

NATURAL ENGLAND

03 September 2012, Hercules House - London

Attending

Dave Webster
Jim Smyllie
Paul Lambert
Andrew Wood
Guy Thompson
Dave Slater

Secretariat

Mel Sherwood

In Attendance

Ben Fraser (dialled in for Items 3 & 4)
Maddy Jago (dialled in for Items 3, 4, 5 & 9)
Tim Hill (dialled in for Items 3 & 4)
Ian Fugler (dialled in for Item 4)
Janette Ward (dialled in for Item 4)
Mike Burke (dialled in for Item 5 & 9)
Julie Lunt (dialling in for Item 4 & 5)
David Whelon (Item 6)
Ken Roy (Item 7)
Greg Smith (dialling in for Item 7)
Christina Cork (dialling in for Item 9)
Adrian Jowitt (Item 9)

1. Chargeable Services update pre-Board discussion

- 1.1. Andrew Wood explained that at present there is insufficient take up to consider a move to a full launch of services. This is likely to be due to the summer holiday period. There is a lot of interest in the scheme and there are no surprises in the scale and nature of people making enquiries, but the number of applications would need to increase significantly to agree a go live date at the September Board meeting.

Actions:

Keep this as a standing item on the agenda.

(David Slater)

Executive Board to seek Board approval from Chair, David Hill and Nigel Reader, if full launch date not agreed at September Board

(Andrew Wood/David Drake/David Slater)

2. Intelligence Sharing

- 2.1. No time to discuss this item.

Actions:

Look for a slot this week for EDs to cover this off by phone

(David Slater)

3. SSSI Notification Proposal - Ives Head, Charnwood

- 3.1. Jim Smyllie introduced the case and Maddy Jago gave an overview of the particulars of this (globally) internationally and nationally important site.
- 3.2. In discussion the Executive Board noted:
 - 3.2.1. that there is no issue with ownership or management of the site;
 - 3.2.2. that paras 2.2 – 2.4 in the paper sets out the framework specifically for the designation of a geological site;
 - 3.2.3. that Third Party damage (fossil collection) is the main threat to the site; and
 - 3.2.4. there is considerable sensitivity around what information will be published on the citation, which would be in the public domain.
- 3.3. Further, the Executive Board considered:
 - 3.3.1. the issue of transparency and how the citation information might be strengthened to make clear what the interest features are, but not reveal the vast age of those features, without being seen as being complicit in withholding information;
 - 3.3.2. that any approach adopted under EIR 2004 would be used in future to ensure a consistent approach.
- 3.4. In conclusion the Executive Board:
 - 3.4.1. Approved notification of the site, subject to clarification of the information on the citation (as outlined above);
 - 3.4.2. Approved the statements of Natural England's Views about Management and the lists of interest features and operations requiring Natural England's consent; and
 - 3.4.3. Endorsed the approach concerning the publicity around the site.

Actions:

Ben Fraser to work with specialists to produce a more informative, transparent citation.

(Ben Fraser)

Jim Smyllie and Tim Hill to sign off Natural England's approach under EIR 2004.

(Jim Smyllie)

4. SSSI Notification – Benty Grange

- 4.1. Jim Smyllie introduced the paper and the next steps that need to be agreed, following Ian Fugler's visit to [REDACTED] the landowner [REDACTED]. A clear audit trail of correspondence with [REDACTED] has been established as questions have been raised over the process of this notification.

4.2. In discussion the Executive Board:

4.3. noted that the evidence base for notification of the site is sound;

4.3.1. noted that [REDACTED] has not yet made any formal objection to the notification;

4.3.2. noted FOI requests being made by [REDACTED] to both Natural England and the Peak District National Park Authority;

4.3.3. noted the representation received from the Peak District National Park Authority supporting the notification;

4.3.4. were advised that [REDACTED] had asked for a visit from a Board Member, preferably Will Cockbain, and

4.3.5. agreed that a Board Member visit is entirely appropriate;

4.3.6. noted the definition of an emergency notification, and confirmed that this notification was not an emergency notification but an accelerated process, excluding the pre notification stage, due to a perceived threat to the site's nature conservation interest;

4.3.7. considered the need to look at the SSSI notification timeline for MG5 grassland sites to see where there are reasonable grounds for notifying some sites ahead of others;

4.3.8. agreed that the Board would be interested in the socio economic and human rights elements relating to this case

4.3.9. recognised the need to address the issue of lack of trust between colleagues, and the need to get functions to work a common end of what's best for Natural England, rather than concentrating solely on the targets of individual functions;

4.3.10. confirmed understanding that information on the nature conservation importance of the site had been made known at the time of the land sale, and agreed to check the details;

4.3.11. noted that there are two other cases likely to be considered at the November Board meeting.

4.3.12. Considered [REDACTED]'s request for the Board to consider his objection as early as possible.

4.4. In conclusion the Executive Board:

4.4.1. Endorsed the recommended responses to issues raised by [REDACTED]

4.4.2. Agreed that the case should go to November Board, if [REDACTED] can assist us by submitting his objection in good time, and specifically before the closing date.

Actions:

Julie Lunt to prepare a pre Board meeting paper.

(Julie Lunt)

BES to allow more than 20 mins on the agenda to cover this at the private session.

(David Slater)

Dave Webster to approach Chair about attendance on a "without prejudice" site visit.

(Dave Webster)

Ian Fugler to liaise with [REDACTED] over the site visit and to encourage [REDACTED] to make his representation as soon as possible.

(Ian Fugler)

Team to look at the timeline for notifying grassland SSSIs, and consider the priority for notifying sites.

