

**GENERAL COMMITTEE OF COUNCIL**

**CONFIRMED MINUTES OF THE THIRTEENTH MEETING OF THE GENERAL  
COMMITTEE OF COUNCIL HELD AT THE WHITE HART HOTEL, SALISBURY  
ON 12 JULY 2000**

**Present:** Baroness Young of Old Scone (Chairman)  
Ms M Appleby  
Mr D Arnold-Forster (Chief Executive)  
Dr A E Brown  
Mr T Burke  
Ms S F Collins  
Dr K L Duff  
Dr S Gubbay  
Mrs A Kelaart  
Miss J Kelly  
Dr M Moser  
Professor D Norman  
Mr S Tromans  
Professor R C L Wilson  
Mr G N Woolley

**In attendance:** Mr M Felton (Strategy Manager)  
Dr A Clements (Item 4)  
Mr G Dalglish (Item 7 and 12.1.8)  
Dr A Nicholson (Item 12.3.3)

**Apologies:** Professor G Lucas  
Miss C E M Wood

**1. Minutes of the twelfth meeting of the General Committee of Council held on 17  
May 2000 (GC M00 2)**

- 1.1 The Committee had **confirmed** the minutes of the meeting by postal consultation. The minutes are available on the English Nature Web Site.

**2. Matters arising (GC P00 36)**

- 2.1 The Committee **noted** the actions taken. The Annual Report includes a description of Lifescapes, and the text for the proposed consultation will be prepared for the October 2000 meeting of the Committee. Work on the Appeals Regulations under the CROW Bill will only start in the summer.

**3. Chairman's, Chief Executive's and Directors' Topical Report to Council (GC  
P00 42)**

- 3.1 The Committee **welcomed** the report and discussed a more regular circulation. During discussions the Committee:
- 3.1.1 **suggested** that at least some woodland NNRs were put forward for certification under the UK Woodland Assurance Scheme.
  - 3.1.2 **noted** the significance of the forthcoming transport strategy and the likely tests over particular road schemes, and the importance for EN to take a positive approach to exploring innovative options to address transport needs and promote conservation.
  - 3.1.3. **agreed** to raise the profile of SSSI condition status in promoting the provisions of the CROW Bill and the Corporate Plan bid.
  - 3.1.4. **noted** further delays in the SAC list announcement with concern.
- 3.2 The Committee was updated on the House of Commons Environment Committee's Interim Report on UK Biodiversity, Dibden Bay and the CROW Bill, where we have agreed a working protocol with the Countryside Agency on the access and rights of way parts of the Bill.

#### **4. Grants in English Nature - annual report 1999/2000. (GC P00 37)**

- 4.1 Chairman welcomed Andy Clements. The following points were raised in discussion:
- 4.1.1 Grants are simply one of a range of mechanisms available to achieve nature conservation targets. The way we use grants does have a significant effect on how EN is perceived, particularly locally. A clear statement of objectives and standards for our Grant Schemes is required so grants are used consistently across EN.
  - 4.1.2 The community and nature programme being developed by the New Opportunities Fund (NOF) provides an opportunity for EN to increase funding in this area by using our Local Nature Reserves Grant Scheme as part of matching contributions. The Committee **requested** more information about the NOF proposals.  
**Action:** Caroline Wood
- 4.2 The Committee:
- 4.2.1 **welcomed** the report and the more concise style, which would be enhanced by more graphics showing trends in the proportion of our resources used on grants and changes in types of grant within the total. Future reports should set out the initial objectives for grant schemes, and report against these as well as the numbers and amount of grants offered.
  - 4.2.2 **supported** a Grants Panel on the understanding that proposals for changes in our policy or strategy for grants should go to Council for

approval.

- 4.2.3 **agreed** that the Grants Panel should determine the maximum proportion of eligible costs that could be covered by the LNR Grants Scheme, taking account of the impact this would have on the total number of proposals we could support.
- 4.2.4 **agreed** to the need for the flexibility to grant aid buildings where this was good value for money, and **advised** caution on the extent of any support for buildings.
- 4.2.5 **agreed** that National Parks could receive grants where this was the best way of achieving nature conservation objectives.

