

GENERAL COMMITTEE OF COUNCIL

**CONFIRMED MINUTES OF THE TWENTY FIFTH MEETING OF THE
GENERAL COMMITTEE OF COUNCIL HELD AT THE GREAT
NORTHERN HOTEL, PETERBOROUGH ON 3 DECEMBER 2002**

Present: Sir Martin Doughty (Chair)
Ms M Appleby
Dr A Brown (Acting Chief Executive)
Mr T Burke
Dr A Clements (Director)
Ms S Collins (Director)
Dr K Duff (Director)
Prof E Gallagher
Ms S Gubbay
Prof M Hart
Mr D Hulyer
Mrs A Kelaart
Prof G Lucas
Mr H van Cutsem
Ms C Wood (Director)

In attendance: Mr J Wray (Corporate Business Team, Minuting Secretary)
Ms G Wright (Items 5 & 6)
Mr A Rutherford (Item 7)
Mr J Marsden (Item 8 & 10)
Mr D Stone (Item 9)
Dr M Ford (Item 10)
Mr K Evans (Item 11)
Ms J Ward (Item 12)
Mr S Thomas (Item 17.4)

1. Apologies and welcomes

- 1.1 The Chair welcomed the Committee and general public. Apologies were received from Dr Anne Powell, Dr Mike Moser and Mr Stephen Hockman.

2. Minutes of the twenty fourth meeting of the General Committee of Council held on 25 September 2002 (GC M02 03)

- 2.1 Paragraph 5.2 (d) – Prof. Hart asked that the Science Advisory Network be amended to read “Science Advisory Group”.
- 2.2 The minutes were then **confirmed**.

3. **Matters arising**

- 3.1 Prof. Hart referred to para. 5.2 (d) of the minutes. The Scientific Advisory Group had met for a second time on 15 November. Recognising the importance of conservation as well as science for the World Heritage Site, the group is now called the Science and Conservation Advisory Group and will meet every 3-4 months. The electronic network had proved its value through the provision of a valuable consultation about the proposed developments at East Cliff, Lyme Regis.
- 3.2 Dr Clements referred to para. 7.2. The article had not gone into *New Scientist*. A document along the lines referred to should be published in May/June 2003 when the six-year cycle will be complete. The graph was still to go out as Dr Moser had offered some more detailed comments on the paper and these had only just arrived.

Action: Dr Clements

- 3.3 Dr Clements referred to para 6.3. The complaint about Lower Coombe had been dealt with.

4 **Corporate Governance – Annual Review of Schedule of Delegations (GC P02 44)**

- 4.1 Ms Wood introduced the paper, which outlined the annual review of delegations. The paper was later than had been hoped due to continued discussions with Defra over aspects of the new Financial Memoranda. These discussions were not yet completed so it had been necessary to bring the schedule to Council with the current financial delegations in it. The major additions to the paper concerned our role as a statutory consultee; delegations relating to SSSI management scheme notices; delegations regarding provision of advice on enforcement of Part 1 of the 1981 Act and delegations to Director Resources.
- 4.2 The committee raised the following points in discussion:

- (a) There appeared to be no requirement under the Animal Health Act 1981 for English Nature to be consulted about the destruction of wildlife required for the control of rabies. It was important that English Nature was consulted. Advice needs to be sought from Defra on this issue.

Action: Ms Wood

- (b) Under S.37 of the Countryside Act 1968 English Nature is required to have due regard to the needs of agriculture and forestry and to the economic and social interests of rural areas. The Conservation Officer dealing with the SSSI notification has to have due regard, as did Council at the point of

considering whether to confirm a site. Staff dealing with SSSIs receive training about this issue and guidance had been issued.

- (c) On page 2 of the Annex, section (i) of the SSSI section should be amended to read “consideration of representations; confirmations or revisions of views about management”.
- (d) Concern was expressed that the delegations for enforcement action were too low. Council was advised that the delegations were made to the lowest appropriate level but that this may not be the usual level at which decisions were made. There was a view that there needed to be some separation of the delegations for injunctions and possession orders. Dr Clements would discuss this with the Acting Chief Executive and General Manager Designated Sites and revise the Schedule accordingly.

