

General Committee of Council

Confirmed minutes of the thirty-ninth meeting of the General Committee of Council held on 28 June 2006 at Eynsham Hall, Witney, Oxfordshire

Present: Dr M Moser – Acting Chair
Dr A Brown – Chief Executive
Ms S Collins - Director
Dr K Duff – Director
Ms S Fowler
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
Dr T Tew – Director
Ms C Wood – Director

In attendance:

Mrs N Bennett (item 4)
Mr P Clement (item 4)
Dr T Collins (item 4)
Ms K Jennings (item 4)
Mr R Leafe (item 4)
Dr R Rafe (item 4)
Mr P Robinson (item 4)
Mrs A Wetherell (item 4)
Mr R Barlow – solicitor, Browne Jacobson (item 4)
Ms A Heslop – solicitor, Browne Jacobson (item 4)
Mrs A Bedford – residents of the Ravine (item 4)
Mr P Boggis – Easton Bavents Conservation (item 4)
Mr P England – Bailey Development (item 4)
Mr G Jones (counsel for Mr Boggis) - Parkinson Wright (item 4)
Cllr J Goldsmith – Waveney District Council (item 4)
Mrs T Naylor – residents of the Ravine (item 4)
Cllr K Sale – Waveney District Council (item 4)
Mrs A Jones – stenographer
Mrs E Leck – minuting secretary

Apologies: Mr H van Cutsem

Note: Items 1 and 2 were part of the Closed session that took place prior to the Open meeting.

3. Welcomes and apologies

- 3.1 The Acting Chair opened the meeting and welcomed Members of the General Committee, representatives from the Joint Nature Conservation Committee (JNCC) and the Natural England Board, members of the public and English Nature staff amongst the audience.
- 3.2 This Council meeting was held as a joint event with the JNCC. Positive feedback had already emerged from the interaction between colleagues from the two organisations during the seminar/workshop, and during the JNCC Committee and Board meetings on Monday 26 June. On behalf of the General Committee, Dr Moser expressed his heartfelt appreciation to those who put the programme for the seminar together.
- 3.3 The programme for the field visit on Tuesday afternoon had been arranged and organised by the staff of the Wildlife Conservation Research Unit of the University of Oxford and had been much appreciated. Dr Moser thanked Prof Macdonald for his input and asked him to forward Council's thanks and gratitude to his staff for a very interesting and stimulating programme.
- 3.4 Congratulations went to English Nature's Council Members Ms Burton, Mrs Crowe and Dr Clarke who had joined the new Board of Natural England as from 2 May 2006, and congratulations went to Prof Macdonald, Mr Hulyer and Mr Pennell who had also joined the Natural England Board, but retained their English Nature Council role.
- 3.5 Apologies for absence were received from Mr H van Cutsem.

4. Pakefield to Easton Bavents Site of Special Scientific Interest (SSSI), Suffolk

- 4.1 Chair **introduced** Dr Tew, Director of Protected Areas and Mr Barlow (solicitor of Browne Jacobson) who would assist with advice during the discussion.
- 4.2 Mr Barlow **explained** the legal obligations for owners and occupiers of property that is designated as an SSSI. Section 28E of the Wildlife and Countryside Act 1981 requires owners and occupiers to apply to obtain English Nature's consent to carry out any of the operations which are part of the list of operations requiring consent within the notification papers.
 - 4.2.1 English Nature could consent, consent with conditions, or refuse such an application. In circumstances where an owner or occupier disagreed with such

a decision, an appeal could be made to the Secretary of State (SoS) under the provisions of Section 28F of the 1981 Act.

4.2.2 Mr Barlow also **pointed out** that, quite separately from owners and occupiers, there were a raft of provisions that applied to statutory bodies also. These S28G bodies were entitled to carry out their own statutory functions, but were subject to a duty to take reasonable steps, consistent with their functions, to further the conservation and enhancement of the features for which a site was of special interest. This duty applied when a body carried out an operation itself, and where it authorised an application. In such circumstances, English Nature needed to be consulted, but the decision would remain with the Section 28G body.

4.2.3 Other legal factors relevant to this case included the 1949 Coast Protection Act, and Waste Management Licensing Regulations. In this case, Waveney District Council and the Environment Agency were the respective relevant authorities.

