

General Committee of Council

Confirmed minutes of the thirty-seventh meeting of the General Committee of Council held on 6 December 2005 at the Cambridge Suite of the East of England Showground, Peterborough

Present:

Dr M Moser – Acting Chair
Dr A Brown – Chief Executive
Ms S Burton
Dr R Clarke
Dr A Clements – Director
Ms S Collins – Director
Mrs L Crowe
Mr H van Cutsem
Dr K Duff – Director
Prof E Gallagher
Prof M Hart
Mr S Hockman QC
Mr D Hulyer
Prof D Macdonald
Mr P Newby - Director
Mr C Pennell
Dr A Powell
Ms C Wood – Director
Mrs E Leck – Minuting Secretary

In attendance:

Mr P Clement (item 4)
Mr J Creedy (item 8)
Mr P Grice (item 5)
Mr J Wray (item 7)

Apologies:

Ms S Fowler

1. Welcomes and Apologies

- 1.1 Dr Moser opened the meeting and welcomed the General Committee, staff and the public.

- 1.2 On behalf of the General Committee Dr Moser offered his thanks to Sir Martin Doughty for his leadership and his impact on the achievements of English Nature's business since 2001. Sir Martin has been appointed Chair Designate for *Natural England* and Dr Moser is Acting Chair of the Council of English Nature until 30 September 2006.
- 1.3 Thanks were expressed to Messrs Adrian Darby and Deryck Steer of the Joint Nature Conservation Committee (JNCC) for their presentation on 5 December bringing English Nature Council up to date on the new JNCC strategy.
- 1.4 Congratulations also went to Mr Felton, colleagues from the Rural Development Service (RDS) and staff of English Nature's agri-environment team for their informative presentation on Common Agricultural Policy reform. The contents of the presentation will be made available on CD and circulated to Council Members.

AP1: Agricultural team to distribute presentation to Council Members

2. Minutes of the thirty-sixth meeting of the General Committee of Council held on 21 September 2005

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

3. Matters arising

- 3.1 Items 7.4 to 7.6 Mr van Cutsem raised the issue of a general increase in the number of incidents of cattle charging at people, particularly amongst traditional breeds and quoted examples of cattle charging on his estates. A Grazing Animals Project is already underway that looks further into the use of traditional breeds.

AP2: Agricultural team to forward information on different cattle breeds to Mr van Cutsem.

4. Guidelines for the denotification of Sites of Special Scientific Interest GC P05 35

- 4.1 Dr Clements **introduced** the paper. The Wildlife and Countryside Act 1981 Section 28D as amended by the CROW Act, contained the power to remove an SSSI notification. The paper, following consultation with stakeholders and the public, sets out the circumstances in which English Nature will consider such denotifications.
- 4.2 Guidelines are also being produced, following an assurance given by the Department for the Environment, Food and Rural Affairs (Defra) in 2003 in the published Code of Guidance *Sites of Special Scientific Interest*:

Encouraging Positive Partnerships. The Code states that **the Secretary of State expects the power to be used only in exceptional circumstances.**

- 4.3 The consultation process had been carried out very carefully to capture a wide range of responses; in some cases with the help of legal advice. The paper takes account of these responses and will be the basis for making decisions on removal of site notification.
- 4.4 The Committee **welcomed** the paper and **commented** on the guidelines.
- 4.5 The Committee **agreed** that it was important to have a robust process in place. However, it was not clear whether the document was meant as a guidance for staff only or also for site owners. As a policy document the guidance would benefit from being redrafted for public audiences. A brief explanation why a denotification had to be made should also be incorporated into the guidance. Dr Clements confirmed that a project was already underway to make the procedure more 'public friendly'.
- 4.6 It was also felt that clearer definition for cases of 'exceptional circumstances' was needed.
- 4.7 It was recognised that the power to denotify an SSSI was new for English Nature, and the guidelines may need to be adjusted once they were tested.
- 4.8 The Committee **approved** the guidelines and asked to see a revised version in the light of practical experience and before the launch of *Natural England* in 2006.

5. Reintroducing the Sea Eagle to England (GC P05 36)

- 5.1 Dr Clements **introduced** the paper. There was wide-ranging interest and support from a wide cross-section of our partners and industry. This was a major opportunity for English Nature/*Natural England* to lead such a high profile flagship species project, delivering benefits to people and nature on a landscape scale.
- 5.2 The Committee **very much welcomed** the paper and the following comments were made.
- 5.3 It was **recognised** that the project could make a significant contribution to the local economy as well as public enjoyment.
- 5.4 The Committee **recommended** engaging with the different stakeholders from the outset and to develop a detailed project plan.
- 5.5 Members felt that a public relations strategy was missing in the current paper. Concern that the sea eagle is not a priority species in the UK Biodiversity Action Plan (UK BAP) could be addressed within the publicity material for

the project; this was a flagship species providing wider benefits on the landscape scale from its reintroduction.