## 5. Internal audit annual report. (GC P00 43)

- 5.1 David Arnold-Forster **advised** the Committee that the new Head of Information Technology will review the recommendations concerning IT made by the internal auditors and not accepted by management and report to the Audit Committee in September. The Committee **welcomed** this review of recommendations considered to be important.
- 5.2 During discussion the Committee **recognised** the value of the work of the Audit Committee which has lead to significant improvements across EN. The Committee:
  - 5.2.1 **noted** the report, which should be called “The Annual Report from the Audit Committee” and not “The Internal Audit Annual Report” and should in future be cleared by the Members of the Audit Committee.
  - 5.2.2 **approved** the new terms of reference and composition of the Audit Committee.
  - 5.2.3 **agreed** to appoint a non-executive Council Member as Chair of the Audit Committee and **agreed** that David Arnold-Forster should continue to chair the Committee until the new appointment assumes the role.

## 6. Human resources, welfare service and health and safety annual reports, 1 April 1999 - 31 March 2000. (GC P00 38)

- 6.1 Keith Duff introduced the paper on behalf of Caroline Wood and, as Director responsible for Health and Safety, assured the Committee that there are improved processes for reporting and learning from experience.
- 6.2 The Committee **noted** the reports and raised the following issues:

Human Resources Report.

- 6.2.1 The report needs more hard facts and comparative data year-on-year and with external benchmarks. Plans, reports on activities and assurance are not sufficient. For example, data on equal opportunities should include trends on turnover and sickness absence and comparison data on proportion of staff from ethnic minorities (1.5% is too low and EN should address this issue). The Committee **noted** that Investors in People required such trend data.

#### Welfare Service Report.

- 6.2.2 The increase in the proportion of staff using the Welfare Service is a concern, especially the above average use by Conservation Officers and NNR staff who are key contacts with our customers. The Executive Committee discussed these two groups of staff. The new emphasis on NNRs and the extension of email to all staff, including those working from NNR Reserve Bases by October 2000, will help make a contribution.
- 6.2.3 Workload remains the key issue. There remains a fundamental mismatch between our aspirations to deliver and the available resources. We need to focus our efforts on key roles and find ways of saying no to other work. Our current strategy encourages a broadening agenda: the review of our strategy should target our work more tightly.
- 6.2.4 The work of Conservation Officers has also changed. The standards required are more rigorous with tighter timescales and greater emphasis on our regulatory role. We need more training and development programmes to help staff carry out these new functions effectively. Management also needs to provide effective support.
- 6.2.3 Access to counselling support should remain available without going through line management.

#### Health and Safety Report.

- 6.2.4 In response to the increase in upper-limb disorders reported, EN has a workstation assessment programme.
- 6.2.5 The increase in days lost is a concern. This is partly due to improved reporting. Differentiating days lost due to long term absence following accidents from short term absence would be helpful. Reporting on days lost due to sickness, differentiating between long term absences due to sickness by a single person from short term absences by several people, would also help set the wider context and address the “health” of staff. Comparative data from other relevant organisations would help interpret the data about EN staff.
- 6.2.6 Incidents should be classified according to “seriousness” to help focus management attention on priority areas.

## Other issues.

Council requested a follow-up report on human resource and welfare issues including action on the 1998 Staff Attitude Survey for the December meeting of the Committee.

**Action:** Secretariat

6.2.8 The Committee **requested** early feedback on work to address the Conservation Officer and NNR staff issue.

**Action:** Caroline Wood

## **7. Breckland pSPA: notification of forestry and farmland as SSSI (GC P00 40)**

7.1 The Chairman welcomed Gareth Dalglish. Andy Brown reviewed the consideration already given by the Committee in February 2000 (paper GC P00 16). It is essential that we develop an approach with the current owners and occupiers of the land so we do not lose goodwill. DETR has agreed to extend the timetable to allow this. The key issue is to develop a suitable set of Operations Likely to Damage (OLD) the special interest that reflects the fact that arable farming and commercial forestry operations deliver the basic habitat requirements of the species (nightjar, woodlark and stone curlew). Forest Enterprise has accepted the decision to notify and agreed OLDs covering nightjar and woodlark habitat. The paper is therefore focussed on the approach to notifying farmland for stone curlew. Staff need endorsement of the proposed approach to develop final proposals with owners and occupiers prior to notification.

7.2 The Committee:

7.2.1 **endorsed** the proposed approach.

7.2.2 **agreed** on a reduced OLD list in light of the unique circumstances and **advised** this should focus on the nests and breeding territories of stone curlew and the positive actions needed.

7.2.3 **noted** the OLDs were linked to the SPA obligations and needed to provide us with the basis to prevent significant disturbance to the breeding birds and to address the possibility of any deterioration in their habitat.

7.2.4 **endorsed** the need to develop both the notification package and the wider scheme for stone curlew conservation with the participation of the owners and occupiers. The OLD list provides a backstop to a management scheme aimed at securing successful fledging of stone curlew chicks within the notified area.

