

GENERAL COMMITTEE OF COUNCIL

CONFIRMED MINUTES OF THE TWENTY-SECOND MEETING OF THE GENERAL COMMITTEE OF COUNCIL HELD AT THE NOTTINGHAM ROYAL MOAT HOUSE HOTEL, NOTTINGHAM ON 13 MARCH 2002

Present: Sir M Doughty (Chair)
Ms M Appleby
Dr A E Brown (Acting Chief Executive)
Mr T Burke
Dr K L Duff (Director)
Dr A Clements (Director)
Ms S F Collins (Director)
Professor E Gallagher
Dr S Gubbay
Mrs A Kelaart
Professor G Lucas
Dr M Moser
Professor D Norman
Dr A Powell
Professor S Tromans
Miss C E M Wood (Director)
Mr G N Woolley

In attendance: Mr R Barlow, Browne Jacobson
Mr M Felton, General Manager (minuting secretary)
Ms F O'Mahony, Head, Top Management Unit
Dr K Charman, General Manager (Item 5)
Mr J Creedy, Corporate Governance Manager (Items 6 & 10)
Mr D Henshilwood, General Manager, Designated Sites (Item 8)
Dr D O'Halloran, Team Manager, Cumbria Team (Item 8.1)
Dr I Soane, Conservation Officer, Cumbria Team (Item 8.1)
Dr C Turner, William Sinclair Horticulture Ltd (Item 8.1)
Dr R Wolton, Team Manager, Hampshire and Isle of Wight (Item 8.2)
Dr C McMullen, Conservation Officer, Hampshire (Item 8.2)
Mr P Colebourn, Ecological Planning and Research for Associated British Ports (Item 8.2)
Mr B Greenwood, Norton Rose solicitors for ABP (Item 8.2)
Dr R Covey, Editor Maritime State of Nature Report (Item 14)

Apologies Professor M Hart

Chairman opened the meeting and welcomed all those present, in particular Mr Woolley who had struggled to this his last meeting with an injured back.

1. **Minutes of the twenty first meeting of the General Committee of Council held on 4 December 2001. (GC M01 06)**

- 1.1 The Committee **approved** both the open and closed minutes as an accurate record of the meeting.
2. **Matters arising**
 - 2.1 There were no matters arising other than one error in 9.3.3 where the last sentence was repeated.
3. **Feedback from field visit**
 - 3.1 The Committee **thanked** the Local Team for organising an excellent day which provided much food for thought.
4. **Marine Wildlife Conservation Bill (GC P02 04)**
 - 4.1 Andy Brown introduced the paper which considers a Private Members Bill, covering England and Wales, introduced by John Randall MP supported by the RSPB. English Nature supports the overall purpose to establish a series of marine sites. The Government intends to table amendments and give assurances in the second reading debate. The paper addresses our concerns but does not review the amendments which were only tabled recently. The main issues that remain are:
 - 4.1.1 The criteria for selection of sites for notification will be produced by English Nature and published by the Secretary of State. It is intended that these will be scientifically based, but this is not mentioned in the text of the Bill but will be confirmed during the debate. English Nature will have the power to notify sites and the Secretary of State has the power to confirm sites following a consultation period after notification. Our key concern here is the resource implications, and to ensure the confirmation process is based on evidence of the nature conservation value of the sites and does not require complete agreement by all stakeholders as is required for Marine Nature Reserves.
 - 4.1.2 English Nature will be required to produce a conservation statement as part of the notification. This provides the opportunity to set out objectives and the key operations likely to damage the conservation interest. The main approach to conservation is for Competent Marine Authorities to regulate activities that may damage the marine sites. Under the current Bill they will have no duty to take account of the operations likely to damage the interest and will themselves determine what is damaging and what is acceptable. This provides us with no mechanism to ensure damaging activities are effectively controlled.
 - 4.1.3 The provisions for reviewing existing consents and licenses and for addressing third party offences are weaker than the equivalent for SSSIs. However English Nature feels these can be made to work.
 - 4.2 In discussion the Committee **supported** the overall purpose of the Bill. They **agreed** the key weakness is that Competent Marine Authorities determine what is damaging and what is not and do not have to take account of our advice. There are also too many issues where we are dependent on assurances given during the debate rather than through amendments to the Bill. The Committee **noted** wider work on marine nature conservation, including the European Marine Strategy and DEFRA's Marine Stewardship Report.

