

Natural England Board



Title: **Confirmed minutes of the twenty third Natural England Board Meeting on 2 March 2011**

Members attending	Executives
Poul Christensen (Chair)	Guy Thompson
Helen Phillips (Chief Executive)	Jim Smyllie
Peter Allen	Dave Webster
Catherine Graham-Harrison	Tim Hill, Director Regulatory Services and Access
Tony Hams	
David Hill	In Attendance
Joe Horwood	Julie Lunt, Head of Legal Services (Item 5)
Doug Hulyer	Val Kirby, Head of Landscape and Geodiversity (Item 5)
David Macdonald	David Vose (Item 5)
Andy Wilson	Christoph Kratz (Item 5)
	Susannah England (Item 5)
Apologies	Geoff Audcent, Natural England and JNCC Sponsorship, Defra
None	1 member of the public
	Secretariat
	David Slater
	Emily Finnie

Welcome from the Chair

There were no additions to the Register of Interests.

The Chair welcomed Tim Hill who was attending on behalf of Andrew Wood and Geoff Audcent who was attending from Defra.

1 Chair's Engagements (NEB PU23 01)

- 1.1 The Board noted the stakeholder engagements conducted by Chair in the period between the September 2010 and March 2011 Board meetings and the appointments scheduled before the May Board meeting.

2. Chief Executive's Report (NEB PU23 02)

2.1 Helen Phillips introduced her Chief Executive's report on current strategic issues, delivery against corporate plan targets and financial performance.

2.2 In advising on the following current **strategic issues** the Board:

NNRs

2.2.1 advised of the potential risks in relation to governance associated with the establishment of a separate mutual organisation;

2.2.2 noted the Chief Executive's assessment that staff's expression of interest in setting up a mutual organisation was dependent on a decision on the future management of NNRs;

2.2.3 noted there had been no public announcement on NNRs following the forestry decision, and that the SoS's response to a Defra submission was awaited. (with a separate submission on mutualisation);

2.2.4 reflected that as NNR divestment had been an offering in response to Government's aspirations for Big Society perhaps this should now be revisited and requested an opportunity for a Board discussion on NNRs and their function in Natural England.

Action: Board and Executive Services to include NNRs on a future Board agenda.

Forestry Commission Panel

2.2.5 noted the establishment of the Forestry Panel to establish a long term strategy for Forestry in the UK. It was noted that information on the Panel's terms of reference and membership was awaited.

Public Bodies Bill

2.2.6 noted the news that Schedule 7 had been dropped from the Public Bodies Bill. The clauses in Schedule 4 were still to be debated and it was noted that Natural England would continue to work closely with Defra colleagues.

Higher Level Stewardship

2.2.7 in response to a request for further information on the circumstances of the change in Higher Level Stewardship policy, it was noted that educational access had been withdrawn by Defra Ministers along with a package of measures.

2.2.8 noted that Defra was reconsidering its position on educational access and the Board asked whether the Department of Education should be sighted on the change in policy.

Performance and Efficiency Programme (PEP)

2.2.9 expressed concern about the potential risks in the voluntary severance programme to Natural England's reputation for scientific evidence but was reassured by measures put in place to retain those people who are in a unique position to provide scientific advice on behalf of the organisation and succession planning for the future.

Walking for Health

2.2.10 received further information on divestment to Civil Society of the Walking to Health scheme, and advised that the implications for the transfer of volunteering initiatives needed further exploration.

Bovine TB

2.2.11 noted that Natural England had provided advice to the Secretary of State on licensing the control of badgers to prevent the spread of bovine TB in cattle.

2.2.12 Tony Hams asked for it to be recorded formally that he was unable to agree to the text in paragraphs 18 and 19 of the advice on the use of badger culling to control bovine TB, submitted in December to the SoS, because in his view it did not fully reflect the substantial impracticalities associated with a cull or the associated risks to Natural England.

2.2.13 noted that there would be an opportunity for further discussion on the control of Bovine TB at the Board Briefing meeting later that day.

2.2.14 reiterated its request that at the appropriate time Natural England's advice should be made public, and expressed concern about the delay for the opportunity to do this caused by the revised timeline for the announcement of the new policy. It was noted that this could happen when Defra consulted with Natural England over issuing statutory guidance.

Performance against Corporate Plan Targets

2.3 The Board considered Natural England's delivery performance against Corporate Plan targets as at the end of Quarter 3 and in discussion:

2.3.1 welcomed the excellently presented report and further improvement against profile compared with Quarter 2. Particularly noted were the achievement of two headline targets for SSSI condition and 50% reduction in carbon.

2.3.2 offered its congratulations and thanks on the achievement of the target to secure 95% of Sites of Special Scientific Interest in favourable or recovering condition by the end of December 2010, but supported continuation of a headline SSSI target because SSSIs in 'recovering' condition were vulnerable and needed continued focus.

