

**General Committee of Council**

**Unconfirmed minutes of the thirty-third meeting of  
the General Committee of Council held on 6 and 7  
December at the Solstice, Peterborough**

**Present:** Sir Martin Doughty – Chair (Items 9-14, 16, 17)  
Dr M Moser - Deputy Chair  
Dr A Brown – Chief Executive  
Mr T Burke (Items 1-7, 15)  
Mr R Clarke  
Dr A Clements - Director  
Ms S Collins – Director (Items 1-7, 11-17)  
Dr K Duff – Director  
Ms S Fowler  
Prof E Gallagher (Items 9-14, 16, 17)  
Prof M Hart  
Mr D Hulyer  
Mr S Hockman (Items 9-14, 16,17)  
Mrs A Kelaart  
Prof D Macdonald (Items 1-7)  
Dr A Powell (Items 6-19)  
Mr P Newby – Director  
Ms C Wood – Director (Items 1-7, 11-17)

**In attendance:** Mr R Barlow – Solicitor, Browne Jacobson (Item 9)  
Mr D Brock – Solicitor, Mills & Reeve (Item 9)  
Ms S Fendley (Item 9)  
Mr J Gammie (Item 9)  
Mr J Creedy (Item 4)  
Mr A Rutherford (Item 7a)  
Mr D Markham (Item 7b)  
Ms R Waters (Item 11)  
Mr M Howat (Item 12)  
Dr D Townshend (Item 12)  
Ms H Rae (Item 13)  
Mr J Wray – Minuting Secretary

## **1. Welcomes**

- 1.1 Dr Moser took the Chair and **welcomed** the General Committee, staff and the public to the open session of the meeting.
- 1.2 Dr Moser would be chairing the first part of the meeting and Sir Martin Doughty would chair the majority of the second day's business. Sir Martin was recovering from illness and General Committee **welcomed** his return.
- 1.3 A closed session of the General Committee had been held earlier in the day. The items discussed were:
  - a. Modernising Rural Delivery
  - b. Progress report on E-nabling
  - c. Directors' salaries
  - d. JNCC name
  - e. Closed minutes of the Thirty-Second meeting of the General Committee of Council
  - f. Closed minutes from the Seventy-Fourth meeting of the Joint Nature Conservation Committee.

The above discussions are minuted separately.

## **2. Minutes of the Thirty-Second meeting of the General Committee held on 22 September**

- 2.1. **Action Point Table – Para 4.4.** -The comments and results entry should be amended to read “Confirmed under delegated authority (20 October 2004) and papers sent to all owners/occupiers on 21 October 2004.”
- 2.2 **Para 5.3.2.**- Professor Hart noted that the consultant's report had now been published. However, one of the consultants had intended to discuss the conclusion of the report in a locally held public lecture. Professor Hart had requested that the EN Devon Team persuade him not to do this in view of the sensitivities of the case. At the meeting of the Devon Coast Forum only a general report was presented by one of the consultants.
- 2.3 **Para 5.3** – Mr Jefferis' name was incorrectly spelt in several places in the minutes.
- 2.4 The Committee **confirmed** the minutes.

## **3. Matters arising**

- 3.1. **Para 14.2.5** – Dr Brown had met the BTCV Chief Executive, Mr T Flood. BTCV has developed the way they work and manage themselves to take account of diversity issues. English Nature and BTCV will negotiate an agreement to work together and learn from each other's best practice. The Committee **noted** that diversity issues were also being addressed as part of the

plans for confederated working between English Nature, Countryside Agency and Rural Development Service.

