

General Committee of Council

Unconfirmed minutes of the twenty sixth meeting of the General Committee of Council held on 19 March 2003 at the Randolph Hotel, Oxford

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

In attendance: Mr J Wray (Corporate Business Team, Minuting Secretary)
Ms H Doran (Items 4 & 5)
Mr J Marsden (Items 4 & 5)
Mr D Stone (Item 6)
Dr K Charman (Item 7)
Ms G Wright (Items 8)
Mr D Tate (Item 9)
Mr J Budd (Item 9)
Ms A Easton (Item 10)

1. Apologies and welcomes

1.1 The Chair welcomed the Committee and general public. Apologies were received from Mr Stephen Hockman and Mr Hugh van Cutsem.

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

2.1 Mr Wray apologised for the fact that Mr Burke and Dr Gubbay were not shown as having attended the meeting.

2.2 The minutes were then **confirmed**.

3. Matters arising

- 3.1 Dr Gubbay referred to Item 11 of the minutes and asked for an update on the issues surrounding maerl beds on the Fal Estuary. Dr Clements said that English Nature had issued advice to the consenting authority about their responsibility. Enforcement action remained a possibility if needed. Dr Clements would send Dr Gubbay a copy of our letter to the consenting authority and update Council Members.

Action: Dr Clements

- 3.2 **Paragraph 16.2** – Professor Hart said there had been useful discussions over the issue of mobile sites and guidelines were being developed. Dr Clements said an SSSI package will go to the Executive Committee in April that reflects some of these issues.

- 3.3 The Committee **noted** the Action Points table and the following points were raised:

- 3.3.1 **Action point 12.2G** – The Chair asked that the action be undertaken without waiting for the vacancy to be filled.

Action: Ms Collins

- 3.3.2 Annex B – Progress following the joint meeting with the Environment Agency had been disappointing. The Environment Agency had still not signed off the protocol. Ms Collins was meeting the Environment Agency shortly and would assign the various actions to staff. There would be a workshop in East Anglia, but a date was needed. Council **expressed its concern** that action on this issue was slow. Dr Brown proposed a meeting at Chairman/Chief Executive level with Environment Agency to discuss this and a range of issues.

Action: Dr Brown

- 3.3.3 Environment Agency had approached English Nature to discuss re-prioritising the site assessments for the review of consents of Natura 2000 sites. English Nature was concerned at the delay and Ms Collins would be meeting the Environment Agency shortly and would report back.

Action: Ms Collins

4. Sustainable development – progress report and future work programme GC P03 01

- 4.1 Ms Collins and Mr Marsden introduced the paper which included a comprehensive follow-up report to the July 1999 discussions. The paper showed how sustainable development policy and initiatives has progressed. We might need to integrate marine issues more into our approach and we need to look at new areas of work. English Nature's contribution to sustainable development work within Defra had been recognised.

4.2 The Council **noted** the progress made by both Government and English Nature and reflected on the outcomes of the strategy workshop. The following points were raised in discussion:

- a. If we wanted others to incorporate more recognition and appreciation of biodiversity in their work then it could be argued we should include more recognition of social and economic issues across our work. However, it was recognised that our remit was in effect designed to be our contribution to sustainable development. There is a need to examine further the extent to which we can deliver our statutory role but in a way which also contributes to social and economic objectives. As a starting point we should list the contributions biodiversity makes to the economy. Under S37 of the Countryside Act 1968 English Nature only had “to have due regard to the needs of agriculture and forestry and to the economic and social interests in rural areas”. Whilst this had been interpreted as far as SSSIs were concerned there was scope for wider consideration.
- b. It was necessary to recognise that there would always be some essentially unsustainable use of resources eg mineral extraction, but once the resources had been used there may be opportunities to develop subsequent sustainable activities.
- c. Sustainable development projects are often started when the environment is already degraded. Natural resources have different dynamics and must be treated differently. Society as a whole undertook development projects. It was therefore important to recognise the necessity rather than the legitimacy of economic and social goals and so the wording of paragraph 5.4 vii should be looked at again.

Action: Ms Collins

- d. English Nature’s view of sustainable development needed to be set out more clearly in the action plan together with the contribution made by biodiversity, including English Nature’s contributions, and the implications for us. This statement should also act as a stand alone document.