- 4.3 The Committee **agreed** that Chair would write to the Minister indicating support for the overall purpose of the Bill but stating that we would not support it unless the Competent Marine Authorities are required to take account of our advice on operations likely to damage the conservation interest of the sites.

Action: Andy Brown

5. **Draft position statement on local sites. (GC P02 07)**

- 5.1 Keith Duff introduced Kevin Charman and spoke to the paper, which is a revised version of the paper considered at the last meeting. Local sites are important for local wildlife character, to help redress fragmentation, and to support ecosystem functioning at landscape scale. The position statement sets out our views and reflects the value of these sites for people and social inclusion.
- 5.2 The Committee **welcomed** the re-write and raised the following issues in discussion:
- 5.2.1 The relationship with Local Nature Reserves, which are statutory, and local site systems which are not, must be clearly set out.
- 5.2.2 To help the public there should be web links from this statement on the English Nature website to others which give more details of local sites. The Committee **noted** that Nature-on-line will help with this. The Position Statement could include a list of key websites.
- 5.2.3 The value of the general fabric of the wider environment, including urban areas, for nature conservation and general ecosystem functioning, should be given more emphasis by putting in a separate paragraph in the introduction.
- 5.2.4 The potential of the planning system to help enhance local sites should be included specifically. English Nature's proposed activities are fine, but the wording should be more active indicating a commitment to achieve effective local site systems rather than to discuss them with others. The Committee **recognised** that English Nature was not in control of the overall approach but still **advised** the statement should be strengthened as far as possible.
- 5.3 The Committee **agreed** that a new draft based on the comments made will be circulated and **delegated authority** to Chair to agree a final version.

Action: Keith Duff

6. **Corporate Governance – standing orders for the Executive Committee (GC P02 03)**

- 6.1 Chair stated that Council (and not the General Committee) was considering this item.
- 6.2 Caroline Wood introduced the paper which enhances the Corporate Governance framework of the Executive Committee. The proposed standing orders have been scrutinised by lawyers and discussed by the Executive Committee to ensure they are practical.
- 6.3 The Committee **considered** the paper was comprehensive and raised the following issues in discussion:
- 6.3.1 The management of circulation of papers covering work in progress and exploratory material, intended to inform discussion leading to final policy

positions needs to be clearer. It is important that these papers are clearly signalled in the minutes and to those receiving copies, as contributions to the development of our position and not as containing conclusions. Directors are responsible for deciding whether papers are available.

- 6.3.2 Unconfirmed minutes should not be circulated if possible. There should be a short statement circulated indicating the business covered at meetings and any clear conclusions.
- 6.3.3 The section covering who chairs meetings in the absence of the Chief Executive should be simpler.
- 6.4 Council **agreed** the standing orders with amendments covering the issues raised above, and **delegated authority to Chair to agree** a final version prepared following circulation of a new version to all Members.

Action: Caroline Wood

7. **Performance Report: April 2001 – December 2001. (GC P02 08)**

- 7.1 Caroline Wood introduced the paper which demonstrates good overall performance. There are some FMD impacts on targets, but Teams are confident they can catch up over the Corporate Plan period. The impact of FMD on contracts and spending was more severe leading to the need to carry forward £0.75m. We have brought forward planned projects from 2002/03 to use as much of this as possible and provide resources to meet our carry forward commitments. It emerged that, as yet, we have no carry-forward facility approved this year: DEFRA agree that we need this but they need approval from Treasury. Approval from Treasury has been sought.
- 7.2 The following issues were raised in discussion:
 - 7.2.1 The loss of flexibility to carry forward funds at the end of year is a significant concern, especially in a year where FMD impacts are well known. This flexibility is needed for effective financial management anyway.
 - 7.2.2. The Lifescapes pilots are not representative of the circumstances across England where we need to integrate nature conservation into wider programmes, notably on socio-economic issues. The Committee **recommends** developing at least one more pilot scheme in an area with greater socio-economic challenges, and that we learn from the range of work across English Nature that could inform our Lifescapes approach.