#### **4. Risk Management in 2005/06 (GC P04 47)**

- 4.1. Ms Wood introduced the paper which updated the General Committee on big issues.
- 4.2. The Committee **noted** the paper and raised the following points:
  - 4.2.1. The process of embedding risk management into everyday work was now simpler, following best practice. Programme Boards now have increased responsibility in managing risks whilst Teams had fewer risks to consider day to day. The process maintained good internal control.
  - 4.2.2. The proposed corporate risks for 2005/06 had been reduced from 12 to eight, following best practice, and had been adjusted to make them more focussed and less diverse so that they can be managed more explicitly.
  - 4.2.3. The Committee **noted** the proposed risks for 2005/06. Corporate Risk 1 should be rewritten to reflect the broad impact of MRDP on a range of activities with English Nature. “Inadequate” could be replaced by “inappropriate”. MRDP was key to English Nature’s mission and warranted its consideration as the key risk.
  - 4.2.4. In Corporate Risk 8 it was important to stress that biodiversity and environmental quality mattered. It was also important to ensure the corporate risks made reference to the long-term possibility that the environment itself could be a risk due to, for example, flooding. Ms Wood **agreed** to amend the risks in light of the discussion.

AP1: Ms Wood to amend the Corporate Risks in light of the discussion.
  - 4.2.5. The Committee **agreed** that Corporate Risk 2 should implicitly include the risk that English Nature could not carry out its duties effectively if the Gershon agenda was inappropriately applied.
- 4.3. The Committee **approved** the Corporate Risks for 2005/06.

#### **5. Annual Review of Schedule of Delegations 2004, and amendments to the Standing Orders for meetings of Council and General Committee of Council (GC P04 46 and addendum paper)**

- 5.1. Ms Wood introduced the paper which brought the Annual Review of the Schedule to Council. The paper had been incorrectly labelled for consideration by the General Committee but was in fact for consideration by Council.
- 5.2. Council discussed the paper and the following points were raised in discussion:

5.2.1 The formal delegated authority for Area Team Managers to respond to consultations from Local Authorities regarding LNRs had previously been omitted from the schedule and needed to be formally approved and included.

5.2.2 The determination of the quorum for Council and the General Committee of Council needed clarifying. To assist with this, the wording of paragraph 3.1 had been amended and the quorum numbers calculated and tabulated. The alteration did not change the quorum levels. The table was amended so that “Appointed Members present” would read “number of Appointed Members”. The first sentence of the proposed Paragraph 3.1 be amended to read;

“Meetings of Council and the General Committee will be considered quorate if fifty percent of Appointed Members, rounded up if necessary, plus one, are present”.

5.3 Council **approved** the amendments and **agreed** that they took effect from 1 January 2005.

## **6. Annual Review of Sector Analyses: Proposed Change in Approval Process (GC P04 55)**

6.1 Ms Collins introduced the paper. The intention was to release more time for the General Committee to devote to strategic and cross-cutting issues. The review process for Sector Analyses was a time consuming one and it was proposed that the General Committee should now formally review those every three years. An annual review process would take place by which the lead General Manager, or if necessary the Executive Committee, would sign off the priorities. This would ensure appropriate managerial review of progress against the General Committee’s overall steer during the interim period.

6.2 The General Committee **endorsed** the change in process.

## **7. Full Review of Sector Analyses**

### **a. Agriculture Sector Analysis (GC P04 45)**

7.1 Ms Collins introduced the paper. It reflected the efforts of English Nature in understanding the sector and working closely with Defra, farmers, the Treasury and 10 Downing Street. It was a time for change, both for farmers and for English Nature as it looked towards the Integrated Agency and the period of confederation that was expected to precede it. The Committee’s views on how English Nature should proceed were welcome.

7.2 The General Committee **discussed** the paper and the following points were raised in discussion:

7.2.1 This was a period of turmoil in agriculture. There were a number of changes taking place in a short time including CAP reform and changes to the England Rural Development Programme (ERDP). There was not much time to agree and implement many of the accompanying proposals. The agricultural

community was not sure where it was going and farmers were desperate for information. English Nature needed farmers on-side.

- 7.2.2 Climate change was an increasingly important factor. It could seriously affect farmland management. The contribution of agriculture and food production to greenhouse gas production and climate change is an area that needs careful analysis. Water and soils issues would also be critical. English Nature had been involved in several Climate Change projects over the years. The MONARCH project was well advanced. Dr Duff would bring a paper to the June meeting looking at climate change issues.

AP2: Dr Duff to bring a paper on climate change issues to the June meeting.

Action: Dr Duff

- 7.2.3 There were many related nature conservation issues. Farming environments, and some of the associated habitats, were themselves man-made. English Nature needed to have a view on the issues relating to changes in the abandonment of land. Being ‘devil’s advocate’ could be an important role. Good communication was essential to disseminate English Nature’s views.

