

GENERAL COMMITTEE OF COUNCIL

CONFIRMED MINUTES OF THE NINETEENTH MEETING OF THE GENERAL COMMITTEE OF COUNCIL HELD AT THE FOREST PINES HOTEL, BROUGHTON, BRIGG, NORTH LINCOLNSHIRE ON 11 JULY 2001

Present: Sir Martin Doughty (Chair)
Ms M. Appleby
Mr D. Arnold-Forster
Dr A. Brown
Mr T. Burke
Ms S. Collins
Dr K. Duff
Prof. E. Gallagher
Dr S. Gubbay
Prof. M. Hart
Mrs A. Kelaart
Prof. G. Lucas
Dr M. Moser
Prof. D. Norman
Dr A. Powell
Prof. S. Tromans
Mr N. Woolley

In attendance: Ms F. O' Mahony (Head Top Management Unit, English Nature)
Mr R. Barlow (Browne Jacobson)
Mr D. Swift (Browne Jacobson)
Ms S. Ellis (Press office, English Nature)
Mr W. Simonson (Item 4) (English Nature)
Mr A. Law (Item 6) (English Nature)
Ms S. Brocklehurst (Item 6) (English Nature)
Mr G. Dalglish (Item 6) (English Nature)
Ms S. Anthony (Item 6) (English Nature)
Dr P. Robinson (Item 6)
Mr D. Brock (Item 6)
Mr M. Falcon (Item 6)
The Hon. P. Fisher (Item 6)
Mr B. Hawkins (Item 6)
Mr J. Rudderham (Item 6)
Mr J. Price (Item 8) (English Nature)
Mr R. Cooke (Items 9, 10) (English Nature)
Mr J. Wray (Item 11) (English Nature)
Mr J. Creedy (Item 12) (English Nature)
Mr M. Howat (Items 13, 18) (English Nature)
Dr T. Hill (Item 17) (English Nature)

The Chair welcomed the public and all in attendance to the meeting. Council congratulated the Chair on his recent knighthood.

1. **Minutes of the eighteenth meeting of the General Committee of Council held on 16 May 2001 (GCM01 3)**

The minutes were confirmed.

2. **Matters arising**

2.1 Ms Appleby referred to 5.2.7 requesting an update on the publication date for the Corporate Plan.

2.2 The Chief Executive advised that following changes in Government departments there had been some delays. Discussions are ongoing and publication is expected soon.

2.3 The Chief Executive reported that Council Members' contributions on external communications had been received and would be factored into future business.

2.4 Ms Appleby referred to 13.1.2 requesting information on any discussions on the implications of FMD for nature conservation.

2.5 The following actions were reported:

2.5.1 At a recent meeting a proposal was put to the Secretary of State for DEFRA on this unique opportunity to tackle the issue of overgrazing particularly in the uplands.

2.5.2 There have been some operational issues for the organisation with some work postponed and some redirection of effort required.

2.5.3 Staff have been making efforts to meet and advise owners/occupiers of affected SSSIs.

2.5.4 A detailed list is being prepared on affected SSSIs. DEFRA officials are looking at targeting advice to those areas affected.

2.5.5 In response to the Hills Task Force report there is to be an integration of environmental and business advice for farmers. English Nature is collaborating with FWAG to give joined up advice service to all farmers. A seminar is planned to discuss opportunities with farmers and DEFRA.

2.5.6 There has been a request for DEFRA to extend the window for agri-environmental schemes.

2.6 Dr Gubbay requested an update on the JNCC review.

2.7 Dr Duff reported that he was currently awaiting information and would report to the Council later in the meeting.

3. **Feedback from Field Visits**

- 3.1 The Chair reported that Council had visited the Humber and surrounding region, received presentations on local issues and met with a wide variety of local public, private and voluntary representatives from industry and conservation organisations. This provided an insight into the Humber as a dynamic and complex system, and its relationship with the wider region. Council agreed that it would be useful to set up further discussions with ABP and regional bodies, to seek to influence regional strategy, in particular integrated transport strategy.

Action: Local team to take forward

- 3.2 Council **extended thanks** to the local team for organising the visits, which underlined the interconnectedness of the Humber as one site. Council recognised the efforts of the team in achieving strong local partnerships.