(Ben Fraser/Maddy Jago)

Maddy Jago to check the information to bidders at point of sale

(Maddy Jago)

Guy Thompson and Jim Smyllie to scope a lessons learned paper to Ops Group around communications audit trail.

(Guy Thompson/Jim Smyllie)

5. Bolton Fell Moss and Future CPOs

5.1. Mike Burke summarised the complexities of the case given the further protection of the site in future, the lease arrangements on the land and given that further investigation and surveys are to be completed. Mike also recommended that para 2.2 in the paper should be deleted as not necessary at present.

5.2. In discussion the Executive Board:

- 5.2.1. were assured that Defra are fully appraised of the situation and fully committed to the project. Due to the large legal budget Ministers are well sighted and Defra are represented on the Project Board at grade 7 level. Robin Mortimer is the responsible director;
- 5.2.2. noted that costs continue to be met by Defra. These have so far been primarily legal costs and Defra have an annual provision. Future costs will include restoration costs;
- 5.2.3. were advised that there is an urgency over timescales as Natural England are keen to get the restoration work underway next summer and the operators are keen to reduce the fire risk. It is also important from a public perception that the work is being done;
- 5.2.4. noted that peat extraction will stop in November 2013 after which Natural England will be required to pay compensation;
- 5.2.5. were informed that this is the first of likely a suite of CPOs and that all have the right to Public Inquiry. All landowners have an interest, although there is a question over whether Sinclairs will be classed as a statutory objector by Defra. CPOs have to be advertised, and objections must be made to Defra within a set time period. This could result in a PI in the New Year;
- 5.2.6. noted that the Land Tribunal will hold a meeting with all parties next week to decide how to handle the compensation issue.

5.3. In conclusion the Executive Board:

- 5.3.1. Recommended that the Chief Executive use the powers set out in Schedule 1, paragraph 19(1) of the NERC Act to make a compulsory purchase of the areas known as New Mills, Old Mill and Dalgleish.

- 5.3.2. Agreed to remove para 2.2 in the paper from the recommendations as not necessary at this time.

Actions:

Mike Burke to prepare the CPO papers for signature.

(Mike Burke/Jim Smyllie)

Dave Webster (and Julie Lunt) to sign off orders.

(Dave Webster/Julie Lunt)

6. Natural England's work on CAP reform, RDPE and the Future Options Programme – an outline case for further resources

- 6.1. Guy Thompson introduced the item and James Marsden summarised the paper to give the Executive Board early notice of the potential pressures on resources during transition.

- 6.2. In discussion the Executive Board:

- 6.2.1. noted that much of the shortfalls is in staff resource and considered the recommendations for re assigning staff within Land Management;

- 6.2.2. recognised that the view over what are statutory and non statutory duties is mixed across the organisation;

- 6.2.3. observed that Natural England seem to have a lot of staff seconded out and we should look at offsets within/between functions.

- 6.2.4. agreed it would be helpful to have updates on the shape of Defra's thinking

- 6.3. In conclusion the Executive Board:

- 6.3.1. Approved the recommendations in the paper for the in-year 2012/12 Programme-wide resource requirement.

- 6.3.2. Agreed the potential issues in Appendix 2 should be reconciled by the Programme Board and brought back to Executive Board.

Actions:

Guy Thompson to look to resolve shortfalls in Land Management.

(Guy Thompson)

Jim Smyllie and Guy Thompson to follow up on the issues raised in Appendix 2.

(Jim Smyllie/Guy Thompson)

7. Triennial Review – role of EDs

- 7.1. Paul Lambert introduced the item to provide an opportunity to reflect on where we are with TR and to promote discussion on how we might further influence Defra's processes, and the suitable level of engagement through the autumn and spring.

7.2. In discussion the Executive Board:

- 7.2.1. queried the language in the stakeholder list – and that local communities would be better than “general public”, and there is no mention of ‘people’;
- 7.2.2. questioned the accuracy of the numbers in the Corporate Plan 2012/15 annex, suggesting that some numbers could be misleading, and it needs to be made clear how the figures have been captured;
- 7.2.3. suggested that Defra and NFU should be included in the stakeholder list;
- 7.2.4. were informed that Stephen Abel is on the Defra team to provide a detailed level of support;
- 7.2.5. agreed that we need clarity on the purpose of the Defra stakeholder forums and that finding out how Natural England does business is fine but they should not be used as an exercise to find out what stakeholders think of us;
- 7.2.6. agreed that Natural England should convene a meeting of the Access and Engagement Group, invite Defra and add Defra items to the agenda;
- 7.2.7. concluded that there is a risk to offering more than 3 big businesses Defra could engage with, and
- 7.2.8. noted that of the 3 companies put forward by EA, two - EDF and Veolia (through Veolia Water) – may have something to say about Natural England;
- 7.2.9. decided that there should be an item on a steer to Board on Executive Board agenda on 18 September.
- 7.2.10. agreed that Executive Board should have monthly updates following the Programme Board meetings, which might include Sonya Branch.
- 7.2.11. considered also Tanya Arkle’s inclusion in the meetings, which Dave Webster will raise with Sonya.

Actions:

Executive Board to discuss the paper and presentation to Board on 18 September, to frame a steer to Board.

(Paul Lambert)

Executive Board to have a pre meeting with Chair and David Hill to go through the proposals to Board.

(Dave Webster/Paul Lambert/David Slater)

Dave Webster to invite Sonya to join in the monthly updates, and to discuss with Sonya whether Tanya Arkle should also be invited.

(Dave Webster/David Slater)

Ken Roy to remind Directors to see the latest version of the analysis information.