- 7.2.4 The SSSI PSA target will be delivered primarily through changes in the agriculture sector. Many of these had come about through English Nature’s work. Policy change would improve delivery. There was as yet no clear view about sustainable agriculture and the long-term way forward needed exploring with farmers.

- 7.2.5 The priority actions worked at several levels. It would be useful to develop some quick wins.

- 7.2.6 It was important to continue the stakeholder dialogue but it would be resource intensive. Individual Council Members would be consulted.

AP3: Ms Collins to consult individual Council Members on stakeholder dialogue.

Action: Ms Collins

- 7.3 The Committee **agreed** that the sector analysis should be amended in light of the discussion and **approved** the priority actions.

## **b. Full Review of Transport Sector Analysis including revised Position Statement (GC P04 48)**

- 7.4 Ms Collins introduced the paper which included a fully updated analysis and revised position statement. English Nature had been successfully influencing the roads programme against a difficult background and pressure for more roads, but biodiversity needs and concerns were increasingly being recognised.

- 7.5 The Committee **noted** the progress made and the following points were raised in discussion:

- 7.5.1 English Nature’s involvement in the debate over the A303 in the Blackdown Hills and its promotion of the alternative A358 route had been beneficial.

- 7.5.2 Climate change issues were very important. Aviation fuel was heavily subsidised. Carbon-based fuel producers could be made to buy carbon dioxide offsets which would raise the price of fuel to reflect the damage its use generated. The effects of climate change needed to be reflected more within the paper and the strategic actions. A separate climate change discussion might be useful in the future.
- 7.5.3 The large scale development of parts of England, in particular the South East, would bring further transport pressures. There needed to be more routine use of non-motor transport where possible. Human transport corridors should be used to enhance wildlife corridors, especially in new towns. Better development of wildlife friendly transport schemes was needed. In addition, the effects of flooding generated by run-off from new road schemes needed to be addressed.
- 7.5.4 Shipping and waterways brought their own issues including the potential for introducing alien species. It was also important to engage with inland waterway users and develop opportunities for greater creative engagement over such issues as canal restoration.
- 7.6 The Committee **confirmed** the Priority Actions.
- 7.7 The Committee **discussed** the revised position statement:
- 7.7.1 The statement needed more links to natural resource protection.
- 7.7.2 The potential for biodiversity gains along railway lines was often cancelled out by the practice of scrub clearance and removal of vegetation within falling/rolling distance of tracks avoiding leaves on the line.
- 7.8 The Committee **agreed** that a small group of Council Members would review the position statement and Dr Moser would sign it off. Mr Burke and Mr van Cutsem volunteered for this.
- AP4: The Transport Position Statement would be revised in the light of the discussion and Dr Moser would sign it off.
- Action: Dr Moser, Mr Burke, Mr van Cutsem

**8. Dr Moser adjourned the meeting until 0900 hrs on 7 December 2004.**

**9. Besthorpe Warren SSSI (GC P04 57)**

This paper was withdrawn as reflected in the final public agenda.

**Orton Pit SSSI, City of Peterborough (GC P04 58)**

- 9.1 Sir Martin Doughty **welcomed** Mr David Brock, representing O & H Hampton Ltd to the meeting and **reminded** the meeting that the decision on whether to confirm the notification of Orton Pit SSSI would be considered by English Nature's Council and not the General Committee.