2.3.4 noted Healthy Walking was the only headline measure assessed as 'Red' at the end of Quarter 3 and that 70% of agricultural land under agri-environment schemes currently 'Green' was forecast 'Red' because of Defra's request to slow down agreements

2.4 The Board considered Natural England's financial position as at 31 December and forecast for 2010/11 and:

2.4.1 noted the good position on Grant in Aid and RDPE spend.

2.4.2 welcomed the significant reduction in the numbers of retrospective orders and thanked all involved with this improvement.

3. Strategic Direction and Draft Corporate Plan 2011-15 (NEB PU23 03)

3.1 The Chair introduced the item. He reminded the Board of the conclusion reached, because of being in a period of transition, to incorporate Natural England's strategic views in the Corporate Plan rather than in a separate document. He thanked the Board Sub-group

chaired by David Hill for its work in reviewing an earlier draft of the Corporate Plan.

- 3.2 The Board noted Dave Webster's update on the actions taken since the Stakeholder Workshop on 12 January, Board discussion and meeting with Secretary of State on 19 January, comments from Defra, and Board-Sub-group on 18 February that had resulted in the current draft Corporate Plan that incorporated the majority of points raised and were recorded in Annex 1. The draft had also been circulated to stakeholders for comment by 7 March.
- 3.3 David Hill drew the Board's attention to changes requested to remove reference to 'regulatory burden' in the Regulation and Licensing section, because regulation could work well to help deliver outcomes. The Strategic Context now reflected the Sub-group's views but the Foreword could now be considered to be too short.
- 3.4 In considering the Corporate Plan 2011-15 the Board endorsed the current draft subject to consideration of its comments made in discussion as follows.
 - 3.4.1 The Board recognised the challenges presented by the tight timescale and the requirement to finalise the Corporate Plan by 1 April 2011 and advised that:
 - reference should be made to the fast changing world and likelihood of changing priorities in year. For example the forthcoming launch of the Natural Environment White Paper (NEWP). Officers were asked to keep a close watch on the three themes emerging from the NEWP that could overtake the Defra priorities set out in the current draft.
 - in producing a Corporate Plan now, Natural England could also be out of kilter with the new England Biodiversity Strategy that was expected to reflect the Nagoya principles of dealing with the underlying causes for losses in biodiversity and addressing the need for public understanding and engagement.
 - the Corporate Plan should make specific reference to Natural England being in transition and responding to new priorities: this presented an opportunity to take a more radical approach over the Corporate Plan as a product driven by the transitional nature of Government policy and suggested that this should be made explicit in the text along with reference to revisiting priorities, and a rethink of content and context as well, in year.
 - 3.4.2 considered there to be ambiguities in language over access and engagement aims with greater clarity needed on the use of 'we' to indicate whether Natural England would be delivering outcomes itself or helping others to deliver.
 - 3.4.3 asked for the balance between leadership and local delivery to be captured, and while recognising the changing nature around Natural England's role, requested reference to Natural England's statutory purpose in relation to the natural environment. Consideration should be given to including leadership in the statement about Natural England's delivery role. Natural England had a specific role in facilitating the join between national and local delivery and monitoring and reporting on level of engagement with partners.
 - 3.4.4 suggested that if Natural England was not advising on policy, its role in influencing stakeholders should be emphasised. There should be a focus on Natural England transferring expertise and knowledge to allow decisions to be taken at a local level. This would help people realise their visions and respond to changing situations by acting as a catalyst in stimulating debate and action by communities on the ground.

- 3.4.5 recognised use of the new language for local communities but advised that this should be linked to what Natural England was doing, for example in the context of landscape character areas.
- 3.4.6 anticipated that the high level goals might appear to stakeholders that Natural England was not concerned about the details of delivery of, for example, the biodiversity programme.
- 3.4.7 requested attention should be given to making the document flow better between sections.
- 3.5 In commenting on the specific targets and scorecard the Board:
 - 3.5.1 Andy Wilson reflected that it may be premature to adopt a target for SSSIs in favourable condition until further work had been done to ensure that measures did not conflict with other elements of the natural environment and measurement issues had been resolved. Tim Hill provided reassurance on JNCC's generic standards providing a framework for objectives set to reflect local sites' interests, and on how conflicts with archaeology were resolved, but it was agreed that discussion was needed to explore the issue of SSSI criteria for designation and how they were applied further at a future Board meeting.

Action: Board and Executive Services to include an item on SSSIs at a future Board meeting agenda.