(Paul Lambert/Ken Roy)

8. New duties for Natural England as a result of amended Habitats Regulations

- 8.1. Andrew Wood introduced the paper which sets out a series of new duties placed on Natural England and our partners due to changes to the Habitats Regulations.

8.2. In discussion the Executive Board noted:

- 8.2.1. the new duties placed on Natural England;
- 8.2.2. that implementation of these duties will require staff and financial resources which will need to be factored into the Corporate Plan;
- 8.2.3. Defra's approach to the new duty around consents is to do the minimum required as they are prepared to fight the Commission;
- 8.2.4. Defra's 'tidying up' of the consents will require heavy resourcing;
- 8.2.5. Land Management, Regulation, Marine, Legal and Finance should all be involved in this work.

Actions:

Landscape and Biodiversity and Regulation to lead on production of a scoping paper to look at all the Habs Regs that concern Natural England.

To be further discussed at Executive Board on 8 October.

(Andrew Wood/Jim Smyllie)

9. Species Conservation Strategy

9.1. Jim Smyllie introduced the paper updating the Executive Board on recommendations the Board would be asked to make at the end of September, drawing their attention in particular to paras 5.2 and 6.1 and 6.2 in the paper. Maddy Jago summarised the intention of the paper as being to outline a species-centric approach to nature conservation work by NE and its partners. The strategy is based on prioritising species for action, and adopts a species niche approach for all habitat work, utilising the full range of levers from designation and regulation to incentives.

9.2. The Executive Board:

- 9.2.1. discussed the difficulty in persuading NGOs that moving towards a habitat niche approach is a shared agenda rather than a Government strategy that they will be paid for.
- 9.2.2. agreed that Maddy's strategic description should be used as the first paragraph in the paper to Board and placed at the heart of the presentation to Board.
- 9.2.3. Suggested that Ops Group is not the right vehicle for taking this forward and there are important choices for the Corporate Plan timing and discussions need to happen in the right sequence.

Actions:

Maddy Jago to write a new first paragraph for the NEB paper.

(Maddy Jago/Jim Smyllie)

Maddy to pursue the issue of Land Use interventions with Rob Cooke.

(Maddy Jago/Jim Smyllie)

10. Board Activity

10.1. Dave Slater explained his intention behind the draft paper, resulting from his and Karen Mitchell's questions to Board Members about what they want and what they want their role to be. Nigel Reader and David Macdonald were the only people not yet approached. The general feeling is they are happy with their roles but some feel underutilised and not of value.

10.2. In discussion the Executive Board suggested that:

10.2.1. Board Members may use their external network towards delivery of Natural England business but should not get involved with casework;

10.2.2. Board Members are involved in different things and should adhere to their job descriptions;

10.2.3. file notes should be produced following visits;

10.2.4. Board Members should have the opportunity to engage more with staff;

10.2.5. going into Triennial Review is not the time to reduce the number of Board meetings;

10.2.6. the mixed messages on how some Board Members are treated over others needs to be balanced;

10.2.7. the role of Board Members is to help the organisation develop its strategy and hold the Executive Board to account on the strategic direction and there is a clear distinction between EB and Non EB business.

Actions:

Jim Smyllie/Dave Slater to put together a proposition from Board Members to be discussed between Chair, Dave Webster, Jim Smyllie and David Slater in London before the end of September.

(David Slater/Jim Smyllie)

NATURAL ENGLAND

05 November 2012, Hercules House - London

Attending

Dave Webster (Chair)
Jim Smyllie
Andrew Wood
Guy Thompson
Paul Lambert
Dave Slater

In Attendance

Janette Ward (dialled in for Item 2)
Edel McGurk (dialled in for Item 2)
David Drake (Item 3)
John Creedy (Item 4)
Dan Pond (Item 4)

Apologies

Secretariat

Lidia Plintshev

1. Intelligence Sharing

1.1. This was a closed session.

2. The trouble with bats and newts

- 2.1. Andrew Wood explained that the purpose of this paper and the attached NESAC paper was to get a common understanding of the issues on handling work on bats and Great Crested Newts (GCN) before a paper on the subject is submitted to Board in November. NESAC have expressed an interest in the new approach and David Hill, in his Environment Bank capacity, has suggested using newts as an example of offsetting.
- 2.2. Janette Ward and Edel McGurk explained the issues should be seen in the round and are a mixture of casework, regulation, planning and licensing and resources and how these are working together to achieve a balance between allowing development while delivering our obligations to bat and newt populations and conditions.
- 2.3. Some initiatives to improve customer experience are being taken forward. 1) Using experienced consultants to simplify licensing of works which have low impact and to recognise positive action rather than penalise damaging activities. 2) Creating a new style of license whereby the customer receives one tailored to their needs, achieved by agreeing approaches much earlier in the planning process thereby also reducing refusals. 3) Charging for site visits and face to face meetings and training courses on obtaining a license successfully. 4) Providing a named customer contact as soon as the application has been assigned. 4) Reworking the Planning and Licensing sequence where difficult discussions take place early in the process. 5) New IT system. 6) An Improved national census for newts particularly in areas where there are development pressures and high newt populations. 6) A national monitoring program. 7) Improved Survey methodology and modelling. 8) Improving protected sites work and outcomes in the wider countryside for GCNs