4. **English Nature's Involvement in Local Biodiversity Action Plans**

- 4.1 The paper was presented by Dr Duff who highlighted the importance of this contribution to meet BAP targets, the need and value of engaging local communities, authorities and partnerships and the importance of now concentrating on delivery. Detailed guidance is being prepared for local teams.

- 4.2 Council **commented** on the paper as follows.

- 4.2.1 That the words "down to" at 3.2 be removed, to reflect that fact that as an organisation English Nature considers all partners equal.
- 4.2.2 That at 3.1 more text be added on how we intend to implement.
- 4.2.3 That reference be made to the need to link LBAPS with other local plans notably the local development plan.
- 4.2.4 That consideration be given to the opportunities that Rio +10 provides.
- 4.2.5 That consideration be given to how to assist local authorities embrace this process particularly through community strategies.
- 4.2.6 That consideration be given to the need to improve understanding on biodiversity, through education and better communications.
- 4.2.7 That consideration be given to links with the planning system.
- 4.2.8 That reference be made to other relevant position statements.
- 4.2.9 That consideration be given to reaching more urban populations through LBAPs.
- 4.2.10 That evaluation and success of LBAPs be addressed.

- 4.2.11 That the paper be considered by Council again, time-tabled to facilitate taking account of revisions to Planning Policy Guidance Note 9 (PPG9) and engagement in discussions with the Local Government Association (LGA).

Action: Dr Duff/Mr Simonson

5. Inland Transport Sector & New Position Statement

- 5.1 The paper was presented by Ms Collins who highlighted the fact that transport is an organisational priority sector and that a full debate would be welcomed. Considerable adverse impact on SSSIs can result from transport developments, with recent growths in emissions and vehicle numbers. There is scope for positive solutions as evidenced recently at Goss Moor. The benefits of working in partnership to achieve such biodiversity gains should not be underestimated. There remains concern that all too frequently preferred Government solutions appear to be roads-based. The Chair was writing to the Secretary of State for DTLR that day, on the matter of the Hastings by-pass. There is a strong regional element in transport and English Nature needs to position itself in this debate.

- 5.2 Council **noted** recent developments, **discussed** the issues and **raised** the following points.

- 5.2.1 That there is a need to engage more fully at all levels and in particular with regional players to influence this debate.

- 5.2.2 That there is a need to push for a more realistic and long term appraisal system and internalising of external costs and benefits in calculations.

- 5.2.3 That there is concern at the separation of environment and planning post-election and a need to retain the links developed in the past.

- 5.2.4 That the idea of a Memorandum Of Understanding or Accord with the new DTLR be explored, and that improved dialogue be sought at regional level where transparency and accountability are all important.

- 5.2.5 That there is a need for English Nature to be involved in research and debates about the link between economic growth and transport: we need to connect with the debates.

Action: Ms Collins/Mr Markham

- 5.3 Council **delegated** the signing off of the statement to the Chair subject to the following amendments and circulation to Members for consideration.

- 5.3.1 That it reflect the growth one of the most polluting methods of transport-air travel.

- 5.3.2 That it be more robust regarding English Nature's statutory powers and duties.

- 5.3.3 That it make reference to inland waterways and British Waterways.

5.3.4 That the third paragraph be expanded on the issue of minimising losses rather than delivery. The gains must be clear.

5.3.5 That reference to overriding public interest (OPI) be included, advocating no loss, but where there is OPI, to seek strong mitigation.

Action: Ms Collins/Mr Markham

5.4 Council **agreed** the planned actions for 2001/02

6. **Sites of Special Scientific Interest**

6.1 This Item was considered by a meeting of the 'Council of English Nature'. The following Council Members were present and constituted a quorum for this item: Sir Martin Doughty, Mr Arnold-Forster, Ms Appleby, Mr Burke, Prof. Gallagher, Dr Gubbay, Prof. Hart, Mrs Kelaart, Prof. Lucas, Dr Moser, Prof. Norman, Dr Powell, Prof. Tromans, Mr Woolley.