Action: Dr Clements

- (e) The specific delegations from Defra allowing English Nature to make grants under Aggregates Levy Sustainability Fund and Wildspace Schemes needed to be added.

Action: Ms Wood

- (f) A question was raised about the delegations from Defra to English Nature and hoped that they were flexible. Ms Wood said that we had not yet agreed the new Financial Memoranda, as Defra had yet to agree end year flexibility (EYF) for English Nature. We are using the new Financial Memorandum as a working draft whilst continuing to discuss EYF requirements. We are seeking principles at least as good as we enjoyed under DETR sponsorship and in line with Treasury Guidance to sponsoring departments. Council was not happy that end of year flexibility had remained unresolved and no clear position for its restoration had been agreed. Sir Martin Doughty advised that the issue had been raised with Ministers before but would be brought to Elliot Morley’s attention again.

Action: Chair

- 4.3 The Committee **approved** the schedule with amendments and **agreed** it should come into effect from 1 January 2003.

5 Corporate Plan 2003-2006 (GC P02 47)

- 5.1 Ms Wood introduced the paper. The Corporate Plan is now based purely against the budget and for next year it was a one year work plan. Although the budget had yet to be confirmed it should be no less than £62.8 million including capital. This was less than the previously advised planning figure. Money would also have to be redeployed to

implement the pay review. The paper included the current draft version and highlighted the potential strategic implications of the less than anticipated Grant-in-Aid for 2003-2004.

5.2 The following issues were raised in discussion:

- (a) There was general agreement of the need to revisit and publicise the strategy. A document giving a ten year forward look was required that would show both staff and the external world where we were heading. The last strategy document needed updating. Part of the March 2003 meeting should be put aside to have this strategic review discussion.
- (b) The Plan was a major communications tool, especially with Defra and Ministers. We should ensure that SSSIs are seen as top priority but not our only goal. It was important that we made it clear that reduction in funding could affect our ability to achieve our targets. It was important that Defra is reminded that new tasks meant new resources were needed. On our existing budget we would not be able to take on any significant new work. Council gave the Acting Chief Executive its full support in making this point strongly to Defra, whilst emphasising that we are, at the same time, modernising and constantly seeking efficiency savings.
- (c) Agriculture needed to be emphasised more, especially in the light of the situation post Foot and Mouth disease. The Agricultural Sector plan should help address this.
- (d) There was concern about the maritime coverage in the plan that did not reflect the current situation. The launch of the maritime State of Nature report had created the expectation that English Nature would be pressing on with marine issues and this should be reflected in the Corporate Plan. The nationally important sites target was not in the Plan. Coastal Zone Management Plan issues must be reflected.
- (e) Geology was mentioned only once. English Nature had a crucial role in driving initiatives such as Regionally Important Geological Sites forward.
- (f) IT was a tool that would be increasingly important in helping us deliver nature conservation and being involved in Modernising Government initiatives.

5.3 Council **confirmed** the overall balance of resourcing; **noted** that there would be a further postal consultation and **authorised** Chair to approve the final version on behalf of Council.

6 Performance Report April 2002 –September 2002 (GC P02 45)

- 6.1 Caroline Wood introduced the paper. The expenditure position was similar to the same time last year and the majority of targets were on track. The Performance Committee reinforced the need for Teams to complete the initial condition assessment target by March 2003 and extended by one year the period for conservation objectives to be completed. The expenditure level was affected by the late start to the Aggregates Levy Sustainability Fund. The Capital Modernisation Fund still has £2m to allocate - though a large spend and commitment is predicted by the end of 2002. We are not anticipating an underspend though Q4 will be heavy. We are well on target across the range of our work. The process must be managed and Management must keep a keen eye on hours worked – excess hours must be managed and not allowed to get out of hand. Targets must match what is achievable on the ground.
- 6.2 The Committee raised the following points in discussion:
- (a) Concern was expressed about the effect of any underspend on the security of the Aggregates Levy Sustainability Fund money. It is currently unclear if this money would still be ring fenced if it had to be handed back. The need for year-end flexibility was again noted.
 - (b) The continuing need for Area Teams to be pro-active was noted. Skills, experience and effectiveness in this area remained mixed.
- 6.3 The Committee **noted** the financial performance and achievements and the actions taken by the Performance Committee.