- 2.4. Planning Authorities are aware of some of these proposals and a number of other organisations such as Wildlife and Countryside Link, Canal and Riverside Trust, English Heritage and National Trust have been consulted.
- 2.5. Edel McGurk fleshed out the issues behind the references to the IT system in the paper. Atos Original was successful in winning the contract subject to assurances that the system is secure and compatible. A demonstration of the software is planned. Atos are confident they can meet all requirements by the end of March 2013 and the Project Board is meeting on 6 November to resolve issues. Roll out will be soon after April 2013
- 2.6. Activities will play out over the next 18 months but there is no current definitive timeline.
- 2.7. The Executive Board made the following comments:
 - 2.7.1. Agreed that this was an excellent paper which covered all the issues with good analysis;
 - 2.7.2. Suggested pausing on the bat advice contract at this stage as it does not appear to be working to improve our reputation. Alternatives could be either bringing it in house, or not providing advice at all which would be risky in terms of the challenge on our level of service and responsibilities;
 - 2.7.3. Agreed that site visits should be encouraged as this is where we can work with people effectively;
 - 2.7.4. Executive Board suggested producing a blacklist to record bad consultant practice;
 - 2.7.5. NESAC believe that improved survey's and modelling would allow us to have much more predictive and realistic capacity but were fairly dismissive about current knowledge of mitigation, techniques and evidence base;
 - 2.7.6. Natural England has never had a common consensus on the advice given about bats and newts and has employed quite a blunt approach. We might not know enough in terms of baseline data to employ another approach and to use the legislation more creatively. The bluntness of the legislation also makes it challenging to subdivide populations spatially;
 - 2.7.7. Executive Board asked to see a timeline showing when customers will start benefiting from our new approach. We should also ensure that the evidence base and innovative solutions elements stick together. Customer feedback should be reflected in our customer satisfaction surveys;
 - 2.7.8. The Executive Board asked to what degree other than that outlined above have external organisations been consulted on the proposals;
 - 2.7.9. The resource issues need to be teased out and reflected in the Corporate Planning process.

Actions

Produce a timeline of activities and a punchy narrative to be discussed at the Ministerial Performance Review in December;
 Analysis of resource implications in the round and particularly of named contact initiative;
 Take a version of the paper to Board and then next iteration of paper to the Developers Industry Group next February

(Andrew Wood/Janette Ward)

To cost options on alternatives to bat advice contracts based on a 2 year commitment with a 1 year break out clause and share with Andrew Wood

(Andrew Wood/Janette Ward/Edel McGurk)

3. Chargeable services – progress update and next steps

- 3.1. David Drake gave an update on the progress of chargeable services since its launch in July and reminded the Executive Board of the rationale for the introduction of chargeable services.
- 3.2. The service has been running for 3 months with as yet, no cases moving into the chargeable phase of the process. However, the initial impact of the resource uplift is positive and it is predicted that work on pre-submission screening can be delivered. The Executive Board were asked to consider 2 options, the first, to leave existing provision unchanged and hope that there is a gradual move towards DAS or the second and preferred option, to withdraw the existing free service provision and “force” uptake of DAS.
- 3.3. David Drake is supporting the first tranche of training planned for staff, particularly in relation to “soft” skills to support the conversations with industry.
- 3.4. Work can start immediately on a case by case transition plan and for staff to cite the DAS in early conversations and discussions have already taken place with the Energy Industry Group.
- 3.5. The Executive Board were asked to consider the proposed timing of full roll-out set out in the paper and they were noted.
- 3.6. The Executive Board made the following comments;
 - 3.6.1. There appears to be disconnect with the proposition of the withdrawal of DAS and staff who are not commercially minded, having potentially difficult conversations with industry. One major risk is that industry might decide not to pay, preventing us being able to deliver our objectives; we need to ensure that we keep working to get every adviser in a place where they are confident. A further risk is that if paying for advice, industry may expect staff to be at their disposal.
 - 3.6.2. The categories of customers are good, the challenge is in the transition and will need to be carefully planned to include ways to engage, coach and mentor staff.
 - 3.6.3. The Executive Board endorsed the paper and suggested that it should be shared with the Board sub-group (Paul Lambert, David Hill and Nigel Reader) to determine whether there were any Corporate Planning challenges and to advise if it should go to full Board in November

Actions

Share a version of the paper with the Board subgroup once timing is clearer

(Andrew Wood)

Further work on firming up the proposal and guidance on handling with the Board

(David Drake/Dave Slater)

Seek advice and judgement on handling from Chair

(Dave Webster)

4. Specialist Capability

- 4.1. John Creedy presented slides in support of the paper which outlined the direction, tools, principles, priorities and timelines put in place to effectively manage and lead our environmental specialist capability. This work has been driven by the Corporate Plan and Strategic Context, the thinking from the workshops with Heads of Profession and feedback from managers and specialist. The Executive Board were asked to note and endorse the directions.
- 4.2. The paper set out some principles for managing specialist capability
 - 4.2.1. The need to manage our specialist capability across functions and free up the resources to allow professional development;
 - 4.2.2. Making better use of our specialists within a resources-stretched environment by being flexible and joined up;
 - 4.2.3. Investment in and support for those Advisers who might become future specialists.
- 4.3. The paper set out emerging strategically important priorities over a number of areas where we need to strengthen specialist capabilities and fill gaps. Namely, Ecosystem approach; Climate change; Agriculture and Agronomy; Economics; Ecological modelling; statistics and evaluation.
- 4.4. An increasing need for expertise in other areas have been identified. Air pollution; pesticides and ecotoxicology; hydrology; freshwater fish and coastal geomorphology; historic environment; localism and invasive and non-invasive species.
- 4.5. The topics above have been set out as narrative to help steer functions workforce plans and to inform functional contributions to 2013/14 corporate planning round and the information used in potential reassignments. It will also help to give a more joined up approach to filling vacancies and succession planning.
- 4.6. The skills framework forms a key part of the infrastructure and has provided a wealth of information about the depth and breadth of expertise both technical and behavioural across the organisation which can potentially be deployed across functions and teams.
- 4.7. Heads of Profession are in the process of identifying “lead specialists” who will oversee the development of each environmental specialism and will include, defining levels of expertise, defining key areas of business, leading on training formal and development and informal networks, fill gaps and manage risks of loss of expertise, working with other leads to ensure join up. Dan Pond is working with SKI to develop a new skills framework IT tool which should facilitate a more structured approach in the use of the corporate directory where staff can be benchmarked at practitioner or specialist level.
- 4.8. A development programme is being drawn up to develop our specialists and specialisms. It will include a range of development solutions, with tailored development for staff likely to

become successors to key specialists. It should provide the opportunity for more accreditation and benchmarking and sharing with relevant professional organisations, which will enhance our authority and advice externally.