6.2 The Chair introduced this item and outlined the procedure for receiving the pilot oral representations. For each site speakers would be taken in alphabetical order with a maximum of 10 minutes per speaker. Speakers were asked to avoid repetition of previous points. Council Members would then be afforded the opportunity to ask questions and or clarification of the speakers, and would also have the opportunity to ask questions or seek clarification from officers present. Council would then take a decision on whether to confirm, confirm subject to modifications or withdraw the notification. On some occasions the decision might also be deferred or delegated. Discussions would continue to be held in open session unless exceptional circumstances arose, requiring Council to go into closed session.

6.3 **Bramshill**

6.3.1 The case was introduced by Dr Brown. 6 owners/occupiers had been notified, there were 3 objections as set out in the annexes to the paper.

6.3.2 Oral representations

6.3.2.1 Dr Paul Robinson had registered an intention to speak on behalf of Elvetham estate and had circulated an additional statement in advance of the meeting. Mr Robinson raised objections on behalf of his clients which included:

- That there was no breeding bird data for the estate.
- That the boundary was not rational and it was unclear why some areas included /excluded, temporary habitats were not evenly applied.

6.3.2.2 Ms Elisa De Wit had registered an intention to speak on behalf of Pisces Investments Ltd. but ultimately had written a further letter dated 9 July 2001, which had been circulated, indicating her client's position, particularly in relation to the mineral processing plant. Ms de Wit raised the following objections in her statement:

- that the minerals processing plant area does not contain any features which justify its designation as a SSSI;
- that statements in the officer's report that "planning permission (in respect of the processing plant) expires in 2004" and that "the temporary plant site.....is due to be removed and restored to suitable habitats in 2004" are incorrect;
- that as Hampshire County Council has resolved to grant planning permission (subject to a legal agreement) which would include retention of the mineral processing plant for 12 years, it is unacceptable to include the minerals processing plant within the designation.

6.3.2.3 Mr David Brock had submitted a late request to speak on behalf of Aggregate Industries UK Ltd. therefore being outwith oral representations procedures. Council agreed that in this instance there were exceptional circumstances and Mr Brock should be allowed to make oral representations. Mr Brock raised the objections on behalf of his client which included:-

- Nothing had changed ecologically since 1994 when it was decided not to confirm the SSSI. There was no new information.
- The criteria for the SPA designation were flawed: only by adding several sites together could the minimum qualifying levels for the species of European importance be reached.
- The decision making process is in breach of the European Convention on Human Rights. Designation curtails his client's rights to use their land and there is no recourse to a fair hearing in front of an impartial and independent tribunal.
- His clients have 25 sites where there are SSSI designations and one is shortly to be designated an NNR. His client had requested that a portion of the site be removed from the area to be designated and had offered financial assistance towards recreation of habitat elsewhere. This offer was rejected by the local team and with regret his client applied to the courts for judicial review and an injunction to stay a decision being taken by English Nature's Council. The application for injunction was rejected by the High Court but his client company intended to proceed with the judicial review if no public inquiry were held.

6.3.3 Council **sought** clarification of the speaker as to whether there was disagreement with officers on fact or opinion and **was advised** that it was on both.

6.3.4 Council **noted** the minute of the May Council where a similar habitat had been considered prior to confirmation of Castle Bottom to Yatley and Hawley Commons SSSI: "Council consider the rationale for including the most suitable habitat for internationally important bird populations that depend on

habitats created as part of the forestry rotation provides a sound basis for including larger blocks of conifer forest within the site.” It was noted therefore that Council was now interpreting its policy regarding mobile species in coniferous woodland in a different way, given an improved understanding of the requirements of mobile species in these habitats, since Council’s decision not to notify this site in 1994.

6.3.5 Council **considered** a tabled map showing the location of breeding birds on the site as a whole, noting the general upward trend and noted the Direction of Operations, Dr Brown’s opinion that the area encompassing the minerals plant was not of itself of special interest and that there was no evidence of the presence of the smooth snake on the site.

6.3.6 Council **was advised** by its legal adviser as follows:

- That there was no legal impediment to Council taking a decision on this matter. The Secretary of State certified the relevant legislation as Human Rights Act compliant. English Nature’s Council itself is a public body which is independent, impartial and appointed to take the relevant decision. The process of notifying SSSIs and consulting upon whether or not such sites should be confirmed is a fair procedure.
- That the contents of documents dated 25th April 2001 and 4th May 2001 (which had been removed from the public papers as they constituted private correspondence between Aggregate Industries UK Ltd. and English Nature) had now been heard in public.
- That Council needed to decide whether this site is of special interest as required by section 28 of the Wildlife and Countryside Act 1981.
- That in making a decision the whole of the site and the habitat present on the site, should be considered.