- 9.2 Dr Clements introduced the paper and referred Council and objectors to papers tabled since circulation to Council of the Officer's Report. The following papers had been received by members of Council and were available to members of the public in attendance
- Memorandum from Jim Foster, English Nature's Amphibian Specialist to Peter Clement dated 6 December 2004;
  - Cresswell, W & Whitworth R (2004) An assessment of the efficiency of capture techniques and the value of different habitats for the great crested newt *Triturus cristatus*. English Nature Research Reports No.576;
  - Kupfer, A & Kneitz, S (2000) Population ecology of the great crested newt (*Triturus cristatus*) in an agricultural landscape: dynamics, pond fidelity and dispersal. Herpetological Journal: 10(4): 165-171;
  - Note by Jim Gammie, Bedfordshire & Cambridgeshire Team English Nature "Orton Pit – Recent developments" 6 December 2004;
  - Letter from the Head of Planning Services, Peterborough City Council to Sarah Fendley, Area Manager, Bedfordshire & Cambridgeshire Team, English Nature dated 2 December 2004;
  - Letter from Roger Tallwin of O & H Hampton Ltd to Jim Gammie dated 3 December 2004.
- 9.3 Orton Pit SSSI had been notified on 23 March 2004. The notification was subject to two outstanding objections from Peterborough City Council (PCC) and O & H Hampton Ltd. An objection from BASL (Hanson) had been resolved subject to Council's acceptance of officers recommendations. It was recommended that Council expressly take no decision concerning the existence or otherwise of geological special interest in land recommended for exclusion from Orton Pit SSSI.
- 9.4 Dr Clements invited Mr Jim Gammie to give a presentation on behalf of the Bedfordshire & Cambridgeshire Area Team. The SSSI had been notified for its population of great crested newts, standing water, stonewort species and geological interest. It held the largest population of great crested newts in Britain and was the only English location of the bearded stonewort. There had been a major relocation of newts from land to the east of the SSSI into the SSSI and the eastern block of ridge and furrow had now been prepared for development.
- 9.5 In answer to questions from Council, Jim Gammie said that the corridor of land linking the southern former brick pit with the rest of the SSSI was vital to maintain the connectivity of the site. It consisted of an arable field with two ditches either side, a lateral ditch along the bottom of the field and rough ground to the southern former brick pit. The route of planned Western Peripheral Road crossed the corridor. Enhancement works to provide newt habitat and crossing points would be undertaken during construction of the road.

- 9.6 The land south of Junction 2 had had the newts removed from it to allow the building of the spur road. When the road was built tunnels would be constructed under it to allow for free movement of the newts. Officers had accepted this area was currently not of special interest and Council were informed that should it become of special interest in the future this would then trigger the duty to notify this area of land as SSSI.
- 9.7 PCC maintained their objection to the eastern treebelt boundary as it wished to carry out widening of Fletton Parkway. Their plans are as yet uncertain and English Nature's response was therefore not yet finalised. They also objected to the inclusion of the arable land within the corridor.
- 9.8 Sir Martin Doughty **invited** Mr Brock, representing O & H Hampton Ltd to make his presentation.
- 9.8.1 O & H Hampton's objections centred on the 'corridor' connecting Jones' Covert and the southern part of the SSSI. English Nature's case rested on the presence of newts, connectivity, the management of water, opportunities for creation of new habitat and that the road design may need careful detailing.
- 9.8.2 Mr Brock's view was that English Nature had presented no evidence for newts in the notification of 'the corridor' and there was no evidence in fact. There were no night counts recording in excess of 100 newts. There were no data taken over a 3 year period, showing the presence of newts in the corridor and a survey carried out by Herpetofauna International in June/July 2004 found no newts.
- 9.8.3 He further contended that there was no evidence for connectivity in 'the corridor'. There was no evidence of newts being there and the ditch to the east contained predatory fish. On land the newts would be vulnerable to predators and agricultural activities. There was no need for the newts to move from the Southern Brickpit to Jones's Covert as both had thriving communities. In short there was no evidence for the importance of connectivity to merit notification.
- 9.8.4 The opportunities for the creation of new habitat and the need for careful road design were not reasons to include 'the corridor' in the SSSI.
- 9.8.5 O & H Hampton proposed the creation of new habitat and the connection by newt underpasses under the Western Peripheral Road in 'the corridor'. The principle was the same as had been accepted by English Nature at Junction 2. There was therefore no need for notification. Indeed the criteria for notification were not met. The site should be monitored and reviewed after the road was completed and, if appropriate, then notified. O & H Hampton gave an absolute and unequivocal confirmation that they abide by and support the Statement of Intent and their planning application included new habitat areas and newt underpasses.
- 9.9 Sir Martin Doughty **thanked** Mr Brock for his presentation. Council then **discussed** the paper and presentations and raised the following points:-