4.9. Executive Board were asked to consider the timeline and milestones which were noted.

4.10. The Executive Board made the following comments:

- 4.10.1. It was agreed that this paper was a very useful analysis and that the workshops had been an “eye-opener” for the Executive Board member-who had attended;
- 4.10.2. It was agreed that Specialists need to be empowered to create more space to develop knowledge and skills and managers need to be signed up. It was agreed that the 10 day allocation to development might not be enough if we require genuine specialists. Their expertise needs to be made full use of if we are to avoid losing their expertise and energy;
- 4.10.3. Out of the priority areas, we have particular shortfalls in areas of economics and agriculture expertise. Landscape should be added to the list and emphasised;
- 4.10.4. A good deal of thought and effort is required to understand how to better make use of the knowledge contracts of specialists, where we need to deploy them and to invest in them. Some thought should be given to changing the contracts and re-brigading them so they are closer to relevant advisers;
- 4.10.5. One of the organisation’s key strengths has been having staff with an excellent knowledge of place and there is a need to properly define what specialism of place is as well as having subject and process specialists. Succession planning and training is required if we are to hold on to the knowledge and we have many staff with expertise who are not badged as specialists;
- 4.10.6. Natural England still relies of intuition and past experience when trying to establish capacity baselines and there is a sense that the more experienced, embedded and geographically scattered specialists are at risk of being overwhelmed and isolated. It is important to find a way to break out of functional silos and be more joined up;
- 4.10.7. There is clear requirement to demonstrate progress and communicate it broadly and to free up resources to speed up the process;
- 4.10.8. Workforce planning decisions need to be joined up and to recognise our priorities both in the short and longer term as the basis for decision making;
- 4.10.9. Momentum must not be lost and agreements, targets plans and milestones discussed in the workshops should be honoured and good progress made;
- 4.10.10. Ensure that the SKI PRAG process is aligned with the corporate directory and skills framework;
- 4.10.11. The Executive Board endorsed the paper.

Actions:

Continue discussions with Tim Hill on the evidence to advice programme;

Involve Tim Hill on a future Executive Board as Corporate Planning process concludes and to get join up across functions and discuss communications.

(Andrew Wood)

Commission a paper from John Creedy on the issues around Brigading. Comparing past with present, what is working and not working to bring back to a future Executive Board.

(Andrew Wood/John Creedy)

Commission a review from Dan Pond on the Development Programme citing what the offer and expectation is and what it means for individuals to bring back to future Executive Board.

(Andrew Wood/Dan Pond)

5. QA Director Performance ratings

5.1. This was a closed session

NATURAL ENGLAND

07 January 2013, Hercules House - London

Attending

Dave Webster (Chair)
Jim Smyllie
Paul Lambert
Andrew Wood
Geoff Sansome (for Guy Thompson)
Dave Slater

In Attendance

Rob Edwards (item 3)
Simon Sheppard (item 3)
Ken Roy (items 4-6)
Rachel Hart (item 4)
Greg Smith (item 6)

Apologies

Guy Thompson

Secretariat

Lidia Plintschev

1. Intelligence Sharing

This item was not minuted

2. March Board Commissioning

This item was not minuted

3. Talent Programme

This item was a closed session and not minuted

4. Corporate Planning Process Update

4.1. Ken Roy asked the Executive Board to review the progress made to date on the Corporate Plan and were asked to a) note the progress made on resource allocations for 2013/14 particularly of customer service requirements b) provide feedback on the content of the Plan and the target/indicator set and note its resilience, risks and equity c) note the ideas on 2014/15 planning and to give steers on priorities, timetable and governance.

4.2. The Executive Board made the following points;

4.2.1. It was thought that the Customer Services Review was thorough but did not completely answer the fundamental question of ongoing “over-performance” which had lead to the belief that it could be in a position to offer up additional resources to be re-assigned elsewhere in the business. Executive Directors were assured that systems and processes are constantly under review and no “gold plating” takes place. The CS allocations made for 13/14 are based on robust analysis which has been reviewed and tested.

