

**GENERAL COMMITTEE OF COUNCIL**

**UNCONFIRMED MINUTES OF THE TWENTY THIRD MEETING OF THE  
GENERAL COMMITTEE OF COUNCIL HELD AT REDWORTH HALL HOTEL,  
NORTHUMBRIA ON 26 JUNE 2002**

**Present:** Sir Martin Doughty (Chair)  
Ms M. Appleby  
Mr D. Arnold-Forster (Chief Executive)  
Dr A. Brown (Deputy Chief Executive)  
Mr T. Burke  
Ms S. Collins (Director)  
Dr K. Duff (Director)  
Prof. E. Gallagher  
Dr S. Gubbay  
Prof. M. Hart  
Mr S. Hockman  
Mr D. Hulyer  
Mrs A. Kelaart  
Prof. G. Lucas  
Dr M. Moser  
Dr A. Powell  
Mr H. van Cutsem  
Ms C. Wood (Director)

**In attendance:** Ms F. O' Mahony (Head Top Management Unit, English Nature)  
Mr R. Barlow (Browne Jacobson)  
Ms S. Ellis (Press office, English Nature)  
Mr M. Harley (Item 5, English Nature)  
Ms S. Fowler (Item 6, English Nature)  
Mr R. Covey (Item 9, English Nature)  
Mr Straker-Smith (Item 8)  
Mr T. Laws (Item 8, English Nature)  
Ms S. Coles (Item 8, English Nature)  
Prof. B. Heal (Joint Nature Conservation Committee)

**1. Apologies and welcomes**

- 1.1 The Chair welcomed the three new council members: Mr Stephen Hockman, Mr Douglas Hulyer and Mr Hugh van Cutsem. He also welcomed Professor Bill Heal (member of the Joint Nature Conservation Committee) who would be in attendance to observe proceedings. Apologies were received from Dr Andy Clements.

**2. Minutes of the twenty second meeting of the General Committee of Council held on 13 March 2002 (GCM02 1)**

- 2.1 Members of Council approved the minutes of the Council meeting and members of the General Committee of Council approved the minutes of the General Committee of Council each held on 13 March 2002 with minor modifications to correct typographical errors.

**3. Matters arising**

- 3.1 There were none.

**4. Feedback from Field Visits**

- 4.1 The Chair **reported** that the Committee had visited several sites in the uplands over the previous two days. The issues included: large upland SSSIs in unfavourable condition and how this affects the Government's PSA target, recovery from the Foot and Mouth Disease epidemic, the relationship of farming, conservation and sporting enterprises, grazing pressures and burning regimes.
- 4.2 The Committee **agreed** there should be some flexibility in dealing with large upland SSSIs and staff should avoid being too prescriptive in dealing with these sites.
- 4.3 The Committee **agreed** that the signing of the Memorandum of Agreement with the Moorland Association was a helpful first step in moving forward to agreement over methods of managing grouse moors in the uplands.
- 4.4 The Committee **extended thanks** to the local team and the Moorland Association for organising the visits, and to local land managers who had attended the visits.

**5. Draft Position Statement on Climate Change and Nature Conservation (GC P02 20)**

- 5.1 Dr Duff introduced the paper, highlighting the significance of climate change to nature conservation policy and practice.
- 5.2 The Committee **raised** the following issues in discussion:
- (a) that 6.2 should take a firmer stance and indicate the need to seek to influence the direction of research and provide the background data required. Clarification would be made regarding what is required to help with the decision making process;
  - (b) that the introduction would refer to the need for adaptation;
  - (c) that references to carbon sinks, taxation and subsidies as a driver of climate change would be strengthened;

- (d) that reference to ecological links at 6.4.2 would be strengthened;
  - (e) that reference to designated sites and the need for a culture change in order to achieve results is required;
  - (f) that it would be clarified that it is an evolving document which will be modified as research yields new results;
  - (g) the Committee agreed to discuss how designated sites might be able to accommodate changes in climate over time, at the forthcoming strategy session.
- 5.3 The Committee agreed that the revised version would be circulated for further comments and delegated authority to the Chair to agree the final version.