6.3.7 Council **discussed** and **agreed** that the mineral processing plant and access road should be excluded. Council **agreed** that the citation should be amended by the removal of references to the presence of smooth snakes. Subject to these two modifications Council **indicated** that the site should be confirmed.

6.3.8 Council **delegated** the authority to sign off the confirmation to the Chair, subject to receipt of a revised package amending the boundary to exclude the area of the minerals plant along with the access road and amending the citation to omit references to smooth snakes.

6.4 Breckland Farmland

6.4.1 The case was introduced by Dr Brown. 84 owners/occupiers had been notified and there were 14 objections as set out in the annexes to the paper. 4 representations had been received. Four of the objections had subsequently been resolved and withdrawn (one subject to the boundary modification as recommended and receipt of the formal approval of MOD’s Commandant).

6.4.2 Oral representations

Mr Michael Falcon-representing a group of landowners-Sir Samuel Roberts (The Cockley Cley Estate), Frederick Hiam Ltd.,The Herringswell Estate (Exors. Mrs IJ Mays-Smith), Heath Barn Farm Risby (The Hon. Patrick Fisher), the South Pickenham Estate and the Euston Estate (Duke of Grafton and Lord Euston).

Hon. Patrick Fisher

Mr Barry Hawkins-representing Mr Parrot and the Sir Edmund de Moundeford Charity.

Mr Jim Rudderham-representing The Elveden Estate (Lord Iveagh)

6.4.2.1 Mr Falcon raised objections on behalf of his client which included:

- that the designation is not legally necessary and has no benefit;
- that there is no scientific justification and no new ecological information since 1994;
- that the scientific data does not support the SPA boundary;
- that the SSSI has clouded the SPA (a designation not objected to);
- that landowners who have co-operated have been discriminated against;
- that stone curlew numbers are not declining;
- that landowners affected are suffering financially as a result of the notification process (a formal request was made for reimbursement of the time and resource costs incurred);
- that no designation and positive voluntary co-operation would be better;
- that insufficient time had been afforded the process.

6.4.2.2 Council asked the speaker what evidence or comparison he had of reduction in value of the land as a result of the designation and was advised that there is nothing comparable as this is a very large block of arable land unique in terms of its size and location. Council also asked for his view on the constraints the SSSI designation imposes and was advised that there are a number of operations which require English Nature's consent and that this is a bureaucratic shackle that landowners do not need.

6.4.2.3 The Hon. Mr Fisher raised objections which included:

- that there has been a gross breach of trust, information gathered as part of the RSPB stone curlew project was passed to English Nature without prior notice;
- that there was no consultation prior to the designation other than a request to confirm boundaries and ownership;
- that the citation is fundamentally flawed, without scientific validity and based on unpublished information not gathered for the purpose;

- that English Nature had never sought permission to access the land which is at odds with its stated procedure.

A copy of the oral submission made by the Hon. Mr Fisher was circulated to Council members.

6.4.2.4 Mr Hawkins raised objections which included:

- that the landowners had always looked after the stone curlew;
- that although not onerous now the designation might be altered in the future and become so;
- that the designation would have an adverse impact on land value.

6.4.2.5 Council **asked** the speaker what would the landowners do differently if there was no designation and **was advised** that it was more a concern about overzealous persons, too much bureaucracy, creation of bad feeling and red tape.

6.4.2.6 Council **asked** the speaker if it were possible that the land might be sold to persons less sympathetic to the special interest thus making the case for the designation more pressing and **was advised** that it is likely that the land would be sold to a countryside lover.

6.4.2.7 Council **asked** the speaker if he considered that the designation might be viewed as a benefit to the property and **was advised** that like other charges on property it would result in additional expenditure.

6.4.2.8 Council **confirmed** that once confirmed the designation could not be altered without a new consultation process.

6.4.2.9 Mr Rudderham raised objections which included:

- that the designation would have an adverse impact on land value
- that the time constraints imposed were unfair;
- that the approach and methodology were unfair;
- that the scientific evidence was dated;

6.4.2.10 Council sought clarification of officers on the status of the scientific evidence used and was advised that the best and most recent evidence available was used.