4.3 At the beginning of his introduction, Dr Tew **referred** to the previously circulated case documents and listed additional documents that had been received after circulation of the paper batch, and also some typographical errors that had been detected since mailout. Dr Tew **apologised** for these errors and amendments. The additional documents were:

- an information note from English Nature to Waveney District Council which should be part of section 4.
- Further correspondence and documents had been revised since the completion of the package and are listed on an index sheet. These additional documents had been tabled prior to this meeting.

4.3.1 Some typographical errors within the package were also noted: First, page 58 paragraph 2 and page 68 paragraph 4 should **not** be underlined. Second, Paragraph 1.13 (second section) on page 86 which is part of the final summary and refers to the resolved objections from Mrs B J and J B Collen acting on behalf of A and E Cooke. The text reads that "... officers recommend that Council approve the confirmation with modifications to the boundary and reasons for notification." This is incorrect, and should read '..that Council approve the confirmation without modification'. There were no boundary changes to be considered.

4.3.2 Dr Tew **introduced** the representatives from the Suffolk team, Dr Rafe and Mr Robinson, also English Nature's specialist advisors Mrs Bennett, Dr Collins, Mr Leafe and Mrs Wetherell.

4.4 Mr Robinson **provided** an overview of the features of special interest of the site. Total size is 735 ha. The site is important for the geological exposures of the Lower Pleistocene Norwich Crag Formation, and associated Pleistocene vertebrate assemblages, and the coastal geomorphology of Benacre Ness, which typically illustrated the characteristics of gravel and shingle beaches.

- 4.4.1 Amongst the biological features there were three nationally important habitats: first, vegetated shingle; second, saline lagoons (some natural, others man-made); third, flood-plain fen habitat with areas of reedbed, lowland open water, scrub and woodland and wet woodland. The site supported nationally rare and scarce vascular plants, nationally important populations of breeding bittern and marsh harrier, little tern, water rail and bearded tit. Over-wintering bitterns are present in qualifying numbers. Pakefield to Easton Bavents SSSI also has nationally important assemblages of breeding birds for lowland open water and their margins, lowland heath, scrub (excluding heath) and woodlands.
- 4.4.2 The location of the boundary as notified was determined on the basis of four principles:
- 4.4.3 The first was the need to protect the scientific interest and ensure that the boundary included all the features.
- 4.4.4 The second was the need to take into account the changing nature of the coast. The inland boundary, which related to Earth sciences and coastal change was determined using the predicted rates of coastal change over a 50 year period. The 50 year period was used as it has been considered to be an appropriate timescale to link in with longer term coastal trends, research and government and public body strategies that deal with the coast.
- 4.4.5 The third principle was that the seaward boundary followed the line of mean low water.
- 4.4.6 The fourth principle was to follow identifiable features on the ground. However, where this was felt to include a substantial area in excess of that required to take account of dynamic coastal change over the 50-year period, the boundary runs between two points indicated on the map. English Nature offered to place markers on this line to enable easier identification of the boundary.
- 4.4.7 Since the completion of the officers' report there have been further discussions and correspondence with Mr and Mrs T Crick, Easton Bavents Conservation, the Rt. Hon. John Gummer MP, and Park Resorts UK Ltd. Discussions with P H Middleditch and Son had resulted in consent being agreed and the withdrawal of their objection.
- 4.4.8 Mr Robinson **concluded** his introduction by commending the confirmation of notification of Pakefield to Easton Bavents SSSI.
- 4.5 In response to questions from Council, Mr Robinson **explained** the reasons for choosing a 50-year boundary for the landward boundary of the SSSI. In answer to questions from Council concerning the status of the saline lagoon in view of current protection work by the Environment Agency (EA), Mr Robinson **explained** that it was agreed with the EA to work gradually towards natural processes on the beach that would allow tidal incursion. Because of international bird interest English Nature would need to ensure there was a replacement habitat available before this could commence. This area supported two overlapping international sites with potentially conflicting interests, saline lagoons, and breeding bitterns on reed beds further inland. In this case, it was intended to move the reed beds and replace the habitat

elsewhere, the saline lagoon needs to be near the coast and the intention is to allow incursion and start saline water moving up the valley.