Action: Keith Duff

- 7.2.3 The role of external performance measures such as Charter Mark and Investors in People needs considering. We should seek additional external measures to distinguish English Nature from other organisations where these add value to our work.
- 7.2.4 The Committee **noted** that more work is underway to develop improved performance measures which will be reflected in the next Corporate Plan. This includes keeping methods to achieve sustainable development under review and getting them used appropriately.

- 7.3 The Committee **agreed** the lack of end of year flexibility is unsatisfactory and should be pursued.

Action: Caroline Wood

8. **Sites of Special Scientific Interest (SSSI) cases (GC P02 02)**

Bolton Fell Moss, Cumbria

Dibden Bay, Hampshire

- 8.1 Chair introduced item 8 which is a meeting of Council (not the General Committee) and reminded those attending that biographic details of Council Members were available. He outlined the process that would be followed, including a presentation from the English Nature Team proposing each site, a presentation from objectors, each with an opportunity for Council to ask questions, followed by a discussion amongst Council Members leading to a summary by Andy Clements, Acting Director Operations and a decision by Council.

Bolton Fell Moss, Cumbria.

- 8.1.1 Andy Clements introduced Des O'Halloran and Ian Soane from the Cumbria Team. Dr. O'Halloran gave a presentation which described the location and interest of the site, and outlined the outstanding objections which included a challenge to the notified boundary on scientific grounds. The whole site had been re-notified as the original SSSI had lapsed under the CROW Act. The core feature that comprises the principle feature of special interest of the site is the vegetated dome in the north-west corner of the peat body. The peat trough in the SE ditch is C750m east of this core area and areas east of this ditch are considered unlikely to have a serious hydrological impact on the special interest. This judgement is supported by the finding that the peat beneath the vegetated dome is hydrologically constrained by a rising sub-surface topography. The officers therefore recommend that Council accept the boundary change as proposed in section 1.7 of the report to Council and related amendments to the citation, Operations Likely to Damage and the Management Statement.
- 8.1.2 Chair welcomed Dr C Turner, Technical Manager, William Sinclair Horticulture Ltd and indicated we were operating under pilot procedures for hearing representations for objectors. English Nature welcomes representations which provide an opportunity to reinforce particular points in person, and help Council to understand issues and have information required to reach decisions.
- 8.1.3 Dr Turner outlined the case for an amended boundary that is recognisable on the ground based on hydrological evidence. There is no dispute over the core of the special interest. Dr Turner considered that Council in 1994 had judged that the extended area to the east could not be judged necessary to provide and maintain the hydrological functions needed to conserve the special interest. There is no new evidence that challenges this. The mineral ridge and the ditches running to the north and to the south east of it provides a boundary that is hydrologically sound and visible on the ground, and this has been confirmed by visits to the site by several English Nature staff. Dr Turner noted that working relationships with English Nature were good as indicated by the tree removal programme which has made good progress. He expected more progress once we had agreed a boundary.