- 6.4.3 Council **discussed** the issues **noting** that a decision was required upon the existence of special interest at the site and **concluded** that such special interest is in place on the Breckland Farmland site.
- 6.4.4 Council **confirmed** the notification with modifications in accordance with the officer's recommendation, modifying the citation and the boundaries of the site as shown in GC P01 44.

6.5 Breckland Forest

- 6.5.1 The case was introduced by Dr Brown. 34 owners/occupiers had been notified. There were 4 objections as set out in the annexes to the paper, three of which had subsequently been withdrawn (subject in one case to receipt of the formal approval of Commandant of the Stanford TA).
- 6.5.2 Council **confirmed** the notification with modifications to the boundaries of the site as shown on GC P01 44 .

6.6 Minsterly Meadows

- 6.6.1 The case was introduced by Dr Brown. 1 owner/occupier had been notified. There was 1 objection as set out in the annexe to the paper. This objection had subsequently been withdrawn subject to the boundary being amended to reflect exclusion of the three smaller fields within the notified SSSI, because they are not of special interest.
- 6.6.2 Council **confirmed** the notification with modifications to the boundary of the site to exclude the three smaller fields from the notified SSSI.

7. Completing the SAC designation process in England

- 7.1 The paper was presented by Dr Brown. Council was asked to consider the issues raised and to direct officers in the preparation of scientific advice to Government.
- 7.2 Council **was advised** that an independent study of Solway Moss concluded that approximately one third of the site was immediately restorable but that the whole site was capable of being restored within a 30 year timeframe with continued peat extraction and/or engineering works to obtain the required contours. This study had relevance to Bolton Fell Moss and the same views on restoration may be applicable.
- 7.3 Council **was advised** that there were substantial coal deposits at the Barnsley seam. If worked, subsidence was likely which would lead to damage to the special interest features of the site. With regard to the EC 60/20 guidance the figure for England fell within the figures recommended.
- 7.4 Council **was informed** of a telephone call and a letter from the solicitors acting on behalf of Scotts UK Ltd., received by the Chief Executive on 10th July 2001. This embodied a request that Council defer considering the matter, pending a scientific debate, and asserted inaccuracies in the paper before Council (no specifics were given). Scotts UK Ltd. also stated that an undertaking had been given to them by Dr

Brown that they would be involved in consultations on the site. Similar letters of concern had been received from other objectors to the proposals regarding degraded raised bogs.

- 7.5 Council **was advised** that there would appear to be no further information of significance coming forward such as would prevent a decision being made and that deferring consideration of the matter was unlikely to lead to a resolution of the concerns raised by Scotts UK Ltd. and others.
- 7.6 Council **was advised** that this was not a quasi-judicial decision. English Nature was acting as scientific adviser to the Government and unlike confirmation of an SSSI was not taking the designation decision. Objectors could continue to make representations to the UK Government and to the European Commission who would take the ultimate decision on the designation.
- 7.7 Council **noted** that Scotts' concerns related to the interpretation of the Directive. It is for the UK Government to formulate its own view and for the Commission to take a decision on interpretation. Council **considered** the paper and advice given, and **confirmed** that officers should:
- a) proceed with formulating and submitting scientific advice to Government;
 - b) proceed with informing Government of the outcome of the consultation process;
 - c) place English Nature's scientific advice to Government in the public domain;
 - d) seek Government's agreement that any further representations on these sites should be directed to Government.
- 7.8 Council **considered** the four options set out in the paper and agreed that Government should be advised that all five sites should be retained as the list of sites to put forward to the EC, thus adopting option 5 (d) as recommended in the paper.

8. The Planning System-Opportunities and Challenges

- 8.1 Ms Collins presented the paper. The paper set out some recent developments and raised issues regarding post election departmental changes, the impending Green Paper, proposed revisions to PPG 9, change to English Nature's powers post the Countryside and Rights of Way Act and the Government's Public Service Agreement(PSA) targets.
- 8.2 Council **noted** the contents of the paper and **made** the following observations and recommendations.
- 8.2.1 That a workshop should be convened where some of the issues can be explored in more depth. Consideration should be given to holding this with representatives of the LGA and in light of the Government's Green paper on review of the Planning System and changes made in the revision of PPG9.
- Action:** CSU
- 8.2.2 That English Nature needs to be more proactive in engaging with local authorities in particular in the areas of local community strategies, planning

gain and in reaching a common understanding of what constitutes sustainable development.