**Action: Dr Duff**

## **6. Annual Review of Sector Analyses 2001/02: Water Sector (GC P02 24)**

- 6.1 Ms Collins introduced the paper, which reviews the water sector and identifies a revised set of priorities for English Nature.
- 6.2 The Committee **raised** the following issues in discussion:
- (a) that more emphasis could be given to the need for source control;
- Action: Dr Powell to provide some text**
- (b) that headline messages would be included for each of the priority actions;
  - (c) that reference would be made to:
    - the threat from fish culture;
    - the likelihood of extremes of weather including drought;
    - links with climate change;
    - attitudes to water which is a finite resource;
    - how proposed changes in the planning system might impact, in particular potential loss of expertise at county council level;
    - the BAP process and the work DEFRA is undertaking;
    - the opportunities of greater public involvement;
    - the need to work at a catchment scale;
    - the importance of standing bodies of water in addition to rivers.
- 6.3 The Committee noted progress, confirmed the continuing importance of the sector, agreed to promote the headline messages and endorsed the analysis subject to the modifications above.

**Action: Ms Collins**

**7. Proposed S35 NNR: Sherwood Forest (GC P02 27)**

- 7.1 Dr Brown introduced the paper which proposed the establishment of a new NNR at Sherwood Forest and reminded the Committee of its visit to the site in March.
- 7.2 The Council **noted** that the boundary was dictated by ownership patterns and **recognised** the nature conservation interest and educational and interpretation potential for the large numbers of visitors to the NNR.
- 7.3 The Council **granted** Approved Body status to Nottinghamshire County Council and **approved** the declaration of Sherwood Forest as a section 35(1)(c) NNR managed jointly by Forest Enterprise and Nottinghamshire County Council.

**8. SSSI Case: River Tweed (GC P02 25)**

- 8.1 Chair introduced this item and stated this was to be dealt with as a meeting of the Council (not the General Committee). He outlined the process which would be followed including a presentation from the English Nature Team, a presentation from objectors, each with an opportunity for Council to ask questions, followed by a discussion amongst Council Members leading to a summary by Dr Brown and a decision by Council.
- 8.2 Mr van Cutsem declared an interest in the site as he fished on the River Tweed. The Chair determined that as Mr van Cutsem did not have a pecuniary interest in the site he could contribute to the discussion.
- 8.3 Dr Brown introduced Mr Laws from the Northumbria Team. Mr Laws gave a presentation which described the location and interest of the site and outlined the outstanding objection. Sixty owners/occupiers had been notified and there was one objection.
- 8.4 Chair welcomed Mr Straker-Smith who raised the following objections on behalf of his mother Mrs E. Straker-Smith. He provided a written account of his representation to Council. Mr Straker-Smith indicated at the outset that he was an enthusiastic supporter of the conservation cause of the proposed SSSI. However he objected to English Nature seeking to restrict or remove his mother's fishing and shooting rights and regarded the proposal as unwarranted and pointless. In particular he indicated that it was pointless English Nature seeking to control the killing of certain species on the English side when Scottish Natural Heritage did not on the Scottish side. He objected to the process employed, in particular the failure of English Nature to enter into discussion with Scottish Natural Heritage at an earlier stage. He also objected to the fact that any effect on salmon which might occur on the River Tweed would be trivial in comparison to the effect on salmon populations of drift net fishing in the North Sea.
- 8.5 Chair thanked Mr Straker Smith for his presentation and invited questions from the Council. Council asked the speaker if the Tweed Commissioners supported the designation and was advised that they did. Council also asked Mr Straker Smith what was at the heart of his objection and he confirmed it was that he wanted English Nature to do more to justify the designation in the

sense of being committed to taking action to look after all the different interests of the river.