- 8.1.4 Chair thanked Dr Turner for his clear presentation and invited questions from Council. The remaining differences between the boundary recommended by English Nature staff and William Sinclair Horticulture Ltd were discussed: the location of the additional area of exclusion requested by William Sinclair Horticulture Ltd with respect to the deeper trough of peat means that there is more likely to be a significant hydrological link to the core interest; William Sinclair Horticulture Ltd confirmed that they would accept including the areas recommended (by English Nature Officers) on this basis.
- 8.1.5 In discussion Council noted the key issues were below ground and related to complex factors affecting the hydrology of the site. The main issue to be considered was the area of land to be included within the SSSI beyond the special interest vegetated land in the north west of the site. The hydrological evidence supports including within the boundary most of the peatland extent other than those parts of the site east of the mineral mound. However, the deeper peat trough connects the core interest to the areas south and east of the core interest. Visits to the site have changed the views of staff who now consider that this linkage does not provide evidence of sufficient hydrological connection to include land east of the south-east ditch as that which is judged necessary to provide and maintain the hydrological functions needed to conserve the special interest. Ultimately this was a matter for the judgement of Council. An appreciation of the mineral mound has been gained since notification and this indicated that the reduced boundary proposed was appropriate.
- 8.1.6 Council considered the various objections from owners and occupiers of land at the north, west and southern edges of the site, and agreed with the officers' recommendations. Council also noted that accepting the officers' recommendations for the revised boundary to the east of the site would have the effect of completely removing the land owned (tenanted?) by the Russell Estate, another objector, from the SSSI.
- 8.1.7 Council had due regard to the objections based on socio-economic grounds and that some were seeking compensation. SSSI status does not affect existing planning permissions. Council agreed the officers proposed approach in relation to each of the objections and representations.
- 8.1.8 Andy Clements summarised the key issues raised. Council needs to exercise a judgement on how much bare peat needs to be included to conserve the interest, as there is no conclusive evidence. The boundary needs to represent sufficient precaution in defining the line so that in our opinion the special interest is not threatened. William Sinclair Horticulture agree on the special interest within the vegetated peat area and accept that the boundary recommended by English Nature staff reflects the underlying hydrology and is recognisable on the ground. The material issues relating to the hydrology and the impacts on the special interest were covered in the papers and the presentations. The socio-economic issues are listed in the table in the papers.
- 8.1.9 Council suggested that some monitoring of both the vegetation and lateral movement of water across the site would enhance our understanding of peat areas in general as well as this site. English Nature would support this.
- 8.1.10 Council **noted** there are outstanding late notifications with a consultation period that closes on 19 April 2002. It is therefore not possible to reach a

final decision until any representations or objections from the owners and occupiers who were notified late.

- 8.1.11 Council **delegated authority to confirm** the site after 19 April 2002 to Chair following consideration of further objections or representations before that date. On the evidence provided and discussions at the meeting Council **advised** that the site should be **confirmed with modifications** to the boundary, citation, operations likely to damage and the management statement as recommended in the report to Council.

Action: Andy Clements

Dibden Bay, Hampshire

- 8.2 Andy Clements introduced Rob Wolton , Team Manager Hampshire and Isle of Wight Team, and Chris McMullon, Conservation Officer responsible for the Dibden Bay SSSI. Dr Wolton gave a presentation that described the site, created by the deposition of marine dredgings on former coastal habitat, and the nature of the special interest, breeding lapwing and an assemblage of invertebrate species. There are two outstanding objections and five letters of support. Associated British Ports (ABP) expressed concern over inadequate comparative data, the artificial origin of the site and that English Nature changed its mind over notification during 2001 as outlined and annexed to the officer's report to Council. Dr Wolton indicated this was because we had to review evidence on the state of the area in advance of the Dibden Terminal public inquiry and had held two meetings with ABP to discuss lapwing and invertebrate data since the BP objection had been submitted on 28 January 2002. Norton Rose on behalf of ABP had written to English Nature on 6 March 2002 and proposed an amended boundary to include only the western fringe of the proposed site for invertebrates and rare plants. They do not consider that lapwing are of special interest on the site, and so consider the site should not include all the grassland. English Nature staff considered these suggestions and concluded the lapwing interest is special and together with the invertebrate assemblage justifies including the whole area and recommended confirmation without changing the boundary but with minor modifications to the citation.

- 8.2.2 Council raised the following issues after the presentation:

The decision to notify was made after reviewing data in detail in the run up to the public inquiry. Most of the data arose from the work commissioned by ABP to prepare their environmental statement. The earlier decision not to notify the site was based largely on the wintering wetland bird and rare plant data from the site.