- 4.2.2. The wording of the first draft of the introduction to the Corporate Plan was too heavy on rhetoric, and needed tightening up - it needs more focussed and business-like, factual and non-political. The introduction needs to demonstrate that we understand that we are here to deliver government policy rather than make it, and to give some essence of what we can no longer deliver in order to show that this process has not been without difficulty and some pain. The current text tends to skip from one part of the business to another, one overarching, killer bullet point should be used for every part of the business. It does not yet illustrate strongly enough what we exist to do. On a technical point, to guard against beginning a sentence which starts to say one thing and ends in saying the opposite.
- 4.2.3. The revised version of the suite of performance indicators is broadly right and generally fit for purpose. A query was raised as to whether Local Delivery Capacity adequately describes what Natural England does, for example on evidence based advice – and the team need to review the value of using these sub-headings or whether to stick with the traditional outcome headings. Some indicators still appear to be making promises that Natural England cannot afford to deliver and may still signal that we are not reining in our spending. The indicators do, however, need a further refresh before sharing with Robin Mortimer – further reducing issues where there is no political interest and increasing the use of more straightforward language that Ministers can relate to and that can demonstrate that we have delivered the governments vision. Executive Directors discussed Land Management delivery. They agreed Land Management should be working to 200 day per year (as CS and other functions) to build in resilience of their planning. This will necessitate further work with Evidence, Landscape and Biodiversity and Land Management to decide what is deliverable for 2013-14. This work will need commissioning and reporting back by 11th January. the assumption that Land Management need to operate to the same broad capacity assumptions as other functions, noting the challenges in getting clear parity with functions where there is a less rigorous / quantified approach to resource planning. Further immediate work is required with Evidence, Landscape and Biodiversity and Land Management on the mix of deliverables for 2013-14, specifically to take on board the concerns raised re the planned delivery on ISAs. Land Management will explore all options including any partial continuation of some FTAs, currently scheduled to cease in March 2013. Finance will support re affordability.
- 4.2.4. The Executive Board were content with the sense-check of the Plan's resilience, risk and equity, noting the fundamental importance of Directors and Heads of demonstrating shared ownership and leadership in taking the plan forward.
- 4.2.5. Executive Board confirmed the requirement to develop a longer term (2014/15 onwards) planning project to cover work to address know financial challenges, to support Defra in the next Spending Review and to prepare for necessary business changes for the 2014/15, noting the dependency on timing and outcome of the Triennial Review.

4.3. The Executive Board agreed the following

- 4.3.1. Complete the Land Management / L&B / Evidence review of planned delivery to produce a proposition (on ISAs etc) that can be shared in the planning meeting with Defra on 23rd Jan.

Action: Geoff, Mike Burke, Tim Hill, Paul Lambert

- 4.3.2. Refresh the plan introduction text by 21st Jan.

Action: Ken / Rachel

- 4.3.3. Discussions to be completed with individual Executive Director to capture final detailed feedback on the draft performance Indicators.

Action: Dave Slater, Rachel Hart

5. Change Portfolio Review

- 5.1. Ken Roy set out the purpose of this paper and sought the views of Executive Board to a) note the progress made since the October Review b) take stock of the delivery of the current portfolio and for the preparations for the programme close down c) to provide further steers on the scope of the 2013/14 portfolio and to identify the key benefits of the new programmes and to endorse next steps.

- 5.1.1. Executive Board noted the progress of the ongoing investment in programme management capacity, the agreed response to the recent Internal Audit around Programme and Project Management (PPM) and the linkages to the re-emerging work on PPM at a Defra Network level.

- 5.1.2. Executive Board noted the Q3 reports on programme progress and outlook and confirmed the broad assumptions re programme close-down and the steers to programme managers for closing programmes.

- 5.1.3. Executive Board confirmed the ambition to have a core change portfolio for 14/15 based on ISAR, DIP and Evidence to Advice alongside the externally-driven work on CDP and on Triennial Review.

- 5.1.4. Executive Board confirmed the need for further scoping work to have an absolute focus on benefits realisation and undertook to provide a strategic overview of the role that each of the 14/14 programmes needs to play in moving the organisation forward next year. Linked to this EB will set out their expectation of the central benefits that each programme needs to deliver - in terms of the core quantifiable measures that we signal that the programmes have delivered the expected nature and scale of change.

- 5.1.5. Executive Directions recognised that they had not yet had an opportunity to come to a shared view on what the ideal portfolio outcomes would look like or to confirm that the portfolio as a whole would get Natural England to the place it should be.

- 5.1.6. Executive Board agreed a commission to Performance and Standards to lead some further work to produce a proposition for a deliverable (resourceable) portfolio for 14/15.

- 5.2. Executive Board also endorsed the proposed overall model for programme resourcing – confirming the need to use some of the agreed training and developments days for ‘corporate’ needs identified by change programmes.

6. Triennial Review Update

- 6.1 Ken Roy set out the purpose of the meeting which was to provide Executive Board with the opportunity to a) take stock of the overall Triennial Review Support Programme plan b) to give a steer on support to Defra in delivering the summary of current analysis c) to review the outline plan for Q4
- 6.2 Ken added that the Cabinet office has stated that 20 Triennial Reviews have been completed none of which have triggered an immediate change in status. Comments were sought on Annex 2 “Line of Sight” diagram and The Executive Board were content with this. The Defra pre-launch functions analysis was tabled, noting that this was work in progress and that a further version was expected shortly. There is a workshop on 8 January with Defra and EA to support Defra in determining what further material they will publish based on their analysis to date.
- 6.3. The Executive Board made the following comments
 - 6.3.1. We need to help Defra get any published material to a safe place, while remaining aware that this is their review and the judgements offered need to be their judgements.
 - 6.3.2. The Executive Board agreed with the outline structure of the submission that Natural England will develop in response to Defra’s current ask for input from stakeholders. It was agreed that an early draft would be shared with the Board sub group before being shared with the full Board before 23 January. Thereafter a further version would be developed for final endorsement at the Board Meeting on 30 January. Executive Board provisionally agreed the proposals around the handling of any submission, noting the link to further conversations with Defra and with the EA.
 - 6.3.3. Executive Board also reviewed our support for Defra’s planned stakeholder meetings.
 - 6.3.4. Internally, Executive Directors will, as planned, use their out and about meetings with staff to raise awareness and build engagement.

Action

To support continued staff engagement.

