

General Committee of Council

Confirmed minutes of the thirty-fourth meeting of the General Committee of Council held on 16 March 2005 at the Headland Hotel, Newquay, Cornwall

Present: Sir Martin Doughty – Chair
Dr M Moser – Deputy Chair
Dr Andy Brown – Chief Executive
Mr T Burke
Dr R Clarke
Dr A Clements – Director
Ms S Collins – Director
Mr Hugh van Cutsem
Dr K Duff – Director
Ms S Fowler
Prof M Hart
Mr D Hulyer
Mrs A Kelaart
Prof D Macdonald
Dr A Powell
Ms C Wood – Director

Apologies: Prof E Gallagher
Mr S Hockman QC

In attendance: Mr R Barlow – Solicitor, Browne Jacobson (item 6)
Mr B Lambrick – NFU, Cornwall (item 6)
Mr A Windrum (item 6)
Dr L Jones-Walters (item 6)
Dr B Cordi (item 5)
Mr A Burn (item 7)
Dr P Holmes (item 4)
Ms C Pinches (item 4)
Mrs E Leck – Minuting Secretary

1. Welcomes and Apologies

- 1.1 Chair **welcomed** the General Committee, staff and the public to the meeting.
- 1.2 On behalf of the Committee, Chair **thanked** the local area team for the well-organised and rewarding site visits. It demonstrated the many areas where English Nature's work has been pivotal in improving the environment while at the same time providing substantial social and economic benefits. Chair will write to the Cornwall Team Manager to thank him and his staff.

AP1: Chair to write to Cornwall Team Manager

- 1.3 Apologies for absence were received from Mr S Hockman and Prof E Gallagher.
- 1.4 A closed session of the General Committee was held on 14 and 15 March. The agenda items of the closed session are:
- a. Pay Negotiation Remit for 2005/2006 Pay Award
 - b. Chief Executive Officer's Bonus – proposal for new process
 - c. Enhancing the Effectiveness of Independent Boards in Non-Departmental Public Bodies
 - d. Progress report on E-nabling
 - e. Modernising Rural Delivery
- 1.5 The above discussions are minuted separately.

2. Minutes of the thirty-third meeting of the General Committee held on 6 and 7 December 2004

- 2.1 The Committee **confirmed** the minutes.

3. Matters arising

- 3.1 Para 9.10 – Professor Hart inquired whether the agreement over the notification of the Orton Pit SSSI to enter into discussion with Hanson and other interested parties on the Peterborough Pits GCR site had not been forgotten and was ongoing. Dr Clements confirmed that this had not been forgotten and would be brought into the negotiations with the wider industry in due course.
- 3.2 Para 11.2.4 - Dr Moser noted that the word 'nature' in the draft Corporate Plan's first theme was still missing, although inclusion had been agreed at the last meeting. Dr Brown replied that a change had not yet been made. Although English Nature's staff had been advised of Council's wishes, the themes needed to be agreed by all three parties and a conclusion was still outstanding, pending a further meeting between staff leading on the Corporate Plan from English Nature, Countryside Agency and RDS.
- 3.3 Para 7.2.6 Mrs Kelaart inquired about progress regarding stakeholder dialogue agreed under the Agriculture Sector Analysis. Ms Collins confirmed that RDS currently is engaged with the farming community over the newly launched Environmental Stewardship, and as such it was recognised as being a valuable monitor for English Nature, with a process already in place.

4. National Assessment of Lowland Neutral Grassland (GCP0507)

- 4.1 Dr Duff **introduced** the paper. It set out a strategy for the conservation of lowland neutral grassland, with three particular grassland communities (MG4, MG5 and MG8) considered as rare and threatened habitats in England if left without further measures of protection.

- 4.2 During the year, the Executive Committee dealt with several SSSI notifications for lowland neutral grassland sites. To form a fair and realistic judgement on future cases it was recommended that a wider approach to conservation of this habitat should be taken looking at the conservation situation across the whole country. The Committee of Council **agreed** this approach.
- 4.3 The Committee **discussed** the following points:
 - 4.3.1 Substantial decline of these grasslands over the years showed that now was the time to act before such habitats were completely lost.
 - 4.3.2 Although current results showed that SSSI notification was helping to protect these vulnerable habitats, it was seen important to look at wider options as part of the overall strategy.
 - 4.3.3 Grazing strategy also needed to be considered, and a paper on this will be presented to Council later this year.
 - 4.3.4 The recently launched new schemes under the Environmental Stewardship Scheme would also play an important role when working with owner/occupiers.
- 4.4 The Committee **approved** the overall strategy set out in the paper. The paper was a potential tool, and the Committee **recommended** publication of the strategy with some amendments to the vocabulary in the current paper in order to reach out to a wider audience.