The reference in the letter from Norton Rose, "there has been a singular reluctance by English Nature's representatives to discuss the principal issues arising" caused concern. Dr Wolton was surprised at this accusation given there had been 4 or 5 meetings at which all concerns were discussed.

Although special caution must be applied, there is no difficulty notifying artificial habitats. Examples of designated SSSIs include gravel pits, mines and spoil heaps.

- 8.2.3 Chair welcomed Mr P Colebourn, Ecological Planning and Research and Mr B Greenwood, Norton Rose Solicitors both on behalf of ABP. He indicated we were operating under pilot procedures for hearing representations. English Nature welcomes representations which provide an opportunity to reinforce particular points in person and help Council to understand issues and have information required to reach decisions.
- 8.2.4 Mr Greenwood stated ABP were concerned and disappointed at the notification which they believe uses dubious, tenuous and misleading data and fails true scientific scrutiny. Mr Greenwood stated that the supporters of the SSSI are the principal objectors to the proposed Dibden Bay Terminal who hope the SSSI would act as a barrier to the development. He suggested the notification was in response to pressure from objectors and would be perverse and an abuse of English Nature's powers. ABP acknowledges the merit of some parts of the site and suggest the Council does not decide to confirm the notification but remits the case back for further discussion rather than proceeding with undue haste due to the public inquiry.
- 8.2.5 Mr Colebourn raised the following issues in his presentation:

The invertebrate interest is all at the edge of the site and does not justify designating the main central area of grassland. The lack of comparative data from Hampshire where 50,000 ha are already designated means the national importance of the site for the invertebrates is unproved. The western edge with a mosaic of saltmarsh, grassland and saline pools does have rare plant and invertebrate interest: Council should remit the site back to the Team for further discussion.

The number of breeding lapwing is only based on estimates using counts of individual birds. The number of breeding pairs may have been over 30 pairs since 1999, but has not averaged this over the last five years. Lapwings have never bred on the northern third of the site. The number of breeding pairs is not a measure of breeding success and the site has high predation. There are about 60,000 breeding pairs of lapwing in England and there is no SSSI where lapwing is the primary designated feature. It is hard to see how the small breeding population on this artificial and early succession site can be seen as nationally important.

The site is rapidly evolving, is not essential for the lapwing population in the area of search and is neither a wet meadow, nor a grazing marsh and the habitat does not qualify as it does on other lapwing sites. The Guidelines indicate there is a need for caution on artificial sites.

- 8.2.6 Chair sought clarification on the issues raised by ABP with respect to lapwing where they question the ecological value of the site. The objectors did accept that the invertebrate interest does justify notifying some of the edges of the proposed site but not the main grassland area. Council raised the following topics in questions to the ABP representatives:

The harsh words that questioned English Nature's motives in notifying the site but did not address the specific issue of the perceived reluctance to discuss issues fully caused concern and created an unhelpful climate. Mr Greenwood assured Council he was not accusing English Nature of malpractice but it did seem that the public inquiry had led to undue haste in presenting the SSSI. English Nature's Local Team stated that they did

consider the site in more detail because of the proposed ABP development and did decide to notify because of different interest features. Council consider this is acceptable provided the decision is open.

The time available was the normal period of four months from 27 September 2001 to 28 January 2002, one month longer than the minimum statutory consultation period required. The unresolved objections were taken at this Council meeting as the next one in June is too close to the end of the nine month period from notification within which a decision needed to be taken. The public inquiry made no difference to the timetable once the decision to notify was taken.

The apparent difference in the data on lapwing numbers and the estimates of breeding pairs appear to differ in the presentation and the tables in the package. The data in the package were collected by Ecological Planning and Research (EPR), and used conventional and agreed methods for estimating breeding pairs. What standards are used to determine a good breeding site? EPR felt that a strategy for lapwing conservation should focus on managing farmland more generally rather than on sites such as Dibden Bay. English Nature and ABP agree that lapwing do not breed in the northern part of the site but do use it for foraging. The national population of lapwing was declining whereas the population at Dibden was increasing. The site, if designated, would be managed to enhance the suitability of the habitat for breeding lapwing, including seeking to reduce the impact of predation.