- 9.9.1 Council recognised the difference between habitat where newts live and breed, and habitats through which they move. The importance of habitats which connect populations and contribute to long-term survival was recognised.
- 9.9.2 There were inadequate survey data available to rule out use of the corridor between Jones's Covert and the Southern Brickpit by newts moving between suitable habitat in the northern and southern parts of the SSSI. One survey had been conducted on behalf of the objectors, at a time of year when research had indicated that adult and juvenile newt movement was minimal (Cresswell and Whitworth English Nature Research Report No 7576, Kupfer and Kneitz, 2000). The absence of evidence of newts reported in the corridor by the Herpetofauna Survey conducted over 3 nights in June/July 2004 was not determinative of whether newts did or did not use the corridor land.
- 9.9.3 After metamorphosis young newts could migrate over 850 metres, and so could easily cross 'the corridor' by land. Such migrations permit genetic connectivity between breeding stocks within the SSSI and hence maintain as large as possible a gene pool, which is important for the long term stability and sustainability of the population. With regard to the ditches on the boundary of the field, whilst the predatory fish present (sticklebacks) might eat newt eggs and possibly affect breeding success, they were too small to be able to take newts moving through the ditches. There were at least 2 existing SSSIs that included arable land and were notified for newts.
- 9.9.4 Council **recognised** that the special interest in the land immediately south of Junction 2 was not currently present as newts had been removed and were excluded. Council contrasted the situation with that which pertained in relation to "the corridor". Unlike the land immediately below junction 2, newts had not been systematically removed from the corridor nor was there a newt fence excluding newts from the corridor.
- 9.9.5 Council **agreed** that it was ecologically essential to look at the site as a whole. The SSSI was notified for newts, standing water and stoneworts and it was important to maintain its integrity, including ecological processes and dynamics, and genetic exchange and diversity. Before the eastern side of the brick pits had been cleared of newts the whole area had been one integral site. The cleared area would have contributed to the development and maintenance of the special features across the whole site and had previously formed a direct connection between the northern and southern areas of the SSSI. It was, therefore, important to continue to maintain the connectivity of the Southern Brickpits to the remainder of the site through Jones' Covert (where nine, newt receptor site, ponds were created). There was no possibility of maintaining connectivity east of 'the corridor'. The 'corridor' is the shortest distance between the covert and the Southern Brickpit and, strategically, is well located to link to existing ponds. For the populations of newts within Jones's Covert and the Southern Brickpit a certain amount of migration of newts was required to maintain genetic diversity of the meta-populations. The site should not be further divided.
- 9.9.6 Council accepted that it is not necessary to require detailed survey evidence of every piece of land to be considered for inclusion within a SSSI. Council also

considered that in order to base a judgment about the existence or otherwise of special interest it is unnecessary to establish the presence of a feature of interest for which the site is notified upon every part of the whole of the site.

- 9.9.7 Council considered that the formation of judgment about the site should be based upon as assessment of the whole site as a single entity. It was felt that previously there had been ample opportunity for connectivity between the southern brickpit and the remainder of the site but as a result of the loss of the habitat in the east, the southern brickpit needed to be connected with the remainder of the site by “the corridor” to Jones’s Covert. Ecologically Council wanted to maintain as much connection as possible and also wished to adopt a precautionary approach to the request for exclusion of “the corridor” land. Ultimately Council considered “the corridor” land to be of special interest. Accordingly no amendment to the notified boundary was to be made in “the corridor” land area.
- 9.9.8 Council accepted the objection contained in the letter from O & H Hampton Ltd dated 3 December 2004 and **agreed** with the officer recommendation to amend the proposed boundary of the north-west quarry face.
- 9.10 Council agreed to **confirm** the notification of Orton Pit SSSI, **agreed** the boundary amendments recommended by officers and **approved** consequential amendments to the reasons for notification, list of operations requiring English Nature’s consent and the Views About Management. Council agreed to take no decision concerning the existence or otherwise of geological special interest, in line with the officer recommendation.
- 9.11 Council **agreed** that it was sad that the SSSI had to be confirmed in the face of objections but **emphasised** the importance of the close and positive working relationships developed with the objectors. Council observed that a great deal of very successful conservation had been achieved at Orton Pit. It was essential to maintain the close working relationships and to acknowledge English Nature’s desire to find solutions which reconcile the different interests of the parties. Orton Pit SSSI was a powerful example of sustainable development.