7 Agriculture sector analysis - review of 2000/02 (GC P02 48)

- 7.1 Ms Collins introduced the paper and outlined the principles behind sector analysis. The analysis had been significantly rewritten and reflected major changes that had happened in the sector. There were new priority actions. There was a need to maintain activity at both ends of the spectrum – improving the basic environmental standard of agriculture and also working with farmers to help them deliver the environmental public goods that they cannot be paid for in the market place. The better management of the wider countryside is needed to help the management and objectives of our special sites as well as addressing the needs of wide ranging species and these then depend on landscape scale mosaics.
- 7.2 The Committee praised the quality of the paper and raised the following points in discussion.

- (a) The structure of the industry is changing and this needed to be emphasised more. For example contracting is becoming an important aspect, with more farmers moving away from the actual decision-making about land management, and the increasing use of 1-year farm business tenancies and contracting arrangements is actually putting up the price of land in some cases.
- (b) The paper made the issues of grazing look too easy to solve. Strong partnerships must be developed and new grazing regimes, possibly using animals that ultimately we do not need to eat, might be needed to deal with this. Upland farmers needed help to find new sources of additional income such as payments for carbon dioxide sequestration on moorlands. Upland management also had a role in preventing flooding in the lowlands
- (c) The increasing lack of mixed farming and its effect on biodiversity needed to be emphasised.
- (d) The role of supermarkets was missing. They are powerful drivers of agricultural choice and their logistical systems drive other problems eg the role of import/export markets and the issue of food miles. They could play a much greater role in improving the alignment between our hopes and objectives and those of land managers. Farmers' markets might go some way to mitigating these issues.
- (e) The reduction in biofuel tax could act as a driver to increase biofuel production and so we should look to increase the nature conservation benefits of this activity. This aspect should be included in the analysis.
- (f) The work of the Land Use Policy Group was important but not well known. It was considered desirable to develop further links, especially at Council level. Ms Collins said that LUPG work was deeply integrated with the Agriculture Team so more information would be included in the Directors' Topical Reports to Council.

Action: Ms Collins

- (g) The Designated Sites Programme was working closely with the Agriculture Team; it was a powerful way of helping deliver the PSA target. There had been success in working with Defra's Conservation Management Division on various aspects of agri-environment schemes.
- (h) In recognising the role socio-economic communities play, it would be useful to target those with good land management

skills - in particular small farmers who are often lone working and who are hard to contact. There is an increasing recognition across all sectors that we all have common interests and issues. There is an opportunity to work across a landscape to solve several of these problems. Lifescapes provide a vehicle for this and were not mentioned in the sector analysis.

- (i) There was little emphasis on how agriculture can help increase the effectiveness of environmental education. NGOs worry that farming is becoming increasingly inward looking and the sector analysis could help counter this by emphasising the wider role farmers can play.
- (j) There are some 25 actions which must be prioritised. We must resonate with the public on agricultural issues. We currently do so on GMOs and this must continue.

- 7.3 Ms Collins thanked the Committee for a useful discussion. The analysis would be redrafted to incorporate the Committee's comments. Council was advised that the Sheep National Envelope could be used to address undergrazing in the lowlands as well as overgrazing in the uplands. A paper on undergrazing would be brought in due course.

Action: Ms Collins

- 7.4 The Committee **agreed** that the Chair would sign off a revised analysis.

Action: Chair

8 Annual Review of Sector Analyses (GC P02 55)

- 8.1 Ms Collins introduced the paper. The People and Policies Programme Board had prioritised the resourcing for English Nature's policy work. Five breakthrough issues had been decided: agricultural policy reform; water policy reform; marine and coastal strategy; planning and development control and reconnecting people with nature. Underpinning this work are the cross-cutting issues particularly our positioning on sustainable development. We will reposition ourselves so that we engage the social and economic elements of sustainable development. Ecological economics work will also continue to be developed. There would be a Council workshop on sustainable development in January.