- 8.6 In discussion Council **noted** that Scottish Natural Heritage had notified part of the River Tweed system in Scotland and were considering extending this further. English Nature and Scottish Natural Heritage are working closely to ensure consistency. The proposed smolt farm in Scotland was raised and Council was advised that this would be detrimental to the interest of the site and discussions were in hand with Scottish Natural Heritage to determine what action was required in relation to this damaging proposal. Council also explored the issue relating to the offshore drift net fishing and was advised that this was an issue of concern to English Nature. Government is aware of the issue and various actions and after many years of trying the problems have still not been resolved. Council also considered the concerns raised over shooting and fishing and noted that consent had been given under statutory procedures. It was suggested that the Management Statement in the notification should be strengthened to emphasise that the river needed to be managed as a whole and that relevant authorities in England and Scotland needed to coordinate their activities in order to achieve this. Mr Straker Smith was asked if this went some way to addressing his concerns and confirmed that it did.
- 8.7 Dr Brown summarised the key issues raised including the need to protect the site with the minimum restrictions necessary; the need to have due regard to the agricultural, forestry, economic and social interests of rural areas in making a decision and; the need to be consistent in its approach. The special interest of the River Tweed was not disputed and Council recognised the need to manage the river system as a whole. Council remains concerned regarding the impact of the proposed smolt farm and this will be raised with Scottish Natural Heritage in order to agree what action is required. Council also remains concerned about the impact of drift net fishing and will continue to seek to influence Government to reduce the impacts. The recommendation before Council was to confirm the notification with a modification to the Management Statement.
- 8.8 The Council **confirmed** the designation with one modification, that the following wording be added to the start of the Management Statement:

“English Nature wishes to see the river system managed as a whole and this requires effective coordination between all relevant authorities throughout the catchment in England and Scotland”

**Action: Chair to write to Michael Meacher MP regarding need to interact at a political level with Scottish Minister**

9. **Maritime State of Nature report (GC P02 26)**

9.1 Dr Duff introduced the paper which provided the latest draft of the report following the recent consultation process. Dr Duff introduced Mr Covey who gave a presentation on the content and format of the report.

9.2 In discussion the Committee **made** the following suggestions:

- a) that a system for marine management was fundamental to achieving conservation and should be incorporated into the report. This could be a topic for a workshop at the launch;
- b) that some research was required, to link land based activities to their impact on the maritime environment and to outline action required to tackle this;
- c) that reference to catastrophic incidents and cumulative effects of smaller incidents should be included;
- d) that reference should be made to people and the maritime environment. In particular the need to develop a sustainable tourism industry;
- e) that reference should be made to offshore windfarms;
- f) that the report should emphasise that the marine environment was already degraded rather than being the near-pristine environment, unaffected by human activity, that many people envisage.

- 9.3 The Committee **thanked** Mr Covey for the work to date and asked that their suggestions be incorporated into the report.

**Action: Dr Duff**

**10. Audit and Risk Management Committee's Annual report to Council (GC P02 19)**

- 10.1 Professor Gallagher introduced the paper and updated the Committee on developments over the past year. Changes had been made to improve governance and to include an oversight of risk management matters in the Committee's considerations. Membership of the Committee is now all non-executive and the Chief Executive attends meetings as a member of Council. The external auditors have concluded that the system of internal control at English Nature is 'adequate', indicating that there are no serious shortcomings in systems and procedures. The Audit and Risk Management Committee will continue to press for further improvements as the Audit programme proceeds.
- 10.2 The Committee **agreed** that the following areas would be given more detailed consideration over the forthcoming months:
- a) the embedding of risk management disciplines throughout the organisation, particularly at the team level;
  - b) the management of non Grant in Aid funds such as those from the National Lottery, Capital Modernisation and European Funds;
  - c) the way English Nature funds are managed in partnerships;
  - d) how quickly and effectively teams respond to audit reports.

- 10.3 The Committee **congratulated** the Audit and Risk Management Committee and the Management Team on the results achieved.