Action: Ms Collins

5. Position statement on sustainable development GC P03 04

5.1 Ms Collins introduced the paper. The position statement sought to clarify what English Nature would do in promoting sustainable development. The statement would be put through the Plain English process – it needed to be clear both to staff and external partners.

5.2 The Committee raised the following points in discussion:

- a. Sustainable development was a complex subject, but was of such importance that clarity of view and message was vital.

- b. The statement should begin by emphasising the need to share information about the wider ecosystem services that biodiversity provides (Point vi.) and then state English Nature’s desired outcome. The term “key measure of sustainability” should be considered in place of “test of sustainability”.
- c. Point viii – delete the word “appropriate”. The introductory paragraph should start at the third sentence.
- d. Many of the proposed actions were about stopping activities. The statement should emphasise the net gains of adopting sustainable development. Society needed to think through its actions so we did not have to spend resources correcting actions that should not have occurred in the first place.
- e. The presentation of position statements seemed to vary. This had been mentioned before. The introductory paragraphs should be compelling and subsequent information laid out in shorter paragraphs. The reader should be told where to find more information. Position statements were available on the website. This gave us the opportunity to include pictorial and other information beneath the initial statement. This facility will be provided by the Nature On-line Project through the content management system. Position statements should be primarily aimed at a general external audience.

5.3 The Committee **agreed** that a revised statement should be brought to the June meeting.

Action: Ms Collins

6. People and Nature position statement GC P03 05

6.1 Ms Collins introduced the paper and advised that there had been a lot of work in this area since Council looked at the draft statement. Council’s views were sought on the content and style of the position statement, which, despite much effort, was probably still too long.

6.2 Council **discussed** the position statement and raised the following points:

- a. What is the definition of “access”? Access is not just physical access but should include intellectual access as well. This should be included in the statement.
- b. The introductory paragraph should describe what nature provides. The points in the “What we will do” section should be grouped into types. Points ii and xiii duplicate each other.
- c. The opportunity should be taken to show people what they could do to reduce their own environmental footprint.
- d. It was not possible to guarantee safety and so references to safe access to nature should be removed.

- e. The presentation of position statements was generally consistent within the series, but the style was evolving. Nature On-Line would enable position statements, when published on the web, to link to some of our other material and definitions.

6.3 The Committee **agreed** that a revised statement would be circulated to them and signed off by the Chair.

Action: Ms Collins

7. Progress report on science GC P03 02

7.1 Dr Duff introduced the paper which reviewed English Nature's science progress and looked to the future. It was an important document as we depend heavily on scientific understanding to inform our approach to conservation issues. The bulk of the science was funded through the Programme Boards. A significant amount looked at social science aspects. The paper was not a work plan, but provided the scope for one.

7.2 The Committee **noted** the progress reported in the paper and **commented** on the emerging scope of the science work, raising the following points in discussion:

- a. It was necessary to ensure that English Nature scientists retained their skills. There should be more emphasis on their continued professional development. It was important to try and influence universities to retain an interest in teaching taxonomy and basic field skills.
- b. It was important that English Nature science had a good profile within the overall science community. We would increase our influence with other science organisations and improve the opportunities for having increased funds for science. It was regrettable that there seemed fewer opportunities for English Nature to publish peer reviewed papers. This was a management issue as work loads were reducing the opportunities for staff to publish papers.
- c. Only 1.7% of the science budget went on strategic research. This was considered low but it was recognised that we need to be clear about what issues we need to research, the costs involved and how to tackle the work in partnership with others. Area Teams had science money allocated to them to allow operational work to be tackled.
- d. The Advisory Group on Science was seen as a very good development, however it was important that their remit was clear and that they felt able to make a positive contribution through their agenda.
- e. Data management was a key element of the science programme. The study of long term trends was vital and it was therefore important that we had good access to biological records through the NBN.

7.3 The Committee **endorsed** the approach of the Science Programme. Dr Duff would try to bring the Action Plan to the June meeting.