- 8.2 The following points were raised in discussion by the Committee:

(a) Coastal management - Progress was already taking place as a result of the recent English Nature /EA joint Board meeting. It was important that Government was continually pressed to develop integrated coastal management.

(b) Construction and development – There have been regular meetings with the Office of the Deputy Prime Minister. English Nature is now involved in the revision of PPG9. There were workload issues regarding our input into regional/local planning process, these are being addressed. The absolute value of greenspace needed to be emphasised. It would be useful to link up with built heritage issues including the need to maintain total distinctiveness and character.

(c) Forestry – English Nature is trialing its delivery of conservation outcomes through the Forestry Commission as a close partner. The FC in England now has considerably more authority as a result of reorganisation. It was important to work closely with FC to deal with the effects of climate change, which would particularly affect several tree species.

(d) Minerals and aggregates - English Nature should continue to seek to ensure that mineral extraction planning permissions include the requirement to reinstate workings to good habitat. We should encourage joined up thinking about how to reduce the amount of mineral transport across the country.

(e) Ports – Port authorities now seem to recognise the environmental impacts of port development but put the case of overriding public interest as a reason for proposing development. A national ports strategy is needed.

(f) Sea fisheries – Scottish Natural Heritage has written to Ministers requesting a complete closure of North Sea fisheries as a result of the recent ICES report. We welcome this. We are seeking to establish a closer dialogue with fishing organisations and working for a sustainable fishing regime.

(g) Tourism – We are working well with the Countryside Agency on access issues and our species research work in this area is well respected. Resourcing issues will mean we have to carefully focus our work on sustainable tourism. The presentation on wildlife and geotourism given to Alun Michael would be sent to Mr Hulyer as he requested.

Action: Sue Collins/James Marsden

(h) Transport, recreation and access - Airport development issues are becoming increasingly important. We need to increase our depth of analysis. English Nature had contributed to John Steel's work for the judicial review of the development proposals at Cliffe. James Marsden would supply copies of our submission to Government on airport development to Tom Burke.

Action: Sue Collins/James Marsden

(i) The Government's 10-year transport plan is increasingly called into question and we must reflect our own position in the context of the wider debate. Pressure must be kept on Government to deal with transport issues and their environmental effects.

- 8.3 The Committee **noted** the progress and issues raised in each sector analysis, it **agreed** the proposed changes in priority actions and **noted** the proposed three-year cycle for full revisions.

9 **Draft position statement on Local Biodiversity Action (GC P02 49)**

- 9.1 Dr Duff introduced the paper. The statement had been revised as a result of previous Committee discussions and now focuses on Local Authorities. The draft is probably too long and guidance was requested on where it could be shortened.

- 9.2 The Committee made the following recommendations:

- (a) Paragraphs 6,7,8 and 9 could be combined, as these are generic areas included in all position statements.
- (b) Paragraphs 3,4,5 and 10 could be deleted, though the sense of paragraphs 4 and 5 should be retained, and paragraph 13 moved nearer the beginning of the statement.
- (c) Paragraph 11a needed clarifying to explain what we were funding
- (d) When the position statement was published it should be sent out with a copy of *Nature's Place*, which should also contain a relevant article.

- 9.3 The Committee **agreed** a revised version would be produced and subject to a postal consultation before the final version is signed off by Chair.

Action: Dr Duff

10 **Annual Review of Position Statements (GC P02 49)**

- 10.1 Ms Collins introduced the paper. It was proposed to drop the Lowland heathland and Lowland peatland position statements. The Committee's view was sought about new position statements to be developed.

- 10.2 The Committee raised the following points in discussion:

- (a) Concern was expressed about the proposal to drop the lowland peatland and heathland statements. There was still a problem with the use of peat and the conservation of peatlands. It was **agreed** that a statement on the use of peat alternatives in horticulture would be developed. The issue of heathlands was

being addressed by the development and dissemination of good management practices, particularly via the *Tomorrow's Heathland Heritage* project.