- 5.6 The Committee **fully endorsed** the project and asked to be kept informed of progress.

AP2: Mr Grice to keep Council informed of progress.

6. Corporate Plan 2006 to 2009 (GCP05 44)

- 6.1 Dr Brown introduced the paper which outlined the process and the timetable. There will be a single Corporate Plan from April 2006, agreed by the *Natural England* Programme Board. English Nature/*Natural England* will receive its allocation covering April 2006 until March 2007. It would be important that planning covered the entire period. Final confirmation for next year's Grant-in-Aid is expected from Defra in due course.
- 6.2 The process for collation of the content takes account of the disruption element to staff during the transition to *Natural England*. A first draft is expected to be available on 14 December. It was the Committee's role to ensure that English Nature's business was sufficiently covered, with the right level of targets and resources during the first six months of the next financial year.
- 6.3 Part of the continuing task was to manage the delivery of Corporate Plan targets and we would need to monitor performance over the next six months. Existing performance reporting systems are being used for monitoring and reporting. A consolidated performance report with information from the Rural Development Service, the Countryside Agency and English Nature will be produced and reviewed collectively every two months.
- 6.4 The Committee **discussed** the following issues.
- 6.5 Members were concerned that climate change (damage and impact) should be examined in the first year of *Natural England*. The Chief Executive reassured the Committee that objectives shown outside the first 12 months' activities would not be neglected. *Natural England* working groups were already examining specific areas of the business to establish what work could be delivered through *Natural England* and what through other partners.
- 6.6 Efficiency targets for the current and next year had already been agreed.
- 6.7 The Committee **endorsed** the overall approach on the Corporate Plan compilation and contents in Annex 1, with some caution over its interpretation and the way it would be used to guide targets and allocate resources.

AP3: Members **agreed** that commenting on and signing off the draft stages of the Corporate Plan would be done by postal consultation.

7. Corporate Governance – Annual Review of the Schedule of Delegations 2005 (GC P05 37)

- 7.1 Ms Wood **introduced** the paper. This is part of the annual requirement to review the Schedule of Delegations.
- 7.2 The paper proposes a small number of amendments to the Schedule and minor changes to internal terminology.
- 7.3 The Aggregates Levy Sustainability Fund (ALSF) Partnership Grants Scheme delegations approved by Council in May 2005 were now formally included in the Schedule.
- 7.4 Council **noted** the changes and **agreed** for the revised Schedule to take effect from 1 January 2006.

8. Risk Management in 2006/07 (GC P05 38)

- 8.1 Ms Wood introduced the paper, which fulfils two roles:
 - proposing a revised set of corporate risks for English Nature in the first six month of 2006/07;
 - deciding how these risk should be processed and managed in the lead up to the establishment of *Natural England*.

Because of the pace and the complexity of changes, the Audit and Risk Management Committee had advised to build in more frequent monitoring of the risk management process. It had been agreed by the Executive Committee to put in place quarterly monitoring for the remainder of 2005/06 and bi-monthly reporting from 1 April 2006.

- 8.2 Dr Moser **thanked** the Chair and members of the Audit and Risk Management Committee for their hard work and input.
- 8.3 The Committee **noted** the proposed monitoring changes outlined in the paper and **approved** the proposed transitional risks for 2006/07, with a shared view that item 9 in Annex 1b should be extended to include loss from displaced knowledge.

9. Performance Report (GC P05 41)

- 9.1 Dr Brown **introduced** the paper. The spend position at the end of quarter 2 was lower than usual; Defra's request for return of funds and diversion of team effort to *Natural England* being the main reasons.
- 9.2 Targets in red indicated that they would not be fully reached (e.g. protected sites 70-71 % and not 72%). Given the moratorium on commitments imposed earlier this year, the hand-back of funds and the general disruption of change the overall achievements were viewed as satisfactory.
- 9.3 It had already been stressed to managers that only mission-critical targets were to be given highest priority. Support and care of their staff should feature higher in their managerial duties.
- 9.4 The Committee **shared** the concern that had also been expressed during the Executive Committee's meeting in November over workload impact and increased stress levels. They **agreed** unanimously to the recommendation to adjust some of the targets due to the resource shifts and to inform Defra of the adjustment.

AP4: Dr Brown to delegate the Corporate Business Team with the production of a table of existing corporate plan targets and highlight those which are expected to change. The Executive Committee and General Managers will then consider the revisions needed.

- 9.5 Ms Wood added that the current recruitment freeze also impacted on workload levels. There were clear signs that some staff were working unsustainably, sacrificing annual leave.
- 9.6 This situation needed to be monitored very closely by managers.
- 9.7 The ten key points from the recent Executive Committee meeting sent out to staff will be circulated to Council Members.
- 9.8 The Committee **warmly congratulated** staff on the performances achieved given the current circumstances.
- 9.9 The Committee **approved** the adjustment as set out in the paper.