AP2: Dr Duff to make appropriate changes to the assessment of
lowland neutral grasslands (GCP0507)
for publication to a wider audience.

5. European Strategy (GCP0508)

- 5.1 Ms Collins **introduced** the paper. In part, it provided a rationale for European policy-making, but also looked at some of the operational issues to ensure implementation of the European Directives. In summary, English Nature in collaboration with the Joint Nature Conservation Committee (JNCC) and other agencies already contributes to the main policy areas such as the Agricultural Reform Policy, the Common Fisheries Policy and the Marine Thematic Strategy.
- 5.2 A separate statement on biodiversity and climate change is currently being drafted which will be presented to the UK Presidency between July and December 2005
- 5.3 The Committee **discussed** the paper, and provided the following feedback:
 - 5.3.1 It was felt that nature conservation in the UK is increasingly shaped by European legislation and decision-making. This applies particularly to

sectoral policies, such as agriculture and fisheries, as well as the Habitats, Birds and Water Framework Directives. This will provide increasing opportunities to influence in the future.

- 5.3.2 English Nature's role was described as very influential in helping to shape the environmental policy. However, some clarification on roles between English Nature, JNCC and the agencies within the European work was missing in the strategy. It was felt that given the importance of European legislation on UK nature conservation, European policy advocacy work should be included into the future work of the Integrated Agency.

AP3: Dr Brown to take forward with JNCC

- 5.3.3 Adaptation to climate change in particular was an increasingly important factor and needed to be included in the rationale.

- 5.3.4 It was reflected that although the European Landscape Convention was now in force, the UK had not yet signed up to it. The Committee recommended that the strategy should make a reference to landscape scale work. The Integrated Agency, with its wider remit, would be in a good position to influence this debate.

- 5.3.5 It was also felt that the draft statement of the European Environment and Sustainability Advisory Council (EEAC) should include references to our 'people agenda' and Sustainable Development.

- 5.4 The Committee **agreed** that the strategy should be amended in the light of the discussion.

AP4: Ms Collins to amend the European strategy in the light of the discussion and to feed in comments for further drafting of the EEAC statement

6. Caydale SSSI (GCP0502)

- 6.1 Chair **welcomed** Mr Lambrick (Group Secretary of the National Farmers Union in Cornwall), representing Mr and Mrs Ellis, owners of Mount Pleasant Farm.
- 6.2 Dr Clements **welcomed** Dr Lawrence Jones-Walters, team manager of English Nature's North & East Yorkshire area team, and Mr Andrew Windrum, Conservation Officer responsible for Caydale SSSI.
- 6.3 Mr Windrum gave a presentation describing the main features for notification of the SSSI, unimproved calcareous grassland, mires, fen meadows and the Duke of Burgundy butterfly, all considered to be of special interest.
- 6.4 The site comprises a mix of calcareous grassland at the bottom and a scatter of heathland acid grassland on the top, with the water running out of the contact between the limestone and the underlying Oxford Clay Formation. In total, there are over 77 vegetation communities recorded for the site of which at least 11 are nationally rare, represented by less than 10,000 hectares nationally. Also rare within the context of the North York Moors are a

number of flowers including dropwort, bloody cranesbill and mountain everlasting. The population of the Duke of Burgundy butterfly on the Caydale SSSI is the largest within the North Yorkshire Moors, with satellite colonies outside Caydale. These satellite colonies are under threat of decline within the next 2 years. Caydale provides therefore the only stronghold for this species within the North Yorkshire Moors. About 50 % of the land is judged as species-poor, where tufted hair-grass and scrub occur, but these habitats are included within the proposed SSSI to support the features of special interest.