The basis for deciding on the boundary for the invertebrate interest was discussed. EPR feel that the central grassland area is species poor and not part of a mosaic required for the invertebrates, which depend on the habitats on the western edge of the site. The maps showing the distribution of the invertebrate habitats include areas on the eastern seaward boundary: how should a boundary be drawn that did not split the interest and threaten the integrity of the site for invertebrates?

- 8.2.7 Chair thanked ABP for their presentation and the Team for the package and invited Council to discuss the issues raised.

Mike Moser reported that he and Anne Kelaart had visited the site and thanked ABP for their help. He understood the sensitivity about the site and noted English Nature's responsibility to identify the special interest and bring this to the attention of the public inquiry. The invertebrate interest is clear and compelling with 21 Red Data Book species and 67 nationally scarce species, and clearly better than nine other sites including one NNR in the Solent and Poole Bay Natural Area. The lapwing data are more contentious, but given a 49% decline in the national population and range contraction in the south, the records clearly exceed the guidelines and therefore justify inclusion of the lapwings as a special interest feature. He noted that the massive lapwing population decline has occurred since the Guidelines threshold was set. Supporting letters urge English Nature to include other features such as scarce plants, saline ponds and wintering waterbirds: these do not meet the required standards. The site is clearly a single management unit with features varying in density across the site and requiring different parts of the site. The recommended boundary is supported by the visit.

The following issues were raised in discussion:

The boundary needed for the invertebrate interest is hardest to establish: whilst there are few records across the grassland area, there are some - and species require these areas for foraging as part of their lifecycles. Council questioned whether the northern and southern parts of the site were needed for invertebrates and whether the central part was sufficient to conserve the invertebrates without risk to the overall integrity of the habitat mosaic needed. It is difficult to draw a boundary that excludes the main grassland areas as the species are mobile and the grassland area provides support for the invertebrates.

Members who had visited the site considered the whole area acted as a single unit. Lapwing foraged in the northern part where it was thought they did not breed, and this was intrinsic to the lapwing interest.

- 8.2.8 Andy Clements summarised the key issues relevant to the decision on whether or not to confirm the site. The information indicates that both lapwing and the invertebrate assemblages qualify as criteria for the site. The timetable for the site was normal once ABP had initiated their proposal for developing the site. This proposal led to greater scrutiny of the available data which had been collected as part of preparing the environmental statement.

The data clearly indicated that there is an invertebrate assemblage of special interest. In drawing a boundary solely to protect that special interest Andy Clements advised that the whole of the site is both required and appropriate.

The lapwing data were collected by ABP commissioned work and are analysed using a widely known method which was accepted by the joint data group for the public inquiry and by our ornithologists. Breeding lapwing are part of the qualifying assemblages of breeding birds for which other sites are notified. The site is of special interest for breeding lapwing. The key issues raised had been fully addressed including the option to defer a decision and explore further a boundary for scarce plants and invertebrates as proposed by ABP. Andy Clements endorsed the recommendations as set out in the officers report to Council.

- 8.2.9 Council **did not agree** to make the first proposed amendment to the citation which will be left referring to breeding lapwing. David Norman and Stephen Tromans did not agree with the judgement over the boundary for the invertebrate special interest but also felt that delaying the decision would not help this. Other members are convinced the data justify the whole site for invertebrates.
- 8.2.10 Council **confirmed** the site with one change to the general description of citation to read “deposition of dredgings over a complex of coastal habitats”.

Action: Andy Clements

9. Corporate Plan 2002 - 2005 (GC P02 09)

- 9.1 Andy Brown introduced the paper which is an update of a draft considered at the December meeting and has adopted a new approach to reflect the Committee's advice. Council Members would like earlier opportunities to help prepare the Corporate Plan, but there had been too little time on this occasion. More work is still needed on the targets and the introductory text for each section needs extending.