Action: Ms Collins

- (b) The agriculture statement was to be revised.

Action: Ms Collins

- (c) Offshore renewable energy issues should not be separated from the rest of the energy debate.
- (d) The layout and style of the position statements should be much more consistent thus raising the profile and authority of the series.

Action: Ms Collins

- (e) There needed to be a clearer link between sector analyses and position statements.

- 10.3 The Committee **noted** the points made in paragraph 2.2 of the paper, **noted** the results of the 2002 review and **confirmed** that the position statements on Lowland peatland and Lowland heathland should be withdrawn.

11 **An appraisal of the implementation of management schemes for European Marine sites in England (GC P02 51)**

- 11.1 Ms Collins introduced the paper which provided information about the implementation and delivery of management schemes for the European Marine sites round England. The paper reviewed the strategic issues that had arisen and progress on developing management schemes, particularly in developing ecosystem-based approaches to marine conservation, designating protected sites within the 12 nautical mile limit, and establishing a network of protected sites in conjunction with recovery areas free of extractive use.

- 11.2 In discussion the Committee considered the following points:

- (a) English Nature's future role in relation to these schemes needed to be clear, particularly the distinction of when it was promoting nature conservation per se, and when it was promoting the broader objective of sustainable use. It is also important to encourage the wider adoption of the good management practices carried out on these sites throughout territorial waters.
- (b) It was important to review what changes were actually taking place on the ground, including how easy was it to change or

reverse damaging practices. If this was not working well then we will need to reassess our approach.

- (c) Outside influences had an effect on the marine sites. It was often difficult to control the effect of these. More thinking needed to be done on how we tackle this issue.
- (d) Good monitoring of these sites was vital. Monitoring data had to be clear and precise.

11.3 The Committee **noted** the progress and the development of the management schemes.

12. **Strategic Review of Grants – Next steps (GC P02 56)**

12.1 Ms Collins introduced the paper, which included a review of English Nature's current grants delivery. The Executive Committee had agreed that a more radical programme would be brought to Council in September. The review needed to consider English Nature's position and niche. The review would include consultations with stakeholders and current grant recipients. The Committee's view was sought.

12.2 In discussion the Committee raised the following points:

- (a) The Committee considered the distinctions between grants and contributions. Grant funding, once offered, was managed by the recipient. Contributions were given when English Nature was involved as a partner in the work being funded. Concern was expressed that there may be confusion with the use of the term when awarding research contracts. However the definition was well understood in the world of nature conservation.
- (b) English Nature needed to be more strategic in its grant giving and needed to reposition itself and its products. It was vital that English Nature also secured appropriate publicity and recognition of its work from its grant giving.
- (c) It was necessary to develop a relationship with a new grant funder to allow English Nature to take much of its new grant work forward. New audiences needed to be brought into the grants scheme, particularly Local Authorities. However it was acknowledged that they could not be funded out of Grant-in-Aid money but needed schemes such as Wildspace!
- (d) Concerns were expressed that the proposed timetable of the review was too long. The process had been designed to be inclusive and consultative, however if a new external funder could be involved earlier during the design and piloting stage then this might take up to two years off the project. It was vital that the review and the proposed developments were seen to be

inclusive, so that there was complete understanding, externally, of our aims and objectives. A more detailed briefing for grantees would be particularly valuable to allay any concerns. English Heritage had expressed interest in the review as they were carrying out a grants review of their own and had suggested that we might collaborate in some grants processes.

- 12.3 The Committee **noted** the points raised in discussion and **endorsed** the proposed way forward.

13 Directors' Topical Report (GC P02 52)

- 13.1 Chair introduced the paper.

- 13.2 The following topics were **raised** in discussion:

- (a) The use of the term “brokering” when describing the role of the Press Office in the Freiston Shore managed retreat launch was felt to be inadvisable as it could give the wrong impression about what had been a very professionally handled approach to a partnership project.
- (b) Stone slabs were to be placed on the hillside at the site of the White Horse (Kent) to provide the outline. The Kent Area Team had been involved and monitoring was underway. The outcome to a formal complaint about the case to the European Commission was awaited.
- (c) Committee Members were recommended to visit the Humber Bibliography website.
- (d) English Nature’s closing submissions to the Dibden Bay Public Inquiry were on 4 December 2002.
- (e) Ms Appleby asked for further details about the three-year joint project looking at beef marketing. This was the first such SSSI related project. It was important that we did not repeat other people’s work.