## **10. Performance Report April 2004 to September 2004 (GC P04 53)**

- 10.1 Dr Brown introduced the paper. Overall the financial situation was satisfactory with concerns from Quarter 1 addressed. Income and expenditure were now in line.
- 10.2 The Committee **discussed** the paper and raised the following points in discussion.
- 10.2.1 There had been an increase in spending on NNRs of 54%. This was due to the final payment of £2.3 million to Scotts for the purchase of land at Thorne and Hatfield Moors, funded by Defra. External funding was good having secured £5m, with bids in hand for securing another potential £2m. Aggregates Levy

Sustainability Funds and Wildspace! Funds were fully committed. English Nature was now becoming skilled at building its costs into external funding bids.

- 10.2.2 Performance was good. SSSI favourable condition work was on track with 65.7% of SSSIs in favourable or recovering condition against the current target of 67%. There was concern over the NNR condition target, due largely to issues on three NNRs.
- 10.2.3 Progress was good in species conservation with the status of only 13 species for which English Nature had lead responsibility still unknown. English Nature was also contributing to agricultural policy reforms including close working with RDS on agricultural schemes.
- 10.2.4 There were several targets marked as amber. This was a warning that action needed to be taken. As more senior management time was taken up by the change agenda so risks of inadequate attention increased. Heather Peck had settled into the Integrated Agency (IA) Project Office. There were still some issues over boundaries in the IA Project but those would be addressed in the coming months.
- 10.2.5 The Committee **noted** that performance across English Nature was now effectively limited by staff time. English Nature was constantly seeking to raise standards and progress ideas and solutions. It was important that an unsustainable programme of work was not built up. Ways to avoid this were needed, such as SSSI dispute resolution or possibly charging for some services. Improved prioritisation was essential, especially when new burdens were expected. The consolidation of a number of small projects into larger coordinated work areas could be helpful. Contract management was being rethought with a move to developing service level agreements with frequently used contractors. A joint management project was underway with the Countryside Agency and RDS so that parts of the programmes from all three organisations can be jointly managed.

- 10.3 The Committee **congratulated** staff on their progress and performance.

## **11. Grant in Aid and Corporate Plan arrangements for April 2005 onwards (GC P04 54)**

- 11.1 Dr Brown introduced the paper. There had been discussions with Defra. Capital was still under discussion but English Nature had been given indications of an increase in Grant in Aid of £7.2 m. This included £5m for SSSI condition work and the restoration of the previous £2.2m cut.
- 11.2 The Committee **noted** the paper and raised the following points in discussion:
  - 11.2.1 The three top level targets agreed with Defra were SSSI favourable condition, the Marine Agenda and People and Nature.
  - 11.2.2 The JNCC allocation was still to be determined.

- 11.2.3 The Chief Executive Officers had **agreed** that the Corporate Plans for English Nature, Countryside Agency and RDS should be consistent to show that we were working closely together. The Committee **agreed** that the draft English Nature plan should be **circulated** by post for consultation due to the short timescale.

AP5: The draft Corporate Plan to be circulated by post for comment and Chair to sign off

Action: Dr Brown

- 11.2.4. Risk management should be embedded in each Corporate Plan theme rather than being separated out. The word “nature” should be specifically included in the first theme. The Committee **agreed** the proposed format.

- 11.2.5 Regional working needed emphasising and the plan should include projects with other partners. Council Members **asked** to see the English Nature, Countryside Agency and RDS Regional Statements.

AP6: Council Members to be sent Regional Statements.

Action: Dr Brown

## **12. Invasive Non-native species : Discussion paper (GC P04 52)**

- 12.1 Dr Duff introduced the paper. The Convention on Biological Diversity (CBD) considered that non-native invasive species are a major threat to global biodiversity. English Nature had formally responded to a Defra consultation on the subject but the Committee now needed a broad debate.