8.2.3 That English Nature needs to work to influence PPGs 3 (housing) and 13 (transport) as well as the revision of PPG 9.

8.2.4 That Council **expressed concern** at the lack of clarity in Government's intentions, in particular the proposal that Parliament take over decision-making on large developments.

Action: Ms Collins

9. **SSSI Condition Annual Report**

9.1 Dr Brown introduced the paper, which reported significant developments in response to helping Government achieve the PSA target relating to SSSIs. In-depth investigation had refined previous estimates of the costs of reaching and maintaining favourable condition. The reported figures did not take account of investigation and research costs, nor the costs of major restoration on individual SSSIs.

9.2 Council **noted** the contents and **made** the following observations and recommendations.

9.3 That whilst committed to working with DEFRA to meet the Government's PSA target, it was important to reiterate to Government that English Nature's existing resources were inadequate to meet this target and that others had significant parts to play.

9.4 That English Nature should encourage Government to abolish perverse incentives, which work against achieving favourable condition on SSSIs.

9.5 That the reported decline in favourable condition was due to several factors, including the impact of incorporating one very large site which was in unfavourable condition in this year's figures (Salisbury Plain).

9.6 That English Nature needs to produce a more detailed analysis of the condition of sites differentiating, for example the condition of sites relative to dates of confirmation and the obstacles to favourable condition which English Nature can tackle directly and those requiring action by others.

Action: Dr Brown

10. **Recommendations from the SSSI Process Review Group**

10.1 Dr Brown introduced the paper and acknowledged appreciation for the contributions of Council Members Mr Woolley and Professor Tromans.

10.2 Council **congratulated** the team on the work undertaken to date.

10.3 Council **considered** the advice and **approved** the recommendations subject to the following amendments.

10.3.1 that with regard to recommendation 2, there needs to be consistency across the agencies and reference made to co-ordination through JNCC. Council

noted that a paper would be presented in due course on the impact of devolution in this area;

- 10.3.2 that with regard to paragraph 4(iii), the text be amended to make clear that the information be made available to owners/occupiers immediately at the date of notification.
- 10.3.3 that where possible, SSSIs should be notified on a date which would allow independent survey of the features of interest, within the nine month consultation period. It would not always prove possible to achieve this, because independent assessment of habitats or species information, could take more than nine months to acquire;
- 10.3.4 that with regard to recommendation 8 the wording of the list needs to be amended so as to avoid causing unnecessary concern. It should remind readers that it is not a list of prohibitions but matters on which English Nature needs to be consulted.;
- 10.3.5 that with regard to recommendation 9, account be taken of European standards and comparisons with same;
- 10.3.6 that consideration be taken of the Geological Conservation Review.

Action: Dr Brown/Mr Cooke

11. **Corporate Governance Manual-Process and Publication**

- 11.1 Council **congratulated** all those involved in the document, which it considered to be extremely useful and comprehensive. Council **noted** the contents and **agreed** to publication subject to the following amendments.
 - 11.1.1 That it be circulated to all team managers.
 - 11.1.2 That a frontispiece be added to the web version reflecting organisational core values.
 - 11.1.3 That it incorporate copies of all Memoranda of Agreement.
 - 11.1.4 That consideration be given to a more descriptive title.
 - 11.1.5 That it incorporate text on responsibilities with regard to JNCC

Action: Mr Wray

12. **Risk Management Report**

- 12.1 Council **noted** the contents of the report.

13. **The Audit and Risk Management Committee Annual Report**

- 13.1 Council **noted** the contents of the report, the internal audit annual report for 2000/01 and Statement of Assurance.
- 13.2 Council **noted** the new title of English Nature's Audit and Risk Management Committee.
- 13.3 Council **approved** the amended terms of reference.