- 9.2 The Committee liked the new format and approach which is much stronger than the earlier version, and raised the following issues in discussion:
- 9.2.1 The commitment to working in partnership must be emphasised at the start, preferably as part of the mission statement;
 - 9.2.2 The importance of connecting to people and the day-to-day life of the population needs strengthening. This may require some rebalancing of the priorities where the emphasis is on the DEFRA SSSI target and the contribution that this can make to the wider community is not effectively presented. Achieving the SSSI target requires action across a range of issues that will impact widely if delivered. The overall work can be presented as more balanced by taking this into account. How our work contributes to other Departments' PSA targets could also be presented.
 - 9.2.3 The presentation needs to incorporate socio-economic issues and show how our work contributes to these and how others can achieve their objectives through activities that contribute to nature conservation. This positions our work as part of the wider Government agenda and as less DEFRA oriented. Using the wider PSA targets will help achieve this.
 - 9.2.4 The Plan must include all our work including work not funded solely through our grant-in-aid. This should be indicated in the introduction and included in relevant sections across the Plan.
 - 9.2.5 Information management and making our information more accessible to the wider public needs more emphasis as one way of making nature conservation more relevant. Data capture to keep information up to date, data management and support for users is not affordable under baseline.
 - 9.2.6 Government is strongly asserting its wish to achieve environmental objectives whilst reducing the capacity to manage activities so this is possible: the balance between Programmes does not reflect this fully.
 - 9.2.7 A separate section on our staff that includes work on the pay and performance management review is required. The importance of the quality of the relationships staff have with the people we work with and provide our services of advice and support needs more emphasis. These relationships are the basis of our capacity to influence others in ways that benefit nature conservation.
 - 9.2.8 The Committee **noted** that changing the balance between programmes is difficult as our grant-in-aid is often tied quite closely to key targets. The links across the Programmes need to be presented strongly along with our ways of working that deliver both the core targets and contributions to other priorities and innovations to ensure that our work contributes effectively to peoples' quality of life. The overall balance will be a core topic for the October strategy session of the Committee. Programme Boards will involve Council Members and finalise the text aiming to publish in April.

Action: Programme Boards, Committee Support Unit, Andy Brown

10. **Risk management report (GC P02 10)**

- 10.1 Caroline Wood introduced John Creedy, the Corporate Governance Manager. The paper reports on the work in progress to embed risk management better into all English Nature's work including in all Teams. The paper also presents a shortened and better defined set of key risks which will be considered by the Audit and Risk Management Committee which will report to Council. This is an opportunity for the Committee to contribute advice and suggestions.
- 10.2 The Committee **noted** the report and that English Nature is in the forefront and seen as well placed by the NAO. The balance between risks to the environment and the outcomes we are seeking to achieve and to the effectiveness of the organisation is important.

11. **Directors' topical report (GC P02 11)**

- 11.1 Chair introduced the paper, indicated that his programme and that of the Chief Executive would be circulated later. The following topics were raised in discussion:
- 11.1.1 Work on the Severn Estuary SAC is considering new issues related to features added in following moderation and we will conclude our analysis by May 2002 and provide advice to DEFRA who make the final decision. There is separate work following the project looking at estuary sites across Europe: the Commission have established a specialist group and will issue guidance on boundaries for estuary sites in due course.
- 11.1.2 There is no comprehensive list of sites in the 6-12 mile sea area at present, but DEFRA will treat sites known to be important as though they were European Marine Sites when considering proposals likely to affect them.
- 11.1.3 The Committee **congratulated** all involved in securing the peat agreement with Scotts and in planning the press launch led by the Minister.
- 11.1.4 Our work on the Planning Green Paper needs to explore how to ensure Counties retain ecological expertise. We also need to address any pressure to roll back the Habitats Directive in response to reports such as the McKinsey Report to the Treasury which suggested that the way the planning system treated the environment was an excessive constraint on economic development. The Committee **noted** that one suggestion made at the January 2002 Planning Workshop was to develop a standard set of core policies for District Plans to avoid duplication of effort and to make it easier for Local Authorities to adopt excellent environmental policies.
- 11.1.5 Work on Sustainable Urban Drainage Strategies has not progressed as far as it could have done, and this should be incorporated into work on AMP4 as early as possible.
- 11.1.6 The Committee emphasised the importance of having staff on the ground to protect nesting Hen Harrier. We must not miss this season and if permission for access is not granted soon we must use the powers available in the CROW Act to ensure we can have people on the ground in good time.