- 12.2 The Committee **discussed** the paper and raised the following points in discussion:

- 12.2.1 Defra had adopted the 3 stage approach of the CBD of prevention, early detection and rapid action; containment and control. English Nature had to be pragmatic and accept that some non-native species will become established and that eradication might not be possible. There was a fundamental issue over species policy and practice. Change would always be occurring.

- 12.2.2 It was important to engage with Defra and for English Nature to lead the debate. However this issue was one of a wider bio-security agenda. Many voluntary conservation organisations would willingly join the debate. However the language used would be important. The attitude in Britain to animal rights had to be borne in mind. A major point was how to distinguish between the natural establishment of a species and its non-natural establishment.

- 12.2.3 The paper needed more discussion of marine issues which were particularly hard to deal with. There was no effective way of preventing the invasion of marine species. Overall it would be essential for English Nature to concentrate on some priority actions.

- 12.2.4 Genetically Modified Organisms (GMOs) would continue to be an issue. However there was a clear European Union process to deal with them. In addition English Nature’s position on GMOs was already clear.

- 12.3 The Committee **agreed** that a draft position statement should be brought to its meeting in March.  
AP7: Dr Duff to bring a draft position statement on non-native invasive species to the March meeting.  
Action: Dr Duff

### **13. Report on the Hen Harrier Recovery Project and Outline Proposals for the future (GC P04 51)**

- 13.1 Sir Martin Doughty opened the discussion and **thanked** Stephen Hockman for chairing a very useful workshop on hen harriers. The subject was of particular interest to many people and the media and Sir Martin **asked** Council Members to declare any interests. The following interests were declared:

Sir Martin Doughty – Lay member of the RSPB & The National Trust  
Dr Moser – Council Member of the RSPB, Lay member of RSPB and British Trust for Ornithology (BTO)  
Prof Hart – Lay member of National Trust  
Prof Gallagher – Lay member of National Trust  
Mrs Kelaart – Executive Member of Country Land and Business Association, Vice Chair of Farming & Wildlife Advisory Group  
Mr van Cutsem – Lay Member of BTO, Vice President of The Game Conservancy, Council Member of National Trust, Chairman of Norfolk CLA and member of CLA's National Council, Member of Moorland Association  
Mr Hulyer – Director of Wildfowl and Wetlands Trust

- 13.2 Dr Duff introduced the paper which highlighted a difficult and controversial issue about which many people held very strong views. *The Sunday Express* had published a selective and unhelpful article the weekend before the meeting. English Nature was playing an important role in trying to find a solution, which was essential for the survival of the hen harrier in England.
- 13.3 The Committee **discussed** the paper and raised the following points:
- 13.3.1 The Joint Raptor Study's results from Langholm were acknowledged: hen harriers had increased in number on the moor and subsequently grouse numbers had been suppressed, but there was scope for different interpretations of the data. The stakeholder workshop had been held as part of the continuing debate and an attempt to identify common ground. English Nature's approach had to be one that recognised legitimate land use. The aim of the current project had been to assess the situation and learn more about the species and ensure a sustainable English population.
- 13.3.2 The Committee **recognised** that the status of the hen harrier had not fundamentally changed during the Hen Harrier Recovery Project. However the project had improved monitoring effort, raised awareness, the commitment to law enforcement and closer relations with upland managers. The proposed new project would build on this work.

- 13.3.3 The Committee **emphasised** the importance of continuing dialogue with all stakeholders. Continued discussion was essential, as would be regular review of the progress of proposed project. Success would come only in the long-term. The land management and ecological issues would be fascinating and challenging but progress should be expected in small steps whilst illegal persecution continues. The project needed to tackle hearts and minds, as well as explaining what was not achievable.
- 13.3.4 The Committee **noted** that some stakeholders considered there was a need for derogation from the EU Birds Directive to allow control of hen harriers to maintain a suitable population ceiling. However the population in England was currently well below the level where such measures could be considered. The Committee **confirmed** its strategic aim of achieving a sustainable population of hen harriers but **recognised** that there could be some effect on red grouse numbers. Derogation was open to those who wished to seek it but English Nature would give its statutory advice to Government in the usual way, should the need arise.
- 13.4 The Committee gave its **approval in principle** to a new project, incorporating the actions listed in paragraph 7.4 of the paper. Dr Duff would provide an outline plan to the Executive Committee in the near future.
- AP8: Dr Duff to prepare an outline plan for the Hen Harrier Project for the Executive Committee.  
Action: Dr Duff
- 13.5 The Committee **endorsed** the principles guiding further work set out in paragraph 7.3 of the paper, and **commended** all those who had been involved in the Hen Harrier Recovery Project to date.