- 4.6 Mr Leafe **expanded** on the point by explaining that the EU-funded LIFE project *Living with the Sea* had addressed these issues and how to reconcile competing coastal interests as depicted in this site case. The project had reached wide recognition within the European Union, and talks with the Commission continue to find solutions that enable the coast to adapt and function naturally.
- 4.7 Chair **invited** Mr England to make his presentation to Council.
- 4.8 Mr England, who also represented Nicola and Beth England, Mr and Mrs Kusner-Charles, and Mr and Mrs Burrows **stated** that their objection to the notification of the SSSI was referring to land affected around the hamlet of Easton Bavents and its associated 14 residential houses.
 - 4.8.1 Much of the hamlet of Easton had been lost to the sea since 1947. Mr England supported Mr Peter Boggis in his deliverance of the 1.2 km soft sea defence at Easton, claiming this was regulated by the Environment Agency and regular soil samples for independent testing on toxic waste were taken. These sea defences had protected his family's property and the hamlet of Easton during the last three years.
 - 4.8.2 Furthermore, the extensive list of operations requiring English Nature's consent were regarded as an imposition on daily life. Mr England **strongly declared** at several points an abuse of the residents' human rights, due to the SSSI boundaries. He believed that there was 'no wildlife to protect' at Easton and there had been little visible evidence in the past of significant geological interest.
 - 4.8.3 Mr England's view was that Mr Boggis' sea defence apart from protecting 14 houses, also protected the fauna and habitat, as well as the interest of geology. He **stated** that with the notification of the SSSI on 20 December 2005 and the list of operations requiring consent, Mr Boggis was refused permission for maintaining the soft sea defences, and it had instead been suggested that he apply for planning consent. This was seen in direct contradiction of the work carried out by the Environment Agency for the protection of habitats at Easton Broad. Mr England's presentation to Council provided photographic images of this activity.
 - 4.8.4 Mr England was keen to emphasise that there are no wildlife features of special interest at Easton Bavents, simply geology. In his final address Mr England quoted from the English Nature Corporate Governance Manual, where it deals with Article 6 of the first schedule to the Human Rights Act, appealing to Council to uphold its principles in its final decision and to exclude the hamlet of Easton Bavents from the SSSI.
- 4.9 Chair **thanked** Mr England for the delivery of his presentation.
- 4.10 A round of questions and answers focused on the geological interest and any consequential loss if the SSSI boundaries were changed.

- 4.11 Chair **invited** Mr Jones, counsel for Mr P Boggis who owns land on the SSSI, to make his presentation. Mr Jones had tabled a written note of his address to Council.
- 4.11.1 The Boggis family had occupied and owned the land on this site for more than a century. Mr Boggis had erected and maintained soft sea defences to protect the land lying behind the cliff area of Easton Bavents for many years, before the SSSI notification. The objection concerned three areas: the site of the soft sea defences, the cliff face at Easton Bavents and the land immediately behind the cliffs.
- 4.11.2 Mr Jones outlined his view that the reasoning behind the 50-year boundary is flawed. Quoting from the Suffolk Coastal Habitat Management Plans (CHaMP), he explained that the SSSI designation would in his client's view actually contravene the protection of habitats and would lead to the loss of the saline lagoon at Easton Broad.
- 4.11.3 Furthermore, the extended boundaries would include areas from the southern part of the SSSI where there was no special interest, in his client's view, that would justify its current status of inclusion within the SSSI.
- 4.11.4 Quoting the Human Rights Act, Mr Jones **argued** there was a distinct lack of respect to home and property during the process of the SSSI designation.
- 4.11.5 Mr Jones **summarised** the objection, asking to change the boundaries of the SSSI to exclude the southern part of the site.
- 4.12 Chair **thanked** Mr Jones for his presentation.
- 4.13 In response to questions from Mr Hockman, Mr Jones **acknowledged** that Mr Boggis' sea defence works lacked a waste management licence, and also that the planning authority had advised his client that the defence works would require planning permission and consents under the Coast Protection Act. He also confirmed that if an application for consent was refused, then compensation would be payable by the Coast Protection Authority (Waveney District Council).
- 4.14 The discussion that followed centred on the presence of special interest in the sediments which lay behind the cliff face, and also on the applicability of the 50-year boundary, as well as the location of the land within, or beyond the SSSI boundary.
- 4.15 Chair **invited** Councillor Goldsmith and Councillor Sale from Waveney District Council to make their presentation.
- 4.15.1 Councillor Sale **addressed** the key issues on behalf of Waveney District Council. The SSSI notification had undergone thorough consideration in its rural and Lowestoft Area Development Control Committees and at full Council. Also, the issue surrounding the residents' sea defence *in situ* were well known to the Development Control Committees of the local authority.