- 3.5.2 agreed that the scorecard needed to reflect Defra's priorities but considered that peoples' understanding and engagement with the natural environment' and 'landscape' parts of our statutory purpose needed to be added and suggested that the key performance indicator (KPI) for the former could be around engagement rather than access.
- 3.5.3 asked for more information on how Defra's Supervisory Management Board's intention to monitor only 5 KPIs would work in practice.
- 3.6 The Chief Executive offered her reflections in response to the Board's discussion. She reminded the Board that it had previously agreed the requirement for Natural England to work in new ways to reflect the steer from Government. However, the discussion demonstrated that there were challenges in coming to terms with what this entailed.
- 3.7 In summing up the discussion, the Chair reminded Board members that although in a period of transition of responding to Government's changing expectations, Natural England's statutory purpose had not changed and this should to be set out in the front of the Corporate Plan. He asked Board members to pass any further comments, to Dave Webster, reinforcing their points with examples.

Action: Board members to pass detailed comments on the draft Corporate Plan to Dave Webster

- 3.8 The Board accepted it was a Corporate Plan for unusual times and the decision to include the Strategic Direction in the Corporate Plan had been the right one. The Board requested a further discussion in year on the Corporate Plan's priorities if the opportunity was provided by the new England Biodiversity Strategy and Natural Environment White Paper. The Board approved the approach for sign off of the Corporate Plan by the Board Sub-Group and Chair prior to submission to the Minister.

4. Bewick and Beanley Moors Site of Special Scientific Interest – confirmation of notification (NEB PU23 04)

- 4.1 The Chair reported that following the good news that all outstanding objections had been withdrawn with minor boundary changes, the paper had been withdrawn. However he had asked for the agenda item to be kept to record the positive outcome that reflected well on those who had been involved with the case.
- 4.2 Tim Hill reported that at a meeting with the agent of the three outstanding objectors on 22 February agreement had been reached to modify the boundary of the SSSI with respect of the disputed areas without any impact on the integrity of the site. The Board noted that in accordance with agreed governance procedures Tim Hill would confirm notification of the SSSI.
- 4.3 The Board recorded its thanks to North East Region's team who had worked so hard on this case, and the Chair thanked the two Board members who had been involved. This was a classic example of Natural England business done well and the Board emphasised the importance of its continued involvement in such cases at a local level

5. Lakes to Dales Designation (NEB PU23 05)

- 5.1 The Chair welcomed Val Kirby, members of the Project Team and Julie Lunt who were to give a presentation setting out the context for the decision the Board was requested to take on the next stage of the project to consider proposed extensions to the Lake District and Yorkshire Dales National Parks.
- 5.2 Tim Hill introduced the paper that advised the Board on the outcomes of Natural England's consultation on the proposed extensions. The Team's presentation covered:
 - The Board's role
 - History of the project
 - Issues raised in consultation
 - Officers' conclusions
 - Proposals for revised boundaries
 - Statutory assessments, and
 - Next steps
- 5.3 The Board noted the evaluation of the consultation responses led officers to conclude that:
 - 5.3.1 overall the five areas proposed for designation met the natural beauty criterion and opportunities for open-air recreation, and that it was desirable that they should be designated as National Park;
 - 5.3.2 the balance of evidence was in favour of inclusion of the Orton Fells in the Yorkshire Dales National Park and included in the proposed northern extension;
 - 5.3.3 the National Parks should be varied by the boundary amendments shown on maps at Annexes 7 and 8.
- 5.4 The Board thanked the team for the thoroughness and integrity of its work that provided a good basis on which to reach a decision. In discussion the Board:
 - 5.4.1 noted the cost of the further consultation;
 - 5.4.2 reflected that visiting the sites helped in reaching a Board decision;
 - 5.4.3 advised that when going out to consultation a distinction should be made between the clear

reasons for the proposals and any administration issues, and noted that if statutory consultees maintained their current position following designation there would be a Public Inquiry;

- 5.4.4 emphasised the value of the guidance for assessing landscapes for designation as National Park for this and any future exercises.
- 5.5 The Board approved, for further consultation, revisions to the boundaries of:
 - 5.5.1 the Yorkshire Dales National Park (which included further major revisions to the previously proposed extensions known as Western, Northern and Orton Fells Extensions); and,
 - 5.5.2 the Lake District National Park (which included minor revisions to the previously proposed extensions known as the Eastern and Southern Extensions).
- 5.6 Julie Lunt outlined the legal position on the screening exercises carried out to establish whether statutory assessments were required. The Board noted the advice that Strategic Environmental Assessment (SEA) and Equality Impact Assessment (EqIA) would be carried out to avoid any risk of challenge. The Board approved public consultations on the SEA and EqIA noting that they would run concurrently with the consultation on the revised boundaries. The Board delegated to Chair the sign off of the Environmental Report and EqIA once they had been finalised to enable the consultation to take place promptly.