12. **Joint Nature Conservation Committee (JNCC) issues: Minutes (GC P02 12)**
Financial management and policy review (FMPR) Stage 2 Report: recommended responses from English Nature (GC P02 13)
- 12.1 The Committee **noted** the minutes.
- 12.2 The Committee **noted** that Professor Gallagher is replacing Professor Norman on the JNCC Chairman's working group on the FMPR, and **endorsed** the line proposed in the paper.
13. **Delegated decisions on SSSI notifications and confirmations (GC P02 14)**
- 13.1 The Committee **noted** and **agreed** the decisions.
14. **Maritime state of nature report (GC P02 01)**
- 14.1 Keith Duff introduced the paper and welcomed Roger Covey. The maritime report follows the upland report launched last year. The work will involve the maritime group of Council Members to review consultation responses. This work which will summarise the responses and propose our responses will be presented to Council in June.
- 14.2 The Committee supports the approach. The maritime group of Council Members would like early involvement in preparing the material for consultation.
15. **Investing in nature (capital modernisation fund) update (GC P02 15)**
- 15.1. Caroline Wood introduced the paper which provides information on all the projects in the programme. The programme has been renamed "Investing in Nature" to give it a clear identity linked to its purpose. The programme is an example of external funding supporting innovation.
- 15.2 The Committee asked about the longer term implications of maintaining Nature-on-Line. This is a key investment helping English Nature address the challenge of information age Government and we accept the longer term costs of making our information accessible. The project plan is being revised and will address the on-going costs. Maintaining the currency of data is a key issue as well. The plan will be circulated to Council Members.
- Action:** Caroline Wood
16. **External funding: an integrated approach (GC P02 16)**
- 16.1 Caroline Wood introduced the paper which sets out an approach that will keep us in a strong position to secure funds for allies to use for our purposes and for ourselves to use through projects we lead. There is increased competition for external funds and we need to develop our approach to remain in a leading position. This will require greater attention to the socio-economic opportunities linked to nature conservation delivery.

16.2 The Committee **welcomed** the paper and raised the following issues:

16.2.1 English Nature also delivers services for the New Opportunities Fund and the Heritage Lottery Fund and this distinguishes us from other partners.

16.2.2 Our approach must be objective led not funding led. The leverage achieved so far is about £10 for every £1 we contribute. We have a programme to contribute to developing bids but do not have a formal cost-benefit target.

16.2.3 The Action Plan in the paper is too internally focussed: we need to emphasise the work to reach and develop partnerships externally including work where others lead projects and we are contributing partners. The Committee **noted** the existing work to maintain an external network and the projects already led by others to which we contribute.

17. **Adjustments to Teams to bring in line with Government Regions (GC P02 17)**

17.1 Andy Brown introduced the paper which indicates changes for three Counties which will move from one Team to another. Budgets and staff have been adjusted and Team names changed to reflect the new areas. Teams will be known as Area Teams instead of Local Teams. The changes required have been done quickly and demonstrated a flexible and positive approach. All changes take effect from April.

17.2 Chair said he was pleased with the way this has been addressed.

18. **Any other business.**

18.1 Keith Duff said the Ruddy Duck Control Trial Report had been produced and was now being considered by an advisory committee established by DEFRA. Four Council Members, Mike Moser, Gren Lucas, David Norman and Susan Gubbay, will consider the recommendations and help develop advice for English Nature's representative on the DEFRA advisory committee. The Committee **agreed to delegate authority to agree** the English Nature line to Chair, supported by the Council Members considering the Trial report.

Action: Keith Duff

19. **Closed session.**

19.1 The Committee went into a closed session.