The Council's main concern in its objection is the human rights aspect, and feels that the residents' homes should be protected.

- 4.15.2 Councillor Goldsmith **expressed** his concern on the SSSI boundary that included Easton Bavents, and he circulated some copies of photographs. Having grown up in the area, Councillor Goldsmith gave a short history of the changes on this coastline since his childhood.
- 4.15.3 Sea defences had to be re-built and reinforced, especially around the Buss Creek marshes and to protect residential property in the village of Reydon.
- 4.15.4 In his final address, Councillor Goldsmith asked Council to consider the exclusion of the southern cliff area from the SSSI boundary.
- 4.16 Chair **thanked** Councillors Goldsmith and Sale for their presentations and **invited** Mrs Naylor to make the presentation to Council.
- 4.16.1 Mrs Naylor **spoke** on behalf of the residents of the Ravine, Mrs Anna Bedford, Mrs Sheila Boggis and Mr and Mrs Bedford. To begin with, Mrs Naylor referred to a letter from English Nature of 27 September 2005 following a meeting with Dr Andy Clements and Mr Robinson from English Nature that was not included in the pack of the documentation.¹
- 4.16.2 In her presentation Mrs Naylor **demonstrated** the closeness of the Ravine properties to the sea cliff as shown on the various images. In a meeting with English Nature staff in September 2005 the residents suggested English Nature move the boundary further north, thereby excluding their land at Easton Bavents from the SSSI. In the English Nature's letter of 27 September 2005 a change of boundaries was confirmed, albeit not as extensive as that requested. In Mrs Naylor's view there was a difference in what had been proposed prior to notification and the currently notified boundaries.
- 4.16.3 Mrs Naylor **asked** Council to consider moving the boundaries northwards by a kilometre but at least by 200m. This would enable the Environment Agency to continue protecting the low-lying areas of Southwold and Reydon and subsequently the family home.
- 4.17 Chair **thanked** Mrs Naylor for her presentation.
- 4.18 In the following discussion Council **raised** the following points with the staff specialists.
- 4.18.1 Mrs Bennett **stated** that the *Geological Conservation Review* (GCR) had identified the low cliffs between Southwold and beyond Easton Bavents as being of national importance for fossils of Antian age. Antian age deposits will contain fossil pockets along the coast, but the majority have been reported to occur in the South.

¹ Note: The English Nature letter dated 27 September 2005 referred to by Mrs Naylor was listed in the *index of the documents and representations relating to Pakefield to Easton Bavents SSSI notification* (page 86). A copy was not included in the mailed out information pack because the date of the letter was prior to notification. However, a full set with all correspondence (prior and post notification) was available to the public during the meeting.

- 4.18.2 Mr Robinson **provided** further clarity on the reason why a portion of the site had been excluded, based on the letter from English Nature on 27 September 2005. The sediments at the edge of the valley were more disturbed and therefore would not contain the geological interest.
- 4.18.3 Mr Barlow **provided** further guidance on legal aspects that needed to be taken into account for the decision making process.
- 4.18.4 Council needed to be content that the site was of special interest. It was part of English Nature's policy to have regard for the *Geological Conservation Review* and the guidelines set out by the Joint Nature Conservation Committee (JNCC) when reaching a decision on the existence of special interest in respect of geological and geomorphological sites, but without total constraint by such guidelines. The confirmation and specification of operations that required English Nature's consent affected those who might be able to carry out such operations on land within an SSSI. Council had a duty to confirm the notification of the site if it believed the site was of special interest, and specify the operations that required consent.
- 4.18.5 Mr Barlow **explained** that Council needed to consider two Articles of the European Convention on Human Rights as applied by the Human Rights Act of 1998, when considering whether to confirm or not to confirm the notification of this SSSI. As set out in the paper, Article 1 of the First Protocol is a protection of rights to enjoyment of the property. Council would need to consider whether the confirmation of an SSSI would have a disproportionate effect on owners and occupiers of land within the SSSI. Article 8 concerned the right to respect for private and family life, and this applied to a person's home and the immediate curtilage around that home.
- 4.18.6 Mr Barlow **commended** Council to undertake a balancing exercise in deciding whether the public interest in acknowledging the scientific opinion on special interest should prevail over bringing the land and homes and their owners and occupiers within the SSSI into the statutory regime.
- 4.19 Chair **thanked** Mr Barlow for his advice and invited Prof Hart, who had visited the site with two other Council Members, to start discussions that aided the consideration process.
- 4.19.1 Prof Hart **explained** some of the background when dealing with Pleistocene sediments; Pleistocene being the last 1.8 million years of Earth history. Because in geological terms this is a relatively young epoch, all the Pleistocene sediments in this country are soft, often erode quickly in coastal areas, and inland do not form craggy outcrops, but flat green fields.
- 4.19.2 Thus, the cliffs at Easton Bavents provided a classic example of the Barentian reaching to the north of Southwold. This section had been identified in the GCR volume that was mentioned earlier in the discussion. It contained a wealth of fossil material, but most importantly, studying the Barentian clays (which represent a 'cold' stage in Earth history) would give science a better understanding of the natural functioning of our planet and inform predictions of climate change.

