

ANNEX 4

Scheme of Delegation approvals

Board approval is required for signing of a Part 8 Agreement, or amendments thereof, as it forms part of Natural England's framework of governance documents.

Natural England entered into a Part 8 Agreement with Defra on 29 September 2006. A Part 8 Agreement between Defra and Natural England, issued under Section 78 of the NERC Act 2006, authorises Natural England to carry out certain statutory duties on Defra's behalf.

Defra sent an Amending Agreement to Natural England at the end of July 2007. The Amending Agreement proposed two amendments:

- (a) Removal of Part 3 of the Schedule to the Part 8 Agreement. This related to Farm Woodland Schemes and Farm Woodland Premium Schemes. These schemes were passed to the Forestry Commission some time ago and therefore this change was simply to reflect the current position.
- (b) The second amendment related to wildlife licensing. One of the duties which was passed to Natural England under the original Part 8 Agreement was wildlife licensing under the Conservation (Natural Habitats &c) Regulations 1994 ("the Habitats Regulations"). The Habitats Regulations are to be amended on 21 August. One of the amendments is the addition of a new purpose:

"taking, possession or control of animal and plant species under strictly supervised conditions, on a selective basis and to a limited extent, and in limited numbers."

The proposed amendment to the Part 8 Agreement allows Natural England to issue licences for this new purpose.

The reason this amendment is being introduced by the amended Habitats Regulations is to allow licences to be issued in exceptional, but justified, situations where no other suitable purpose exists, but only under very carefully controlled conditions. In reality, the UK licensing authorities have managed without the purpose since 1994 therefore, we anticipate that there will be little if any operational impact on Natural England in terms of administrative burden or public perception of our activities. This is a minor, housekeeping change, which should be regarded as a neutral or positive addition to Natural England's existing suite of licensing purposes.

The original Part 8 Agreement was approved by the Natural England Board.

The new legislation amending the Habitats Regulations came into effect on 21 August 2007. The Amending Agreement needed to be signed before this new legislation took effect to ensure the division of roles between Natural England and Defra was clear from the date the new legislation was effective and to allow Natural England, if necessary, to issue any licences under the new purpose from 21 August 2007.

The Board was not due to meet until October 2007, consequently the Chair was asked to approve the delegation of the Board's powers to enable Natural England to sign the Amending Agreement before the 21 August 2007.