10. Unconfirmed Minutes of the Joint Nature Conservation Committee (GC P05 34)

- 10.1 As a result of the appointment of Sir Martin as Chair Designate of *Natural England* and Dr Moser's acceptance of his role as Acting Chair of English Nature, Ms Fowler has been invited to be the second English Nature representative on the Joint Nature Conservation Committee (JNCC) and has agreed.
- 10.2 The June 2006 meeting will take place jointly with English Nature Council meeting in Oxford. Both organisations will hold their individual business meetings; the JNCC will hold its meeting on Monday 26 June. Tuesday 27 June is planned as a joined field visit and seminar. The English Nature Council meeting will be held on Wednesday 28 June. Prof Macdonald, together with his Wildcru Team in Tubney, has kindly offered to host the field visit and seminar.
- 10.3 The Committee **noted** the Unconfirmed Minutes of the JNCC meeting.

11. Chair, Deputy Chair/Acting Chair, Chief Executive & Directors' Topical Report (GC P05 39)

- 11.1 The Committee noted the report and raised the following points:
- 11.2 Item 2.6 – Fairlight, East Sussex : the issue of planning application for coastal defences to stop cliff erosion at Fairlight and the unfortunate time scale to conduct a thorough review to back up our holding objection was raised. A paper will be submitted to the December Executive Committee that reviews and updates English Nature's policy in respect to coastal issues.
- 11.3 Item 2.7 – Little Cheyne Court, Kent: concern was expressed over the unsatisfactory outcome during the Public Inquiry regarding consent for the windfarm, and the impact on adjacent wildfowl populations needed to be fully reviewed. English Nature and RSPB have issued a joint press release expressing disappointment over the Secretary of State's decision to grant consent. Our legal advice has raised flaws in the decision making process and discussions have begun with the Department for Trade & Industry.
- 11.4 Item 3 – SSSI Enforcement (update): an increase in the number of new enforcement incidents in connection with offences on protected areas was noted. It was assumed that one of the reasons was resulting from changing the Countryside Rights of Way (CROW) Act. However, the overall level of prosecutions was still regarded as being fairly low.
- 11.5 Item 6.2.2 discussion paper of *Natural England's* education work and item 6.6.4 consultation paper Volunteering in *Natural England* – the way forward: Mr Pennell asked for copies of the above papers for information.

AP5: Committee Support Unit to organise copies of above papers to be sent to Mr Pennell

- 11.6 Item 6.5.1 Notcutts Partnership: It was reported that partnership work had proven to be a very worthwhile project and there were similar projects to follow in the near future.
- 11.7 Item 7.2 Developing the successor to the European Rural Development Programme: A question was raised why English Nature had not been invited to advise Defra on the strategic direction and asked for some clarification. Ms Collins explained that although no formal consultation had taken place, English Nature was already involved in a number of discussions with the various sectors in the Department on the policy issues and would remain closely involved in the development of the new Programme.
- 11.8 Item 8.4.1 Bassenthwaite Catchment Project: Dr Powell commented on the very positive outcomes from this project and commended it as an excellent example of regional partnership.
- 11.9 Item 10 Regional Reports: On behalf of Council, Dr Moser **congratulated** English Nature Regional Teams and policy officers for their commitment and active engagement in the development phase of Regional Economic Strategies (RES). The Committee **recognised** the joint efforts which have been invested from the start.
- 11.10 Item 11. European Work: Following the October EEAC *Conference Climate Change and Biodiversity – Meeting the Challenge* the European Union will launch a formal consultation on European Biodiversity. Council stressed that it was important that *Natural England* should contribute and closely monitor progress. Dr Powell asked for the full web address for this section of the EU website.

AP6: European Relations Team to forward the web address to Dr Powell.

- 11.11 Item 12.2 – Effects of genetically modified herbicide tolerant cropping systems on weed seedbanks for at least two years: Research data by the Centre of Ecology and Hydrology (CEH) revealed important evidence for longer term effects of GMHT cropping on farmland biodiversity and an update will be given in the next Topical Report.
- 11.12 Item 17.2 Human Resources: Ms Burton had attended the *Forum 3 Exhibition* and commented positively on the enthusiasm and wide interest English Nature's stand had received from visitors. This had been a worthwhile effort and it was seen as an excellent opportunity for *Natural England* to take the diversity agenda forward. Members thanked Ms Burton for her active engagement in this project.

12. Any Other Business

- 12.1 Sheep and Wildlife Enhancement Scheme – outcomes and learning points for English Nature Outcomes of Sheep WES **GC P05 40** - Information paper: The Committee welcomed the achievements of the Scheme and the significant contribution to the Public Service Agreement (PSA).
- 12.2 External Funding and Grants **GC P05 42-** Information paper: The Committee noted the progress and achievement made in external funding and grants administration.