- 4.19.3 Prof Hart **concluded** that in his view the changes that occurred in the boundary at the southern end before the notification were justified, as this area was of slightly less scientific value than further north.
- 4.19.4 In discussion, Council **recognised** the predicament of the residents and sympathised with it. However, they also recognised that their legal duty was to form an opinion on the special scientific value of a site.
- 4.19.5 Council **noted** that decisions on planning applications would be made elsewhere and that refusal under the Coast Protection Act could trigger compensation.
- 4.20 Council **noted** the current number of outstanding objections, based on the officers' report and were given an opportunity to raise questions in relation to those objections:
- 4.20.1
- Bailey Developments
 - Benacre Estate
 - Mr P Boggis
 - Mrs S Boggis and Mr and Mrs Bedford and family (residents of the Ravine)
 - Mr DA and Mrs MJ Burrows
 - Mr and Mrs T Crick
 - Easton Bavents Conservation
 - Mr CBS England and Ms M Kusner-Charles
 - Easton Bavents Ltd., Mr B Boggis
 - Park Resorts UK Ltd.
 - Residents of Easton Bavents
 - Waveney District Council
- 4.20.2 The following objections had been withdrawn
- PH Middleditch and Son and Mr R Middleditch
- 4.21 Dr Tew **provided** a summary of the discussion.
- 4.21.1 He reflected on the professional and courteous manner in which the objectors and their representatives had interacted with Council and English Nature's officers, not only during the meeting but also in the past few months. This was very much appreciated.
- 4.21.2 The main issues during the discussions centred firstly on the scientific evidence for the inclusion of the cliffs and landward areas, and secondly on human rights. The objectors' concern focused on the maintenance of the soft sea defence at Easton Bavents, and the implications for future protection of their homes due to the inclusion of the southern cliff area in the SSSI boundaries.
- 4.21.3 Scientific evidence and advice on the geological interest of the SSSI had been provided by the specialists present at the meeting.

- 4.21.4 Council's decision whether or not to confirm the notification would not predetermine whether coastal defence structures could or could not be built to defend this stretch of coast. Any such decisions would be made by the relevant authorities. The loss of homes to the sea was not, therefore, a consequence of English Nature's Council decision.
- 4.21.5 Dr Tew **commended** the officers' recommendation to confirm the notification of Pakefield to Easton Bavents SSSI under section 28C without modification to the boundary but with minor amendments to the list of operations requiring English Nature's consent, and to confirm the notification under section 28D of parts of the previously notified site.
- 4.22 Council **unanimously agreed** the notification of Pakefield to Easton Bavents SSSI, as outlined in item 4.21.5

5. Minutes of the Thirty-Eighth meeting of the General Committee of Council held on 15 March 2006

- 5.1 Two names were erroneously missed from the attendance list in the unconfirmed minutes: Ms S Fowler and Dr A Powell. The minutes will be corrected accordingly.
- 5.2 item 6.3.8 - typographical error: ... "on statement of external control and governance" should read: ... "on statement of internal control and governance". The minutes will be corrected accordingly.
- 5.3 The General Committee **approved** the minutes.