7.2.5 **thanked** Nicholas Woolley and the staff involved in developing the proposals and **agreed** that further discussion with the owners and occupiers should now proceed with a view to notifying the site and establishing a positive stone curlew management scheme based on the existing Recovery Project.

**Action:** Suffolk Team

**8. Opening Council meetings to the public. (GC P00 45)**

David Arnold-Forster added to his report that a recent legal judgement supported the line taken that written representations were sufficient without public speaking, but the Human Rights Act would make personal circumstances more relevant in future decision-making than stated in paragraph 5.2.2.

**8.1 The Committee agreed:**

- 8.1.1 Its meetings should be open to the public once Peterborough meeting facilities were suitable early in 2001/02.
- 8.1.2 Written representations will provide the public with opportunities to make their views known on an equitable basis.
- 8.1.3 Confidential items should be kept to a minimum.
- 8.1.4 Open papers should be available to the public from the date of the meeting.
- 8.1.5 The Committee will use the September seminar to consider how to develop procedures to ensure open meetings fully address obligations under the Human Rights Act and S37 of the Countryside Act 1967 and agree a policy at the October meeting.

**Action:** David Arnold-Forster, Secretariat.

**9. Refining SSSI procedures in light of legislative and other developments. (GC P00 28)**

- 9.1 The paper sets out initial thoughts on issues likely to arise once the CROW Bill is passed and how EN should address them. This includes establishing a sub-Committee of Council to reach decisions on proposals to notify new SSSIs. These issues will be discussed further at Council's September seminar.
- 9.2 The Committee raised the following issues:
  - 9.2.1 The process of notification of areas of land which are of special interest in our opinion is an administrative, not judicial one. A separate notification sub-committee may help Council workload by separating the initial decision to notify from the confirmation decision, but should not purport to be an appeal mechanism.
  - 9.2.2 If a Sub-Committee was formed, its Members should rotate regularly so all Council Members could participate.
- 9.3 The Committee:

- 9.3.1 **advised** that legal advice should be taken before establishing a Notification sub-Committee.
- 9.3.2 **endorsed** the changes proposed for handling objections and their treatment at Council meetings considering proposed confirmations with unresolved objections.
- 9.3.3 **agreed** to consider the full process at the September seminar, including how to address the requirements of the Human Rights Act and other legislation.

**Action:** Andy Brown

## **10. Council members' assignments 2000/2001 (GC P00 41)**

### **10.1 The Committee recommended:**

- 10.1.1 each Team should have a lead Council member and a backup Council member rather than each Team having two Council members assigned.
- 10.1.2 geographical grouping of Local Teams, perhaps on a regional basis to parallel GM links to Team, should be explored. A best practice working group of Council members should be established to capture and share experience of working with Teams. Professor Norman volunteered to join this group.
- 10.1.3 the assignments would be reviewed and a new proposal prepared to reflect the recommendations. Council members **agreed** to let Secretariat know of particularly strong links to individual Teams they wished to retain.

**Action:** Secretariat and Council members

## **11. Report of the JNCC meeting held on Benbecula, Western Isles, on 21 and 22 June 2000 (GC P00 44)**

- 11.1 The Committee **noted** the report. Discussion focussed on the strategy review, which is vital for the continued effectiveness of the JNCC, and the forthcoming Financial Management and Policy Review during which the following points were emphasised:
  - 11.1.1 EN needs to engage with the Financial Management and Policy Review and not leave matters to DETR, to ensure the importance of the UK and international perspectives and the need for partnership with the Country Agencies in all the JNCC work is given due weight.
  - 11.1.2 The work to address offshore nature conservation and work to identify pSPAs and cSACs beyond the 12 mile limit was noted. Collaborative governance of this work was essential.
  - 11.1.3 Many of the themes proposed in the strategy review as providing key

roles for JNCC were in fact general functions and not special functions. The JNCC strategy must focus on working with the Country Agencies so there is joint ownership of the special functions. For example, this could be achieved by managing EU and international work by establishing a network of contributing projects across the Country Agencies rather than seeking to do the work mainly in the Support Unit.

11.2 It was noted that the Chairman of the JNCC would attend the October Council meeting.

## 12. SSSI Cases (GC P99 35)

**Secretariat note:** the following Council Members were present and constituted a quorum for this item: Baroness Young of Old Scone, Ms Appleby, Mr Arnold-Forster, Mr Burke, Dr Gubbay, Mrs Kelaart, Miss Kelly, Dr Moser, Professor Norman, Mr Tromans, and Mr Woolley. The following General Committee Members were also present: Dr Brown, Ms Collins, and Dr Duff.