Action: Dr Duff

8. Performance report: April 2002 – December 2002 GC P03 06

- 8.1 Dr Brown introduced the paper and highlighted the additional resources received from Defra since Christmas, the overall expenditure position and the achievement of our target for condition assessments.
- 8.2 The Committee **discussed** the paper and the following points were raised:
- a. The financial spend was on-track, but there would be a large spend in Q4 due to the extra £3 million allocated by Defra. Certain projects were being undertaken which would not otherwise have been funded and others have been accelerated to take advantage of the additional funds.
 - b. The spend for Q4 was on track with many large projects being completed during the quarter. We had no end of year flexibility this year.
 - c. There had been massive achievements in the Designated Sites Programme with Area Teams having completed condition assessment on 97% of the SSSI area. (The 99% target for Q4 was achieved). The Committee **congratulated** the Area Teams. The overall target to achieve 60% of SSSI area in favourable condition would not be achieved as the recent site assessment had shown larger areas than expected in unfavourable condition. However we now had a clear overview of SSSI condition.
 - d. There had been a very successful BANC Conference and our influencing work continued.
 - e. The pay settlement had been successfully concluded and approved by Defra and Treasury. Pay increases would be paid with the March salary. The Committee **congratulated** all those involved in achieving a successful outcome.
 - f. The Chair, Chief Executive and Directors' Topical Report would in future include regional reports, especially reflecting communication issues.

Action: Directors

9. Information systems strategy

- 9.1 Ms Wood introduced the paper and described the overall strategy. The business need has been developed from the needs of the Programme Boards, as expressed by the Programme Board members and Programmes. The strategy also highlights the current systems that support the various areas of the business.
- 9.2 The Committee **discussed** the strategy and **noted** the information requirements of the Programme Boards. The following points were raised in discussion:
- a. It was important not to be seduced by the technology. Whilst a rapid response to customers, integrating information from across the organisation was

important, customers may feel threatened by so much information being held about them in such an easy to access way. It was also recognised that many customers may not have computers or email and sometimes letters or face to face contact are the best route.

- b. There may be concerns about intellectual property rights. We must be careful not to inadvertently distribute other people's intellectual property and also be mindful of commercial considerations.
- c. Care must be taken over the issue of electronic signatures. The levels of authority as set out in the Schedule of Delegations will not change because of the new systems. The Schedule is available externally so it is possible for customers to verify the authority of staff.
- d. It is essential to have good back-up or redundant systems installed in case of any system failure.
- e. The current IT infrastructure upgrade project has a planned delivery date of the end of November 2003.
- f. English Nature's information needs to be 'branded' and acknowledged by others if they use it.

9.3 The Committee **endorsed** the strategy.

10. Environmental management at English Nature GC P03 02

10.1 Ms Wood introduced the paper. This was the first time this report had been brought to Council. English Nature had adopted the PECT accreditation but it was now felt appropriate to move to a more demanding scheme. We now used green electricity, but electricity consumption was up, as was the overall consumption of paper.

10.2 The Committee **noted** the achievements to date and raised the following points in discussion:

- a. It was important to be seen to achieve good environmental management in our own operations. Adopting the EMAS scheme would help this, but we needed to keep bureaucracy to a minimum. It was important to do more visible things to enhance the message, for example, reflecting the costs of pool cars in team budgets. Council could help by holding its meetings where public transport exists.
- b. The overall trend of utility consumption needed to be considered. Electricity consumption appeared to be increasing faster than the increase in staff.
- c. Video conferencing was a very useful and efficient system and its use should be encouraged by both staff and Council wherever possible.
- d. It was important to look at how we used buildings. The older buildings are less environmentally friendly. The Commercial Estates Managers' remit

would include environmental management. Hot desking was being piloted, but it needed a complete support package to work and there were cultural issues.

- 10.3 The Committee **endorsed** the principles outlined in the paper for further progress on environmental management.

11. Unconfirmed minutes from the fifty-seventh meeting of the Joint Nature Conservation Committee GC P03 10

- 11.1 Chair introduced the paper.

- 11.2 The following topics were **raised** in discussion.

- a. FMPR progress – There appeared to be some confusion between executive and non-executive issues. This needed clarifying. The regulatory reform issues may take 18 months to complete so as much progress as possible needed to be made against the current framework. A discussion about English Nature’s functions and those carried out through the JNCC would take place at the June meeting of Council.

Action: Dr Brown

- b. JNCC strategy – There needed to be further input from the Committee about the JNCC strategy and the future of the JNCC. It might be useful to get the views of the Councils of CCW and SNH on this issue.