6. Matters arising

- 6.1 *Governance – Revised Schedule of Delegations* – Postal consultation took place between the meeting of 15 March at Stoodleigh Court and 28 June to reflect the recent appointments of English Nature staff to Natural England Executive Leadership Group. Further changes to the Schedule of Delegations were required. Members **approved** the revised Schedule of Delegations.
- 6.2 *item 3.3* – The General Committee congratulated English Nature's European Unit on the compilation of the EEAC Conference Proceedings.
- 6.3 *item 6.2.1* – Dr Brown stated that formal written confirmation on the Grant-in-Aid from the Department was still awaited.
- 6.4 *item 8.1.7* - Dr Duff reported that the the Geodiversity State of Nature report had now been printed and discussions with Natural England over publication, with acknowledgement of the efforts put in by English Nature staff, were taking place.

AP1

Dr Duff to arrange copies of the report to be circulated to Council Members and Directors

- 6.5 The 2006 exhibition at *BBC Gardeners World Live* had been another successful event and had won the prize for Best Educational Stand. Congratulations were expressed to English Nature's External Relations team for their input and hard work.
- 6.6 *item 8.1.5* – Joint Water and Wetlands Vision for England. Mr Hulyer declared that he will be chairing the process, including the series of workshops, planned for the next six months. He would be doing this on terms as an independent consultant, and felt it important that Members were aware.

7. Annual Performance Report

- 7.1 The Chief Executive introduced the paper. He referred to the difficult and demanding year and in particular to the moratorium on expenditure and the Defra hand-back of approximately £3M that had - as expected - affected last year's performance. Despite the circumstances there had, however, been commendable achievements e.g. 37 out of 43 targets were either met or had been exceeded. Most importantly, the revised target of 71 % of sites in favourable or recovering condition was exceeded and English Nature's achievement was 72.3 %.
- 7.2 In relation to the externally funded projects, all commitments were met and had achieved very good nature conservation outcomes.
- 7.3 Given the constraints, financial management throughout the year had been conducted very carefully, and the surplus at the end of the financial year had been approximately £100k. This was due to careful and professional management of funds across the organisation and within each of the programmes, and staff had shown a high degree of flexibility during this process.
- 7.4 Risk management had been even more actively carried out than in previous years. Although there had been initial concern over potential loss of key personnel, this had not happened to the extent that it had an impact on the organisational performance. Staff had remained both loyal and hard-working throughout the period.
- 7.5 The Committee **welcomed** the paper and **viewed** the report as very satisfactory under difficult circumstances. During the ensuing short debate the following points were noted:
- 7.5.1 Dr Tew reported that an NNR conference was planned for end of September and an agenda was being developed between English Nature and Natural England.
- 7.5.2 A paper, giving a final account of the different programme areas as a record as well as a hand-over document to Natural England, was already in preparation.

- 7.6 The Committee **congratulated** the Chief Executive and staff for the organisational performance between April 2005 to March 2006.

8. Human Resources Annual Report 2005/06

- 8.1 Ms Wood **introduced** the paper. The Human Resources Services Team (HRST) had continued to deliver human resource service to English Nature whilst at the same time contributing to the establishment of Natural England and to the shared services programme. This had created a very heavy workload. Inevitably, some effort in areas such as the diversity agenda had been scaled back. Council was also asked to endorse the request of a comprehensive indication from Natural England as to what resources it required for the remaining period from HRST.
- 8.2 Ms Wood **commended** the team's high level of commitment and hard work under very difficult circumstances and uncertainty for themselves and conveyed her personal thanks to all staff concerned.
- 8.3 The Committee **fully echoed** Ms Wood's thanks and appreciation. The following issues were **considered**:
- 8.3.1 English Nature had over the years developed very much into a learning organisation; with learning and skills development programmes constantly on offer and taken up by a large proportion of staff.
- 8.3.2 Enthusiastic feedback had been received from 'excellence in casework' workshops about behavioural skills, understanding relationships and dialogue, particularly aimed at conservation officers dealing with the public.
- 8.3.3 Dr Brown commented briefly on the culture change agenda that had been part of the strategy to set up Natural England, but seemed to have been lost sight of. The Committee **strongly endorsed** the notion to take this forward for discussion at the next Natural England Board meeting.
- 8.3.4 Acting Chair **summarised** two main items to take forward from the discussions to the next Board meeting of Natural England: a) issue on cultural change; b) clarity on the HR resources required.