### 12.1 Notification

Council **considered** proposals to notify the following sites:

12.1.1 Bourne Fen, Lincolnshire. A site of special interest for inter-tidal sediments of organic origin that also displays surface peat formation. The site is considered to be the key to understanding the development of the Wash/Fenland Holocene Chronology.

Council **returned** the proposal to the Team for re-submitting once all the pre-notification processes had been completed .

12.1.2 Chapel Point - Wolla Bank, Lincolnshire. A site of special interest for inter-tidal deposits of national importance for interpretation of Flandrian stratigraphy and environmental reconstruction.

Council **returned** the proposal to the Team for re-submitting once all the pre-notification processes had been completed .

12.1.3 Cheyne Court, Kent. A lowland wet grassland that supports internationally important numbers of wintering bewick's swan and European white-fronted goose and nationally important numbers of wintering bittern, wigeon, gadwall, shoveler and golden plover.

Council **approved** the notification of the site.

12.1.4 Lower Coombe and Ferne Brook Meadows, Wiltshire. An area of eight fen meadows and rush pastures that contain unimproved neutral grassland and mire communities of special scientific interest.

Council **noted** the discussions over the proposed notification during

the last eighteen months and **considered** any concerns would be addressed through the consultation period.

Council **approved** the notification of the site.

- 12.1.5 Mersey Narrows, Merseyside. A site for a large area of inter-tidal sand and mudflats and other habitats which support internationally important populations of turnstone, redshank and nationally important populations of cormorant.

Council **noted** the site was part of a wider pSPA suite.

Council **approved** the notification of the site.

- 12.1.6 New Ferry, Merseyside. A site for a large area of inter-tidal sand and mudflats which support nationally important wintering populations of pintail and black-tailed godwit.

Council **approved** the notification of the site.

- 12.1.7 Otterburn Mires, Northumberland. A complex of several mires representing a range of variation in blanket mire types and in mire communities in a mosaic of acid grassland and wet and dry heathland. These mires are of special scientific interest and represent the most characteristic examples of these mire types in central Northumberland.

Council **noted** that military activities have been explicitly included in the OLD list and **advised** on some re-wording of OLD 27 to make it more specific.

Council **approved** the notification of the site.

- 12.1.8 Sandlings Forest, Suffolk. A coniferous woodland of special scientific interest as it supports internationally important populations of woodlark and nightjar.

Council **noted** that commercial forestry management, in particular felling and re-planting practices, provided the habitat for the species. The site would achieve favourable condition as a result of the wider forestry cycle across the whole area. Council **advised** that OLD 27 should include “. . . likely to damage the biological features of special interest”.

Council **approved** the notification of the site.

Council requested that OLD 27 on activities be reviewed and that a more consistent form of words be used.

## 12.2 Re-notifications.

Council **considered** proposals to re-notify the following sites:

- 12.2.1 Blagrove Common, Hertfordshire. An area of unimproved grassland that contains rich fen-meadow marshy grassland and neutral grassland of special interest.

Council **advised** that OLD 27 should be revised to make it more specific.

Council **approved** the re-notification of the site.

- 12.2.2 Pry Bottom Meadows, Mid-Mosssdale, North Yorkshire. An area of nationally important species-rich damp and fen meadows and northern hay meadows.

Council **approved** the re-notification of the site.

### 12.3 Confirmation

- 12.3.1 Eastern Peak District Moors, Derbyshire. Council considered four objections:

The Trustees of the Chatsworth Settlement objected to two areas fenced off from the rest of the site being included as they held no special interest. Council **agreed** to the exclusion of these areas on this basis.

Long Rake Spar Company objected to including areas where they have planning consent to work stone and areas where it plans to apply for permission to extend its planning consent to work stone adjacent to the existing quarry. Council **agreed** to exclude the quarry which has no special scientific interest, but **did not agree** to exclude the adjacent area which is of special scientific interest.

Mrs S Buckingham objected to the inclusion of an area with planning permission and currently occupied by chicken sheds and a static caravan as it is not of special interest. Other objections including wider areas on scientific grounds had been discussed. Council **agreed** to exclude the area with planning permission which has no special interest.

Mr S Burley objected because of concerns over the implications for farming practices, and that an area was of improved grassland and not of special interest. Council **agreed** to the exclusion of the area of improved grassland and **noted** the Team had offered to draft a Site Management Statement to address the on-going farming activities.

Council **accepted** three modifications to exclude areas of no special interest proposed by the Team.

Council **confirmed** the notification of the site with the modifications agreed above on grounds of special interest for breeding birds, upland vegetation, lower plants, invertebrates and geological features.