## **11. Human Resources Annual Report (GC P02 28)**

- 11.1 Ms Wood introduced the paper which set out the human resource activities and achievements throughout the year and the issues impacting on staff.
- 11.2 The Committee **raised** the following issues in discussion:
- a) that Annex 2 needs clarification to explain that ‘other’ refers to those who either do not wish to declare an ethnic origin, or do not feel any of the categories are appropriate;
  - b) that the e-induction package referred to at paragraph 10 is in addition to the existing induction course;
  - c) that long service awards are made after 20 years;
  - d) that the Director of Resources would undertake a review of deployment of staff in the second half of this year;
  - e) that the numbers of job application forms returned, as a proportion of those requested was an average response rate;
  - f) that English Nature is losing its place in the market due to relatively low salaries;
  - g) that in general the sector is finding increasing difficulty in recruiting due in part to tertiary education no longer delivering what is required, in particular with respect to field work experience;
  - h) that the Chief Executive had conferred with our consultant over the welfare report and had been advised that it provided a partial picture and it was not a general staff survey. It was felt that there was no need for alarm, nor a need to develop a new range of projects to tackle issues in this area.
- 11.3 The Committee **noted** the significant range of work undertaken throughout the year and congratulated HRST on their work over the year and thanked Ms Wood for her thorough report.

## **12. Performance Report 2001/02 (GC P02 22)**

- 12.1 Ms Wood introduced the paper which set out the financial expenditure position at the end of the March 2002 and reported on achievements and targets. Ms Wood also provided a verbal update on end of year flexibility advising that, unlike other years, carry forward was unlikely to be authorised this time, the organisation had reduced the underspend to approximately £300,000.
- 12.2 The Committee **raised** the following issues in discussion:



- a) that the figures at 6.1.2 (c) need to be presented in a more detailed manner to avoid misrepresentation. In particular it needs to be clarified that there is no regression in terms of the amount of hectares in favourable condition but as new large sites in unfavourable condition are assessed the overall percentage in favourable condition may decline;
- b) that even given optimal conditions, large sites areas in the uplands, which have suffered overgrazing, would take a long time to recover;
- c) that a more detailed report on SSSIs would be useful to discuss at the next meeting;

**Action: Dr Brown**

- d) that whilst the progress on Common Fisheries Policy work had been excellent there is concern over delays in progressing 'no take' zones. In addition it needs to be recognised the considerations of biodiversity gains in the wider maritime environment are important as opposed to narrow considerations of fish stocks. Close working with other sectors could help deliver positive outputs;
- e) that it has been a year of unprecedented change (crisis?) for the agriculture sector and staff are to be commended on the manner both in which they dealt with the Foot and Mouth epidemic and are now working with the aftermath on schemes such as the Wildlife Enhancement Scheme at Hexhamshire Common;
- f) that efforts will be made to progress improvements in achieving reporting in the areas of licensing, National Nature Reserves and casework over the forthcoming period;

12.3 the Committee **agreed** that it had been a difficult year as a result of Foot and Mouth disease but the organisation had coped well and had achieved most targets.

### **13. Council Member Assignments (GC P02 21)**

13.1 Ms Wood introduced the paper which set out the revised assignments.

13.2 The Committee **noted** the following:

- a) that there had been one omission, Professor Hart would retain Environmental Impacts team;
- b) that if members were working with a team other than those assigned to them, they would undertake to keep the lead member informed;
- c) that in future recruitments, representation from the north of England would be encouraged, to develop a more balanced geographical spread.

13.3 The Committee **agreed** Council members assignments.

14. **Minutes from the Joint Nature Conservation Committee-Dec 2001 & March 2002 (GC P02 30)**

14.1 Dr Moser introduced the paper and provided a verbal update on the most recent meeting in Taunton in June, at which English Nature's local team and national specialists had provided much support to the Joint Nature Conservation Committee. There had been a focus on the roles of the Joint Nature Conservation Committee and English Nature in implementation of the Water Framework Directive.