(Executive Directors and Directors)

NATURAL ENGLAND EXECUTIVE BOARD

08 October 2012, Hercules House - London

Attending

Dave Webster (Chair)
Paul Lambert
Jim Smyllie
Guy Thompson
Andrew Wood
David Slater

In Attendance

Maddy Jago (Items 2 & 3)
Tim Hill (Item 2)
Ben Fraser (dialling in for Item 2)
Sarah Anthony (Item 3)
Ken Roy (Item 4)
Simon Sheppard (Items 6 & 7)

Secretariat

Matthew Wood
Gillian Clarke

1. Corporate Plan Update

- 1.1. Paul Lambert gave the Executive Board an update on the Defra ask for Natural England to assume all the costs of moving to single payment start date which will be in the region of £10 million.
- 1.2. Paul Lambert informed the Executive Board that he had commissioned the Director of Finance to co-ordinate with the objective owners to describe what the likely impacts will be in reducing budgets by 6%. Paul asked the Executive Board for steers on this course of action and to approve this approach;
- 1.3. The Executive Board made the following comments;
 - 1.3.1. Defra should be informed of the stark and unambiguous impacts of VER on Natural England's capacity to deliver if this was affordable. This to include details on the likely impacts on;
 - 1.3.2. Land Management customers;
 - 1.3.3. National Trails, Coastal Access;
 - 1.3.4. NNRs;
 - 1.3.5. SSSI's and Biodiversity targets;
 - 1.3.6. Land Use (response times to nationally significant infrastructure project case work would go down)
- 1.4. The Executive Board agreed the broad principle.

Actions:

Commission detail on likely impacts on Natural England's core functions of a £10 million reduction in funding with objective owners which will then be shared with the Executive Board, the Board and submitted to Defra

(Abdul Razaq/Paul Lambert)

Dave Webster to update Robin Mortimer on the colour around Natural England's position.

(Dave Webster/David Slater)

2.1 SSSI Notifications Proposal - Barrow Hill & Tansey Hill

- 2.1.1 Jim Smyllie introduced the notification proposal. Maddy Jago and Ben Fraser joined the meeting to provide further details. Tim Hill joined to provide scientific challenge and advice.
- 2.1.2 Jim informed the Executive Board that the site consists of two disused quarries and a disused claypit separated by grassland. The eastern portion of the site includes a large proportion of Barrow Hill Local Nature Reserve (LNR). The site lies approximately 3 km west of Dudley and is one of numerous small outcrops of igneous rocks of Carboniferous (Westphalian Series) age, distributed across the West Midlands. Barrow Hill and Tansey Green contains exceptional geological features which demonstrate the relationship between a volcanic vent and its associated volcanic deposits. The Tansey Green section is internationally important for the presence of the oldest anatomically preserved conifer-like stems found to date. The total area proposed for notification as Barrow Hill and Tansey Green SSSI, is 15.02 ha.
- 2.1.3 The Executive Board were given the following information:
 - 2.1.3.1 The site features have been assessed as being in mostly 'favourable' condition with a smaller area assessed as 'unfavourable – no change' due to damage resulting from recreational activities.
 - 2.1.3.2 Proposed management to address the unfavourable condition would restrict access by shrub planting
 - 2.1.3.3 The two owners of the site were supportive
- 2.1.4 The following points were discussed:
 - 2.1.4.1 The Executive Board noted the timescale for notification of this site within the Geological Conservation Review (GCR) Series. It was established that this site was one of the later ones added to the GCR (2003).
 - 2.1.4.2 The Executive Board were advised that there were approximately 10 similar sites in the GCR currently awaiting notification.
- 2.1.5 The Executive Board agreed and approved the notification.

Action:

Progress site notification as agreed
(Ben Fraser/Jim Smyllie)

2.2 SSSI Notifications Proposal – Calender Meadows, Northamptonshire

- 2.2.1 Jim Smyllie introduced the notification proposal. Maddy Jago and Ben Fraser joined the meeting to provide further details. Tim Hill joined to provide scientific challenge and advice.

- 2.2.2 Jim informed the Executive Board that the site is a lowland neutral grassland site located approximately 12 km to the north of Northampton, formed of two adjoining meadows on clay soils. The site lies within the agricultural landscape of the Northamptonshire Uplands National Character Area. Long term sympathetic management has allowed the unimproved grassland sward to remain herb-rich with high floristic diversity. The total area proposed for notification as Calender Meadows SSSI is 3.1ha.
- 2.2.3 The Executive Board were given the following information:
- 2.2.3.1 The site was a good example of National Vegetation Classification (NVC) type MG5 species-rich neutral grassland;
- 2.2.3.2 Of the total area of 3.1 ha, 2.85 ha is MG5 surrounded by a 1-2 metre-wide more species-poor strip around the edges;
- 2.2.3.3 The two owners of the site are fully supportive of the proposed notification.
- 2.2.4 The Executive Board and Chief Scientist made the following comments:
- 2.2.4.1 Notification of this site was in line with the agreed strategy for notification of this grassland type;
- 2.2.4.2 The Chief Scientist queried whether the NVC survey, which had been carried out in July 2012 had been peer reviewed. Ben Fraser confirmed the survey had been QA'd by Richard Jefferson (Grassland Specialist);
- 2.2.4.3 The Executive Board queried whether there were any other MG5 grassland sites in the NCA for consideration for notification. Ben Fraser confirmed that information gathered from the local Biological Records Centre suggested there were at least two or three other sites that would need to be considered through the SSSI notification strategy;
- 2.2.4.4 The Executive Board queried the management and status of the tall hedgerows bordering the site which appeared to be partly included on the site mapping boundaries. Ben Fraser advised that the planned management of the hedgerows should not cause conflict with the grassland management;
- 2.2.4.5 Ben Fraser confirmed that the site boundary was mapped to OS master map features and that although the hedgerows were mentioned in the Favourable Condition Tables they were included solely as boundary features and not as part of the 'reasons for notification'.
- 2.2.5 The Executive Board commented that it would be useful to have a pipeline or sequence of future notifications. They were advised that it was the intention to approach Local Teams via the Grassland Network with the aim of producing a prioritised list for implementation by the end of the next financial year 2013/14.
- 2.2.6 The Executive Board agreed and approved the notification.