Action: Chair to sign off of the Environmental Report and the EqIA for public consultation.

6. Natural England Science Advisory Committee Update (NEB PU23 06)

- 6.1 David Macdonald as Chair of the Natural England Science Advisory Committee (NESAC) gave a resume of NESAC's work to date and the need to ensure that NESAC served a reshaped organisation and continued to do what it did well: acting as a critical friend based on current levels of commitment from external members who served in a voluntary capacity.
- 6.2 On behalf of the Board the Chair thanked and paid tribute to Tom Tew's contributions to NESAC.
- 6.3 The Board explored the issues raised for the future role of NESAC and:
 - 6.3.1 noted that this would be considered in the context of compliance with the Government Office of Science Guidelines including the Code of Practice for Science Advisory Committees.
 - 6.3.2 advised that consideration should be given to expanding the group of external members rather than asking individual members to do more and jeopardising contributions from this invaluable resource.
 - 6.3.3 recalled the positive outcome of an independently commissioned external review that had resulted in some helpful recommendations for improving Natural England's current level of operation but recognised that this would not answer all the questions for NESAC (September Board Briefing meeting).
 - 6.3.4 advised that NESAC should take account of the big picture in relation to Natural England's processes for quality assurance providing a supporting and challenging role, commenting on advice provided to Natural England, and adopting a strategic rather than a specific role.

6.4 The Board noted that more developed ideas, together with revised Terms of Reference and a more complete briefing on the review process would be brought to the next Board Meeting.

Action: Andrew Wood to bring a paper on NESAC to the May 2011 Board meeting.

7. Audit and Risk Committee Update (NEB PU23 07)

7.1 Tony Hams introduced the update from the Audit and Risk Committee (ARC). The Board noted the confirmed minutes from the September 2010 meeting and the unconfirmed minutes from the December 2010 meeting.

7.2 Tony Hams reminded the Board that Natural England was entering its most important year since Vesting. This had been recognised at the last Board meeting by his request for a discussion on risk. He thanked the Board for its input to the new Strategic Risk Register that would be discussed by the ARC at its March meeting and brought back to the Board in May.

Action: Dave Webster to bring revised Strategic Risk Register to May 2011 Board meeting.

7.3 The Board noted:

7.3.1 Tony Hams' exchange of correspondence on governance issues with the Chair of the Defra Audit and Risk Committee and that a meeting of the Defra family of ARC Chairs would be held on 5 April 2011.

7.3.2 the ARC had not recommended any changes to its Terms of Reference for consideration and approval by the Board.

7.3.3 noted that Iain Ferguson, an external Defra Board member, had accepted Chair's invitation to attend a future ARC meeting and advised that plans should be made for him to receive a briefing on Natural England's business at a pre-meeting prior to the June ARC.

Action: Dave Webster to ensure that the necessary arrangements are made for Iain Ferguson's attendance at the June ARC.

7.4 The Chair thanked the Audit and Risk Committee for all its work on behalf of the Board.

8. Confirmation of the minutes from 30 September 2010 Board meeting (NEB M22 03)

8.1 The Board confirmed the minutes of the twenty second Natural England Board meeting held on 30 September 2011 subject to incorporation of amendment proposed to paragraph 5.2.5.

Action: Board and Executive Services to produce confirmed minutes of the September meeting incorporating the amendment to 5.2.5.

Actions log

No	Agenda Item/Paper	Ref	Action	Owner	Status
1	Chief Executive's Report	2.2.4	Include an item on NNRs on a future Board agenda.	Board and Executive	

	(NEB PU23 02)			Services	
2	Strategic Direction and Draft Corporate Plan 2011-15 (NEB PU23 03)	3.5.1	Include an item on SSSIs on a future Board agenda.	Board and Executive Services	
3	Strategic Direction and Draft Corporate Plan 2011-15 (NEB PU23 03)	3.7	Pass detailed comments on the draft Corporate Plan to Dave Webster.	Board Members	
4	Lakes to Dales Designation NEB PU23 05)	5.6	Sign of the Environmental Report and EqIA for public consultation.	Chair	
5	NESAC Update (NEB PU23 06)	6.4	Bring a paper on NESAC to the May Board meeting.	Andrew Wood	
6	Audit and Risk Committee Update (NEB PU23 07)	7.2	Bring revised Strategic Risk Register to May Board meeting.	Dave Webster	
7	Audit and Risk Committee Update (NEB PU23 07)	7.3.3	Ensure necessary arrangements are made for Iain Ferguson's attendance at the June ARC.	Dave Webster	
8	Confirmation of the Minutes from the September Board Meeting (NEBM22 03)	8.1	Produce confirmed minutes of the September Board meeting to incorporate amendments to 5.2.5.	Board and Executive Services	