## **14. English Nature's Maritime Strategy – issues from the consultation and suggested way forward (GC P04 56)**

- 14.1 Ms Collins introduced the paper which set out the progress in developing English Nature's Maritime Strategy and the responses to the Maritime Strategy consultation.
- 14.2 The Committee **discussed** the paper and raised the following points:
- 14.2.1 The Strategy was of particular importance due to the Government's proposed Marine Bill. It would be important to ensure that English Nature provided early input to the Marine Bill.
- 14.2.2 The culture of coastal protection needed to be changed to one of coastal management. It was important that the environmental consequences of actions in coastal development, by many parties, be recognised. This was slowly happening. Government policy was increasingly supportive over many of the coastal issues of interest to English Nature.

14.2.3 Stakeholder dialogue was, as the consultation had shown, a valuable process and English Nature should claim the appropriate credit. Council **noted** the further areas of dialogue needed (Para 5.1).

14.2.4 The Committee **approved** the approach to taking the strategy forward and **nominated** Ms Fowler, Prof Hart and Mr Hulyer to work with the Maritime Team and sign off the final strategy.

AP9: Ms Fowler, Prof Hart and Mr Hulyer to work with the Maritime Team on the Marine Strategy

## **15. Unconfirmed minutes of the Joint Nature Conservation Committee**

15.1 The Committee **noted** the minutes.

15.2 The Committee **noted** that the JNCC had endorsed the establishment of the Company Limited by Guarantee Subject to the Regulatory Reform Order.

## **16. Chair, Chief Executive & Directors' Topical Report**

16.1 The Committee **noted** the report and raised the following points:

16.1.1 Paragraph 2.2 - Little Cheyne Court : There were other objectors and it was appropriate and more effective to join forces.

16.1.2 Paragraph 2.3 - Morecambe Bay : There were continuing problems over access to the Bay by cockle fishermen. This access concentrated on a local housing development. The Local Authorities did not appear to be taking action and pressure was being put on the Local Area Team. The local MP had written to the Chief Executive. The issue reflected the lack of regulation over fisheries and the lack of appropriate powers by English Nature.

16.1.3 Paragraph 5 - Maintenance Dredging : The Falmouth Harbour commissioners will not be issuing further maerl dredging licences.

16.1.4 Paragraph 4 - Windfarm development : Dr Brown would discuss with Mr van Cutsem the details of English Nature's meeting with Defra Ministers.

AP10: Dr Brown to **advise** Mr van Cutsem of his meetings with Ministers regarding offshore wind farms  
Action: Dr Brown

16.1.5 Paragraph 13.2.1 – English Nature was working with the Heritage Lottery Fund to help develop their funding policy for biodiversity issues over the next 2 years.

16.1.6 Council **noted** that the suite of Regional Reports was incomplete. It was important that all Regional General Managers submitted reports, especially on progress regarding joint working with Countryside Agency and RDS.

AP11: All RGMs to supply Regional Reports to Council.  
Action: Ms Collins

- 16.1.7 The Committee **noted** that some staff did not feel that it was worthwhile contributing to the Topical Report. The Committee **emphasised** the value of the paper and that the apparent lack of debate at some business meetings should not be taken as lack of interest but as a reflection of clarity of the issues covered.

## **17. Other Business**

- 17.1 Sir Martin Doughty **thanked** Dr Moser for taking the role of Deputy Chair during his convalescence. It had been a busy period and Dr Moser's work was appreciated.
- 17.2 Mr Wray was standing down as Minuting Secretary after this meeting. The Committee **thanked** him for his service.