laying of the ARA be sent to the Board.

**Actions: Abdul Razaq**

### **Item 7 Biodiversity Net Gain**

- 7.1 Rob Cameron introduced the session and requested Board's approval for the proposed fees for the Register Operator which would be run by NE. The fees would be set by Statutory Instrument (SI), with provision for review every five years.
- 7.2 Rob confirmed that the fees had been calculated at a level which would be expected to cover costs over a five-year period. The Finance Team had calculated different cost scenarios and sought assurance from Defra that additional financial assistance would be provided to Natural England if there was a shortfall in income.
- 7.3 The Board recognised the importance of the subject and recognised the demands on time but felt that aspects of the required decision needed further work.
- 7.4 The Board asked that the following actions be completed:

- NE Investment Committee to scrutinise the detail, followed by a revised paper presented to ARAC.
- An independent review to be undertaken, to provide advice on the cost assumptions and sensitivities of the project.
- Alan Law to reconvene a BNG Task and Finish group to meet before the November Board.
- Once further information had been provided, the request for approval to be resubmitted for approval, with this decision delegated to Chair.
- A statement should be sought from Defra to reassure the market of Government commitment to BNG delivery.

**Actions: Alan Law**

## **Item 8 Nutrient Neutrality**

- 8.1 Mike Smith introduced the session. The Board considered the challenges presented by nutrient neutrality. In reviewing the range of options the **Board agreed** that the non-legislative approach was its preferred option. The Board would like to see evolution of the nutrient neutrality scheme and would offer NE's formal advice to Government noting the need for both progress and certainty.

## **Item 9 Governance update**

- 9.1 The next Board meeting is in Newcastle in November. This meeting will continue the KPI focus, with a stakeholder event the evening before focused on Connecting People with Nature.
- 9.2 The first Board meeting of 2024 will be held in February, with an external stakeholder roundtable event which may be with local government about the Local Nature Recovery Strategies ahead of the KPI D focus of the Board the next day.
- 9.3 The launch of the Board recruitment exercise was expected to be approved by the Secretary of State imminently.

## **Item 10 Strategic look at KPI B: Species abundance and extinction**

- 10.1 The Board considered NE's existing work captured under KPI B to support delivery of Government's targets to increase species abundance and reduce the risk of species extinctions. The Board was asked to consider measures necessary to achieve a step change in species abundance and Natural England's role in this over the short (3 year), medium (5 year) and long term (10 year).
- 10.2 The Board reflected on a stimulating discussion with stakeholders the evening before which had identified policy and societal changes needed, alongside changes necessary to the delivery landscape.
- 10.3 The Board highlighted:

- The power of iconic species to harness public interest and drive action that delivers multiple species benefits.
- The importance of a pathway from “inspire” to “incentivise” to “regulate” and the power of each of these steps in securing species abundance.
- The need for clearer messages to policy makers, organisations, landowners and the public on the actions needed.
- The scale of change needed. Applying and integrating new policy tools such as Local Nature Recovery Strategies, Biodiversity Net Gain, and new Environmental Land Management Schemes will be key, alongside strategic land and marine planning.

10.3 The Board highlighted Natural England's role in providing the evidence to underpin policy decisions and actions, with a particular need for a systems approach to secure the ecological functions and environmental quality required to underpin species abundance. They identified a strong convening role for Natural England, building understanding and consensus and sharing practice. The Board also cautioned against spreading our efforts too thinly, and encouraged officers to focus on the key strategic Natural England interventions that would drive change.

10.4 The Board asked Caroline Cotterell to take the following actions:

- To thank attendees at the stakeholder dinner and provide them with a recap of the discussions.
- To reflect the discussions in Natural England's strategy development and business plan proposal.

**Actions: Caroline Cotterell**