- 6.5 Dr Jones-Walters informed Council of recent developments concerning objections to the notification and that Mr Garbutt withdrew his objection on Monday 14 March, following his acceptance of a Wildlife Enhancement Scheme management agreement.
- 6.6 Chair **reminded** Council that three objections still remained. Of the remaining objectors, Mr Ellis was not able to attend in person because of the distance of this Council meeting from his home. He was represented by the National Farmers Union's (NFU) Group Secretary of Cornwall, Mr Brian Lambrick.
 - 6.6.1 Council were advised by Mr Barlow (solicitor, Browne Jacobson) on the issue of the location of Council meetings with respect to the locations of SSSI cases which are being considered. The Council meetings are scheduled 1 - 1.5 years in advance and take place at venues throughout England. The meeting dates are also published on the website in advance. The meetings are held in public and procedures are in place for owners/occupiers to make their objections to Council at these events. Addressing the issues in this particular case, Mr Ellis had advanced his objections through the NFU on 11 October 2004.
 - 6.6.2 Mr Windrum had met Mr Ellis in early 2004 to give some indication on the effect of the notification. In response to the letter from the NFU, Mr Windrum pursued resolution of the objections and had invited Mr and Mrs Ellis to the Council meeting. On 1 February 2005 he met Mr Ian Ellis, the son of Mr and Mrs Ellis, advising him that the Council meeting would be held in Cornwall. By letter dated 23 February 2005 Mr Windrum offered video conferencing from English Nature's York office to address the distance issue and enable Mr and Mrs Ellis to attend in person. Mr Barlow advised that Council could be satisfied that the procedure followed for all of the owner/occupiers and the elderly Mr & Mrs Ellis in particular was and had been fair. On this basis Council proceeded to consider this item.
- 6.7 Mr Brian Lambrick read out a statement made by Mr Ellis.
 - 6.7.1 Mr F E Ellis, owner of Mount Pleasant Farm, had not been able to attend in person. His son, Mr Ian Ellis, was not able to attend either because of a busy time of year on the farm.
 - 6.7.2 Mr Ellis had therefore approached the NFU to act on his behalf. The Ellis family objected strongly to the notification of the SSSI on Mount Pleasant Farm "because of serious consequences for their business". The objection dealt with the issue of fertilising and the considerable loss of farmland for

grazing due to notification. The Ellis family regarded the notification as detrimental to their continuation of the farming business. It was stated that it was not right to destroy a business and a livelihood without fair compensation, and it could be seen as an infringement of the family's human rights. The full text of this statement is attached in Annex 1.

- 6.8 Chair **thanked** Mr Lambrick for his presentation. Following questions of Mr Lambrick Council **debated** the issues as follows:
- 6.8.1 Council **recognised the concern** for their business viability, expressed by the Ellis family. Reduced grazing areas and winterfeed issues affecting the farming business were perceived to be a result of the SSSI notification. In the questions and debate Council **sought clarification** about the numbers of stock on the farm that may be affected by the SSSI, the value to the farm business of various offers made for agri-environment schemes, and the location of the reseeded area, which is crucial to the overall grazing regime. Council also heard evidence about the current nutrient enrichment of the base-rich springs as a result of the management of the reseeded areas.
- 6.8.2 Council **acknowledged** that landowners and farmers such as Mr Ellis were vital and important partners in the management of threatened habitats and are responsible for important nature conservation value acquired over years of sympathetic management.
- 6.8.3 Council **expressed concern** that English Nature were at loggerheads with those who are really our natural allies and debated how to continue to work with farmers to support both, the nature conservation value and their livelihoods in future. They heard that Mr Ellis's case was at an early and difficult stage in what was hoped to be a positive dialogue, and that as part of the search for an agreement, English Nature officers have offered to allow continuation of some reseeded and fertilizer input to smooth the transition to improved management practice over time.
- 6.9 In summarising the debate Council were made aware of recent High Court decisions and the accepted view that SSSI notification is a control of use in human rights terms, not necessarily requiring compensation, nevertheless financial assistance is in this case available through agri-environment agreement funds.
- 6.10 In the light of all the evidence, presented to a high standard, on the special interest of the site Council **unanimously agreed** that the whole site was of special interest, and the notification should be **confirmed**. Council **asked to be kept informed** of continuing work by officers to reach positive solutions with all remaining objectors. During discussion after this item it was proposed that one or two members of Council would be available to meet Mr Ellis in Yorkshire in June to explain Council's decision.

7. Full Review of Water and Wetlands Sector Analysis (GCP0509)

- 7.1 Ms Collins **introduced** the review of the sector analysis which was first produced in 2002. The updated analysis sets out English Nature's objectives and priority actions and provides the strategic direction which English Nature would like to see achieved in the water sector.
- 7.2 The analysis particularly reflects on the drivers affecting the sector over the next few years, e.g. water prices and the cost of environmental improvements, which varied significantly from region to region; the Water Framework Directive (WFD) and climate change.
- 7.3 The Environment Agency's (EA) Review of Consents joint project with English Nature is seen as a significant step to shape the work on the priority actions.
- 7.4 The Committee **welcomed** the paper and made the following comments:
 - 7.4.1 Importance was seen in future integrated policy development through joint working with the Rural Development Service (RDS) and the Countryside Agency (CA) as well as the water companies. The importance of the People and Policies agenda was also highlighted.
 - 7.4.2 Added to the list of achievements should be the effect of English Nature's advocacy on the inclusion of smaller water bodies in the WFD process. In this context, it was important to engage with other organisations in the long-term vision for the water and wetlands policy' with 'A Long-term vision is jointly being developed by English Nature, Environment Agency and RSPB.'
 - 7.4.3 It was agreed that a reference to the effect of European Union's Landfill Directive in section 1.1.2 should be added. Licensed landfill sites were very limited in numbers which would lead to an increase in illegal dumping of toxic waste, with inevitable devastating effects on freshwater systems.
 - 7.4.4 Waste management was a major issue and the Committee agreed that more work needed to be done, an opportunity that would need to be taken up by the new Agency. Climate change also needed to be addressed as a future priority by the Agency and in closer collaboration with the Environment Agency.
- 7.5 Overall, the Committee **commended** the paper, but recommended that other work areas mentioned during the discussion should be build into the sector analysis at a later stage.