14.2 Dr Brown provided a verbal update on the moderation process for Special Areas of Conservation. Following the recent meeting of the European Commission the UK is still judged to be insufficient in some areas with regard to the Natura 2000 site series. In England several sites are being progressed, in particular estuarine and degraded raised bog sites. In addition, the Commission has indicated that additional sites for Great Crested Newts and marine habitats are underrepresented and consequently more work is needed in these areas. Overall progress in England is good

14.3 The Committee raised the following issue in discussion:

- a) that there remains concern at the progress with the Financial Management and Policy Review. The major question of the future legal status of the committee is outstanding. Notwithstanding the recent legal advice from DEFRA there is considerable doubt as to the legality of any of the proposed options for moving forward to a new status;

**Action: Mr Hockman to assist progress this matter**

- b) that the Geological Conservation Review series has been a success and is internationally recognised as the most complete and comprehensive review of its type in the world and should be acknowledged. However, in this area there is concern at the continued loss of field based soil scientists. This is an area of increasing importance at UK and international levels. Both Scottish Natural Heritage and the Countryside Council for Wales provide English Nature with expertise in this area through the lead agency arrangement;

- c) that "favourable conservation status" refers to Natura 2000 sites and is defined in the Directive and it has a different meaning to "favourable condition" which is the term used in respect of features on SSSIs and is part of the UK common standards for monitoring sites. When assessing favourable conservation status under the Directive, consideration is taken of habitats and species across the European territory, both within and outside of the designated sites. The importance of JNCC continuing to work on a common interpretation of favourable conservation status was emphasised.

**15. Delegated decisions on SSSI notification programme and confirmation (GC P02 23)**

- 15.1 Dr Brown introduced the paper and the Committee **noted** that Bolton Fell Moss had now been confirmed following delegation to the Chair at a meeting of the Council on 13 March 2002.

**16. Chair and Directors Topical Report (GC P02 31)**

- 16.1 Chair introduced the paper, correcting the reference to a meeting attended by him on 11 June as being with representatives of NERC not Sheffield University.

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

- a) that the English Nature stand at the Gardeners World exhibition had been awarded a first prize, for the best interactive stand and two commendations for educational and environmental stand. The Committee **extended congratulations** to Ms Prasad and those involved in the event;
- b) that dialogue with ABP would continue and the lessons learned from the Inquiry disseminated within the organisation. Discussion with the Department of Transport and at a political level is scheduled to discuss the possibility of a clearer strategic framework for ports and associated infrastructure;
- c) that the Holton Heath public inquiry had been decided in English Nature's favour;
- d) that the appeal against the Bramshill judgement had been rejected and costs awarded to English Nature. Leave to appeal further had been denied. The appellants have indicated they will not seek redress at a higher court;
- e) that the White Horse decision was regrettable and disappointing and that a response is awaited from the Government Office for the South East as to how the decision had been reached in light of the inspector's report;
- f) that a site visit had been convened between English Nature and the Thorne and Hatfield Conservation Forum to discuss the restoration plans for Thorne and Hatfield Moors. The Forum is hosting a conference next week at which the Chief Executive and Michael Meacher will speak. In addition HRH the Prince of Wales had congratulated English Nature on progress in this area at a recent organic farming conference in Germany;
- g) that the People and Wildlife agenda is being developed. The possibilities of reaching new audiences through a gardening theme is being explored;

- h) that an announcement had been made in the House of Commons that afternoon regarding the Sheep Envelope. The new agricultural policy will help reduce sheep numbers in the uplands to sustainable levels assisting in the restoration of habitats currently overgrazed.

**Action: A Rutherford/Chair to write to Lord Whitty to thank him for his assistance in this area**

- i) that there would be a walk the next day on the Biodiversity Award winner's farm. The award is to be renamed English Nature Wildlife Award and Members will work with local teams to encourage more entrants;

**Action: All members**

- j) that rumours that the European Commission is considering compulsory modulation of 20% are not unfounded;

- k) that a note would be circulated on Sustainability Impact Assessment;

**Action: Ms Collins**

- l) that the issue of legislation to remove fox snares would be monitored.

16.3 The Committee **noted** the report.

## **17. Any Other Business**

- 17.1 Expressions of interest were requested to attend the Conservation and Environment Group chaired by Mr Lewis Mooney MP.

**Action: interested members to contact Ms O' Mahony by 5 July**

- 17.2 The Committee **expressed concern** at some of the arguments in the paper presented by Lord Peel at the site visit.

**Action: Mr Townshend to consider whether a response was required as part of our work following the signing of the MOA**