14. **Grants in English Nature Annual Report**

- 14.1 Council **noted** the contents of the report and the following additional information.
- 14.2 That following discussion at officer level, the Volunteers project would take over administration of local volunteer action grants and consider how take up might be increased in the future.
- 14.3 That following discussions at officer level it was reported that the consultation with National Parks had proven less than satisfactory and would be revisited by the new Grants Officer.
- 14.4 Council **made** the following recommendation and observation.
- 14.5 That there needs to be more and better publicity from grants given by the organisation. Recipients need an explanation of what is expected on receipt of funding.

Action: Dr Clements
- 14.6 That small grants are a good mechanism of reaching a wide diversity of sectors in society in particular the socially excluded.

15. **Chair and Directors Topical Report**

- 15.1 The Chair declared an interest in 3.1 Linshaws Quarry.
- 15.2 Council **noted** the contents of the report and the following additional information.
 - 15.2.1 That investigations are ongoing into the Kings and Bakers Wood case including whether the ownership of the site has changed since 1993.
 - 15.2.2 That at 4.5.2 the reason for the appeal is to test the decision that strict liability applied and that a higher court could reverse or alter the sentence.
 - 15.2.3 That the list at 7.1, was not exhaustive but indicative.
 - 15.2.4 That at Gothenburg the main thrust of the recommendations was accepted and the General Affairs Council will now take matters forward, including

CAP and CFP reform. Papers to be submitted in the spring will be required to address the environmental dimension adding strength to the Cardiff integration process. Further discussion regarding indicators will be had at Ghent at the next European Environment Advisory Council.

15.2.5 That with regard to 15.7 there will be a launch with the NFU of a five point plan for farming on September 10th this year.

15.2.6 That with regard to 29.3 efforts will be concentrated on getting existing habitats into good condition, before embarking on new Habitat Action Plans.

15.2.7 That the pay ballot had been accepted by 88% of staff.

15.2.8 That additional staff have been recruited to assist with regional work.

15.2.9 That the Team Server and Support Project was progressing according to schedule and on budget. Connection is to be made with the Government Secure Intranet as soon as security clearance has been achieved. Training is ongoing, E-mail reliability has improved following purchase of a new server, the Remote Access system is being progressed and data links between offices and Internet connections are being improved.

15.2.10 That the Chair, Chief Executive and Policy Director had recently met with the new Secretary of State for the Department of Environment, Food and Rural Affairs, Margaret Beckett.

15.2.11 Council **made** the following observations

15.2.12 That staff should be commended on the Gardener's World event which reached a new audience and that the possibility of extending this to the Hampton Court event should be considered.

Action: Ms Prasad

16. **Report from JNCC**

16.1 Dr Duff responded to an earlier request in the meeting for an additional update on progress with the JNCC review. He reported that the formal response had been sent to DEFRA in mid June, which advocated evolving the current systems as the best way forward. There was no support for a separate NDPB. The Steering Group met last week and recognised that a legislative opportunity was unlikely to represent itself this Parliament but that efforts would be made to incorporate some elements into a Northern Ireland bill should it arise. Stage 2 would now proceed exploring the options for evolutionary changes. This would conclude in the autumn with recommendations on how to proceed.

16.2 Council **referred** to 4.1 and agreed that although unsatisfactory this remains the current position. Council **noted** that DEFRA does not wish to take a unilateral stance on this matter preferring to await a united line with other Member States. The principal of offshore sites stands.

16.3 Council **agreed** to continue to press DEFRA for resources to deliver maritime sites as referred to in the Rural White Paper.

17. **Updating regulation 33 advice for European Marine Sites**

- 17.1 Council **noted** progress and the consultative mechanisms, and **approved** the process and actions set out.

18. **English Nature's Environmental Report for 2000/2001**

- 18.1 Council **noted** the progress and levels of resources being devoted to the project and **strongly endorsed** the policy statement subject to the following amendments.

18.1.1 That some explanation be included on why different teams have different levels in the various graphs.

18.1.2 That benchmarking be added to facilitate a better understanding of English Nature's performance relative to other organisations, NDPBs in particular.

18.1.3 That reference be made to the financial savings made to date.

18.1.4 That reference be made to accreditation and external verification to be explored.

Action: Mr Howat

19. **AOB**

- 19.1 There was no other business.

20. **Closed Session**

- 20.1 *There was no business held in closed session. (Closed minute)*

Signed.....

Dated.....