8. Performance Report (GCP0501)

- 8.1 Dr Brown **introduced** the paper. Expenditure levels had been slightly lower at end of Quarter 3 compared to last year's Quarter 3 figures, but there was confidence that financial targets would be reached by end of this financial year.

- 8.2 Of the 18 high-level performance targets, 14 are on track, with two targets marked as amber and two targets marked as red. However, comments from the Wider Environment Board on the two amber targets indicated that they would be delivered by the end of the year; the two red targets are still regarded as likely to be missed. One of the two red targets related to the National Nature Reserves (NNR) condition target, where a more likely target of 84 % was expected instead of the 85 % as indicated in the programme. The other related to the Habitats Action Plans achievement, trying to stabilise or reverse the condition of two habitats, such as the lowland wood pastures and vegetated shingle. However, the information currently available is insufficient to assess the condition accurately.
- 8.3 All other programmes were on target.
- 8.4 Considering the current pressure and uncertainty due to the Modernising Rural Delivery agenda, Dr Brown reported that overall morale in the organisation remained very good. Staff dealt with priority work while at the same time starting to engage with colleagues from RDS and the CA on the longer term agenda.
- 8.5 The Grant in Aid increase for 2005/06 is £7.2m, with a further £850k received for local biodiversity strategy and Regional coordination for the next financial year.
- 8.6 The Committee **congratulated staff** on the overall performance.

9. Unconfirmed Minutes from the Joint Nature Conservation Committee (GCP0510)

- 9.1 The Committee received the minutes.
- 9.2 Dr Moser reported that two senior management members were currently on sick leave: JNCC's Chair, Mr Darby and Managing Director, Mr Steer. Although this may have some short-term impact, there were currently no significant issues that needed addressing.

10. Chair, Deputy Chair, Chief Executive and Directors Topical Report (GCP0511)

- 10.1 The Committee noted the report and provided the following comments:
- 10.1.1 Dr Clements updated the Committee on the outcome of the Slapton Ley engineering report, and that the option it contained had been the 'shingle ridge to retreat with the road on top'. The Committee **welcomed** this outcome.
- 10.1.2 Item 1.4/page 1 – the Committee congratulated English Nature's People & Nature team for its involvement with the BBC's *Springwatch* campaign. The team's expertise had been significant in helping shape public awareness of biodiversity, together with English Nature's key partners, including RSPB and Environment Agency.

10.1.3 Item 8.2.2/page 6 - the Committee welcomed the development for rural policy actions and the list of priorities.

10.1.4 Item 8.4.2+3/page 7 – the Committee noted that the change in the Common Agriculture Policy will impact on English Nature’s delivery of environmental objectives. Because of the decoupling of agricultural support from livestock farming, undergrazing in lowland England was likely to increase.

10.2 Ms Collins asked Council Members for feedback on the content and level of regional reporting within the Topical Report, which staff would welcome. Council Members agreed to email these comments directly to their assigned regions.

AP5 - Council Members to email comments regarding content of regional reports directly to the relevant Regional Directors

10.3 On a general note, the Committee **suggested** that in order to reduce the textual content to focus reporting more on the most significant issues to draw to Council’s attention, major achievements, or issues that are politically active.

10.4 Council suggested that regional newsletters should also be distributed to other council members.

AP6 – Local area team managers to liaise with relevant regional staff to circulate regional newsletters to all other council members

11. Other business

11.1 Congratulations went to the Committee Support Unit for managing to get the Council papers out in one batch and in time, with thanks extended to Directors for making it happen. The Committee hoped that this very good achievement could be upheld in the future.

11.2 Chair also welcomed Eva Leck taking over the role of Minuting Secretary, previously carried out by Jonathan Wray.

11.3 Thanks went also to two departing Council Members Mr Burke and Mrs Kelaart for their support and advice to Council over the past six years.

11.4 Finally, Chair thanked Dr Moser for co-chairing the last Council meeting.

Signed Date