- 12.3.2 Laughton Common, Lincolnshire. Council considered one objection on behalf of Meynell Estates, Laughton, because the surveyors did not indicate the possibility of or likely timetable for notification as an SSSI, thus disadvantaging the rights of the owner and their position over future management of the site. Council **considered** that the correspondence indicated English Nature had clearly indicated the possible interest of the site.

Council **confirmed** the site as the lowland acid grassland, dune grassland and lowland heath are of special interest.

- 12.3.3 St Leonards and St Ives Heaths Council **considered** eleven objections to the notification of the site:

Mrs Cailes and Mr Saxby on grounds that the land was not part of the heaths and that they had longstanding plans to clear the land to grassland for a pony paddock. Council **did not agree** to exclude this area which was of special interest as part of the site.

The Defence Estates objected to OLDs 26 and 27 as the MoD has used their land within the SSSIs for these purposes for some considerable time and they wished exemption from the need to give notice on existing activities within these operations. Council **did not agree** to excluding these OLDs as the activities may change in type or intensity.

Mr Magrabi objected to including areas of grassland on the western side of the site, that the view on the interest of the land had changed and notification affects plans to farm the land. Council **did not agree** to exclude the area as the evidence indicates it is of special interest.

Mrs Sanger objected as her land is simply an ecological corridor between two adjacent areas of heath and has significant value as development plots. Council **did not agree** to excluding this area as it is of special interest.

Mr Marlow objected on behalf of Mr Slack as there is no evidence of special interest on the area and the area benefits from planning permission for current activities and trackway works. Council **did not agree** to excluding this area as the evidence was that it is of special interest.

Christchurch Borough Council and the Jumpers and St Catherines Residents Association objected on the grounds that the SSSI includes a land reservation corridor for the proposed link road from Bournemouth International Airport and the A338. Council **did not agree** to

excluding this area as the ecological rationale for including the area had been re-examined and the area found to be worthy of including on scientific grounds.

Mr D Smith objected on the grounds that notification had affected his intention to use the land for horse grazing. Council **did not consider** this adequate grounds to exclude this area.

Mr Benjamin objected because notification limited his freedom to use the land and that he had not been aware of the original SSSI on his land. Council **did not consider** this adequate grounds to exclude this area.

Mrs White objected because of the effect that the original notification had had on her family. Council **did not consider** this adequate grounds to exclude this area.

Mr Mayall objected as notification limited his use of the land, especially the development potential. Council **did not agree** to exclude this area.

Council **noted** support from East Dorset District Council and St Leonards and St Ives Parish Council and their concern over how recent tree felling for heathland restoration had been managed.

Council **confirmed** the site without modification as the site contains acid grassland and wet and dry lowland heathland of special interest which support nationally important assemblages of plants, breeding birds, important populations of smooth snake and sand lizard, and wintering populations of hen harrier and merlin.

12.3.4 Upper Greensand Hangers: Empshott to Hawkley, Hampshire. Council **considered** three objections:

Mr Marr and Ms Greenwood objected to the inclusion of some areas of low scientific interest and because of the affect of notification on the ability to gain access with machinery, the effect on their enjoyment of the woodlands and the impact on their control of the land. Council **agreed** to exclude areas of secondary woodland next to Crabtree Copse and most of the area known as The Beeches as they do not have special scientific interest.

The Trustees of the Scott Sons Settlement objected to including modified woodland of little interest and considered the notification superfluous as the woods are not under threat. Council **agreed** to exclude the modified woodland area.

Dr Cheshire objected to the inclusion of a carpark and an area that included a summer house, various sheds and a pool house. These areas were not intended to be within the SSSI boundary. Council **agreed** to

exclude these areas from the site.

Council also **considered** proposals to exclude two areas from the site boundary which are not of special interest and **agreed** to these.

Council **confirmed** the notification of the site with the modifications agreed to above.

#### **12.4 Deletions and amended citations and maps**

12.4.1 Hurn Common SSSI and Matchams SSSI, Dorset. Council **considered** proposals to delete 10 small areas included in the original notification either due to mapping errors in 1988, or which have since been damaged due to unauthorised developments since that time and discovered as part of the process of re-notification to include additional areas in the site. No objections were made to the deletions.

Council **approved** the part site deletions and the modified map and citations.

#### **13. Any other business.**

- 13.1 The Committee received an update on the communications plan from Dr Clements and was shown a copy of the new Annual Report, the presentation of which was welcomed.
- 13.2 The Committee congratulated Jane Kelly for her long service and thanked her for her contributions and support. This was Jane's last meeting and the Committee wished her well for the future.