- c. JNCC Corporate Plan – This was nearly finalised. Dr Brown would circulate a copy of the JNCC Corporate Plan to Members if they wished to see it.

Action: Dr Brown.

12. Chair, Chief Executive and Directors’ topical report GC P03 09

- 12.1 Chair introduced the paper.

- 12.2 The following points were raised in discussion:

- a. SSSI Enforcement – The first prosecution under the Countryside and Rights of Way Act 2000 was particularly important as it was for third party damage. It demonstrated that the new powers were effective.

- b. SAC Moderation – English Nature had consulted on 19 pSACs and 16 have had no objections.

- c. There were concerns over the dramatic decline in soft corals around Lundy. Research was being undertaken to try to find out the reasons for the decline. Internationally the development of No Take Zones are widely accepted. There needed to be more pressure on Government to accept the concept of No Take

Zones in the UK. The declaration at Lundy was a start but covered only a tiny area.

d. The Chief Executive had asked for a review of English Nature's handling of the Seabird Recovery Project and the decision to cull black rats on Lundy.

e. Ms Collins would send Chair details of the Lathkill Dale project.

Action: Ms Collins

f. Mr Hulyer asked for further details about increase in volunteers in actual numbers.

Action: Ms Collins

g. Council Members would be sent further details of the Defra Review of Forestry.

Action: Dr Brown

h. The meeting with Alastair Darling, Secretary of State for Transport, had taken place. English Nature had been asked to send our concerns over the Gatwick review as soon as possible.

i. Estimates for building the high speed rail link to Scotland were very high. It was possible the link could terminate in Northern England.

j. The English Nature funded PhD post provided good opportunities in public relations.

k. It was important that Government continued to hear our messages on GMOs. Chair would be meeting Mr Meacher and Lord Whitty shortly and asked for a short paper on this GMO issue.

Action: K Duff

l. If the Aggregates Levy Sustainability Fund received end of year flexibility or is extended for a further period outstanding applicants will be asked to update their applications. A letter was being prepared for the Chairs of English Nature, English Heritage and Countryside Agency to be sent to the Minister to ask for the review process to be speeded up and an early decision made on extending the fund for a five year period.

m. Progress was continuing regarding the setting up of the David Arnold-Forster Trust. Initial awards would be for hill farmers who had done innovative work on integrating different objectives and sustainable land use.

n. The Committee **congratulated** Dr Brown on his appointment as English Nature's new Chief Executive.

13. Delegated decisions on SSSI notifications and confirmation programme GC P03 11

- 13.1 Dr Clements introduced the paper which gave the regular report on delegated SSSI designations. The paper also included a letter from the owner of Withall and South Willingham Tunnels SSSI for discussion.
- 13.2 The Committee **noted** the delegated decisions and **considered** the concerns expressed about the notification of Withall and South Willingham Tunnels. The following points were raised in discussion.
- a. It would be helpful to have a small paragraph in the table giving the history of the notification including the number of owners and the number of objectors. The size of the site was needed and the reasons for notification needed more detail together with the condition assessment was required. A periodic report on how the SSSI suite was developing was required.
 - b. The Committee **discussed** the letter regarding SSSI notification. It was important to recognise the good work of owners and occupiers who managed SSSIs and potential SSSIs. In this case the notification of the site as a SSSI was an accolade reflecting the owner's good stewardship. The notification documentation was currently very formal and legalistic. It was important to make the notification package more inspiring and celebratory whilst still complying with legal requirements. Chair would write to the site owner acknowledging his concerns and asking for their assistance in improving the notification package.

Action: Chair

14. Other business

- 14.1 Council Members had letters from residents complaining about Environment Agency proposals to develop Cuckmere Haven. English Nature had been consulted locally by Environment Agency and a booklet published about the proposals. The booklet gave the appearance that English Nature were co-sponsors of the proposals. There appeared to be considerable concern locally about lack of consultation. English Nature is a partner in this Environment Agency project. We were replying to Mr Newton (representing the residents) stating that there will be wide consultation about the later stages of the project.
- 14.2 Professor Lucas retires from the Committee at the end of March. The Committee **thanked** him for all his hard work and support during his period of office.

15. Closed session (minuted separately)

- 15.1 Chair updated the Committee on the review of rural delivery arrangements led by Lord Haskins.
- 15.2 The Committee reviewed the conclusions from its field visits earlier in the week.