Action: Ms Collins

- (f) Concern was expressed that Rural Affairs Forums may be targeted by Defra to draft the regional delivery plan to the Sustainable Food and Farming Strategy. This was thought unlikely however as there was a Defra appointed implementation group.
- (g) There was little attention being focussed on the nature conservation aspects of the General Agreement on Tariffs and

Trade. The Local Government Association had done some work on this area and they would be contacted.

Action: Ms Collins

- (h) Despite the withdrawal of the Monsanto and Scotts plc application to market herbicide tolerant grass it was important to keep an eye on any further developments.
- (i) Chair was congratulated on being awarded an Honorary Doctorate from Sheffield Hallam University.
- (j) Dr Duff informed the Committee of English Nature's actions as a result of the recent death due to rabies of a bat worker volunteer in Scotland. English Nature had sought advice from the Health and Safety Executive and had revised its health and safety procedures. From now on, all English Nature bat worker volunteers and appropriate staff must be inoculated against rabies before they handle bats, and if bitten must have post infection inoculations if medically advised. If any bat workers refused to do this they would not be allowed to undertake bat work for English Nature. Any costs for inoculations would be borne by English Nature. All third party licensed bat workers will be advised that they should be inoculated. It will be important to watch out for any public relations or policy backlash against bats and their conservation. The low risk of infection by rabies must be emphasised.

14. Unconfirmed minutes of the Joint Nature Conservation Committee (GC P02 53)

14.1 Chair introduced the paper.

14.2 The following topics were **raised** in discussion:

- (a) Professor Lucas asked to see the papers on systematic biology.

Action: Dr Brown

- (b) Dr Gubbay asked to see the paper on SPA boundaries. The approach seemed a rather strict one. Dr Gubbay would be sent the paper and involved in the discussion about boundaries.

Action: Dr Brown

15. Delegated decisions – SSSI notification and confirmation (GC P02 54)

- 15.1 Dr Clements introduced the paper, which documented the SSSIs notified during the previous six months. The paper would be regularly brought before the Committee and in future will include the reasons for

notification. A new table including this information would be sent to Committee Members.

Action: Dr Clements

- 15.2 The Committee **noted** the information on SSSI notifications and confirmations.

16. Any other business

- 16.1 Dr Gubbay asked what follow-up there would be from the recent joint English Nature Council/ Environment Agency Board meeting. Information about the meeting and follow-up actions was being prepared for English Nature and Environment Agency staff.

Action: Dr Brown

Ms Collins was working with counterparts in the Environment Agency to look at some of the issues, relating to the East of England, which had come out of the joint meeting. This work would involve both English Nature Council and Environment Agency Board Members.

Action: Ms Collins

- 16.2 Professor Hart wished to congratulate the Somerset Area Team, in particular Andy King and Mike Edgington, over their work in the confirmation of Porlock SSSI. One of the issues was that of dealing with the concept of mobile features and SSSI boundaries and guidelines were needed as to how these cases should be dealt with. This would be taken forward and brought to the Committee at a later date.

Action: Professor Hart and Dr Clements

17. Closed session (minuted separately)

- 17.1 The Committee discussed plans for their strategy meeting to be held in March.
- 17.2 Dr Clements outlined proposed changes to the SSSI confirmation process at Council meetings, the intention of which was to improve the quality and transparency of the process.
- 17.3 The Committee held a brief discussion about the National Sheep Envelope.
- 17.4 Dr Brown updated the Committee on the review of rural delivery arrangements to be led by Lord Haskins. English Nature had set up a small group to prepare our response to the review.

- 17.5 Ms Wood updated the Committee on the progress of the pay negotiations.
- 17.6 Officers left the meeting and Chair advised Council Members on the process to recruit a new Chief Executive of English Nature.

Signed..... Date.....