AP2

Acting Chair to discuss two issues at the forthcoming Natural England board meeting: a) culture change issue; b) clarity from Natural England on required HR resources

9. Audit and Risk Management Committee Annual Report

- 9.1 Prof Gallagher **introduced** the report. The report combined an assessment from the external auditors, the National Audit Office, who check the financial accounts, and an assessment from our internal auditors, PKF, who look at the adequacy of our systems.
- 9.2 The National Audit's report gave an 'unqualified audit opinion'. It was of a view that English Nature had an effective control framework in place.
- 9.3 The internal auditors' assessment stated that our systems of internal control were 'adequate and effective in most respects'. Although, this pitched at a lower level than in the previous year, the Audit and Risk Management Committee (ARMC) was content it provided a good and realistic assessment that reflected the current circumstances the organisation was being faced with.
- 9.4 ARMC have approved the internal audit plan for the first six months of 2006/07 before the interim Statement of Internal Control is handed over to Natural England. ARMC agreed a fast-track approach between PKF and managers to ensure that anything of significance between now and end of September was communicated immediately at director level, rather than wait for the completion of the audit report.
- 9.5 At this point, Ms Wood informed Members that in our situation the interim Statement of Internal Control was being replaced by a 'Stewardship Statement'. This was a statement of assurance that English Nature's Chief Executive as accounting officer would make to the incoming accounting officer of Natural England, handing over the internal controls for which he had been responsible.
- 9.6 Quoting from the listed draft audit reports for 2005/06, Members raised concern about the transition of Wildlife Enhancement Schemes (WES) to Environmental Stewardship schemes, and the potential risk this could carry for both the Public Services Agreement (PSA) targets and relationship with owner/occupiers.
- 9.7 Dr Tew confirmed to Members that concern had already been raised around a recent issue where a single Higher Level Scheme payment was taking over 100 hours to process, and reassured the Committee he would follow this issue up as a matter of urgency.

AP3

Dr Tew to follow up transition from WES to HLS, and recent cases processed, urgently.

- 9.5 The Committee endorsed the report, and conveyed its gratitude and appreciation to Prof Gallagher as Chair of the ARMC and all staff involved with the Committee.

10. Millennium Ecosystem Assessment

- 10.1 It was agreed to defer this agenda item to the September Council meeting.

11. Unconfirmed Minutes of the Joint Nature Conservation Committee (JNCC)

- 11.1 The Committee commended the very positive and productive interaction with members of the JNCC during the last two days
- 11.2 Prof Hart inquired about a forthcoming paper on geodiversity by Dr Weighell under item 12.2ii and how this would differ from the English Nature report. Dr Duff will follow this up with JNCC.

AP4 Dr Duff to follow up the status of a paper on geodiversity to be published by JNCC and provide feedback to Prof Hart.

12. Any Other Business

- 12.1 *Green Week* – Ms Collins reported back from the Brussels event and JNCC Reception she had attended recently, that had again received high level of interest with many influencing officials attending. Biodiversity had been high on the agenda and was a testament to the hard work that had been carried out during the last five years.
- 12.2 *Topical Report (issued as information paper) – item 4.3.1 Lyme Bay*. Prof Hart wished to convey his **compliments and thanks** to Mr C Davies from the Devon Team on his performance during a recent radio broadcast; his clear message during the short interview had been very skilfully delivered. The Committee **endorsed Prof Hart’s comments fully**.
- 12.3 *English Nature Draft Annual Report* – Following the recent ARMC meeting and a recommendation from the NAO, it was agreed to submit a draft version to Council Members for sight prior to print. Dr Brown asked Members to take a look and email comments and approval to Mrs Leck by 6 July at the latest.
- 12.4 Acting Chair closed the meeting by thanking the stenographer, Mrs Jones, on behalf of Members for her sterling work during this and all previously attended meetings; her work was conducted very professionally and was very much valued.

- 12.5 Acting Chair thanked Mrs Holley and Mrs Leck for the organisation of the meeting, venues, and paper circulation, minuting of the meeting. Thanks went also to Mr Tither for his professional support of the Head Office team and in particular senior management.

Signed..... Date.....