Actions

Progress site notification as agreed

(Ben Fraser/Jim Smyllie)

Commission pipeline/prioritized list for Grassland sites.

(Maddy Jago/Jim Smyllie)

3. Bowland Fells SPA – addition of breeding lesser black-backed gulls as a feature of the site

- 3.1. Jim Smyllie introduced the item. Sarah Anthony, Tim Hill, Maddy Jago and David Harrison joined the meeting for this item.
- 3.2. The Executive Board were provided with an overview of Natural England's scientific recommendations to Defra regarding the status of lesser black-backed gulls on the Bowland Fells SPA, a summary of the key issues and risks along with the context and background to the proposal.
- 3.3. The site had been notified as SSSI in 1988 and lesser black-backed gull is a notified feature of the site. The Bowland Fells SPA was classified in 1993, citing hen harrier and merlin as classified features, but not lesser black-backed gull. A review of the UK SPA network in 2001 identified breeding lesser black-backed gull as an additional qualifier at the site.
- 3.4. The SPA site guidelines have been applied to contemporary data (2009 – 12) for breeding lesser black-backed gull at the SPA – this indicates that the site supports a population of European importance and qualifies as SPA by supporting more than 1% of the biogeographic population.
- 3.5. Measures to control gulls at Bowland Fells have been undertaken annually since 1978 and the Estate that is currently carrying out the culling relies on consent contained within one or more Site Management Statements dating from 1999 for the carrying out of the operations.
- 3.6. The Executive Board were asked to approve the submission of the Departmental Brief to Defra to add lesser black-backed gull as a feature of the SPA, in order to rectify their omission from the citation and ensure compliance with the Birds Directive.
- 3.7. The Executive Board queried the population figures and it was noted that it was difficult to agree a reference population as the colony is subject to significant disturbance, however the most recent data supported classification of the site for lesser black-backed gulls. David Harrison confirmed that the recommendations should be based on the current data.
- 3.8. The Executive Board questioned whether the correct reference population had been used. The Departmental Brief references the sub species *Larus fuscus graellsii* to calculate the thresholds for qualification. Sarah Anthony confirmed that this is the correct population to use.
- 3.9. The Executive Board also questioned the status of the gull as a 'migratory' species. Are we confident that it fits into this category. Sarah Anthony confirmed that yes this was the case. There are already a suite of SPAs identified for this species.
- 3.10. The Executive Board queried why the 2008 data had not been included in the contemporary data (2009-2012) calculations of mean breeding pair numbers as convention where possible

would be to use 5 years data rather than 4 years as presented. Sarah Anthony advised that in 2008 a full survey was not undertaken and that the number of breeding pairs in the preceding year (2007) were 7971 so utilisation of these figures would not have resulted in any lower mean number for the site.

3.11. Dave Webster queried whether there was any requirement to re-assess and update the numbers of existing classified features of the SPA. Sarah Anthony advised that this was not the case the convention (where there were no other changes to the site and its boundary) was to only look at the proposals for additional qualifying species.

3.12. The Executive Board noted all key points and agreed to approve the submission to Defra to add lesser black-backed gull as a feature of the SPA.

Actions:

Submit Departmental brief to Defra

(Sarah Antony/Jim Smyllie)

Brief Defra on wider consenting issues and background

(Maddy Jago/Jim Smyllie)

4. Triennial Review

4.1. The Executive Board discussed with directors the nature of our advice to the Defra TR team on the set of options to be considered by Defra for the forthcoming review. These options will be discussed with stakeholders in November and December. The discussions yielded a likely set of principles and options that could be discussed with Board Members prior to sending to Defra.

Action:

Note to be drafted for consideration by Dave Webster before sending round Board Members

(Ken Roy/Paul Lambert)

5. Performance & Risk

5.1. EB members discussed performance and risk paper, and were content with the risk register. No actions necessary over and above what is already happening as part of Q2 reviews and risk discussions at Ops group.

6. WINE 2014 Update

6.1. EB reflected on the paper and wholeheartedly congratulated Tony Percival on his successful delivery of WINE 2014, and wished him well for the future.

6.2. EB reflected and agreed with many of the issues raised in the paper:

- 6.2.1.EDs raised concerns about culture and logistical issues that so much homeworking seemed to be creating
- 6.2.2.Observed that some offices still appeared quite empty.
- 6.2.3.Welcomed this year relaxation of travel restrictions to enable people to meet
- 6.2.4.Still raised concerns over levels of local leadership and acknowledged difficulties of managing dispersed teams.
- 6.2.5.On the whole felt that level of flexible working was a positive thing, especially how it enabled staff to plan around family life
- 6.2.6.Cautioned that flexible working was universally good for disabled people, we must cater for all types of disabilities
- 6.2.7.Concerns about re-capturing a sense of community if no-one sees each other
- 6.3. Tony Percival responded by endorsing the positive comments on flexible working and while there were challenges, it was a very positive thing. The challenges were not insurmountable and skills amongst managers are not enough currently. More effective local management presence is needed. Perhaps ELG should have more well defined geographic responsibilities, SROs are not enough. If agreed the Defra agile working project would enable 60-70 locations to have suitable IT for our staff.
- 6.4. Simon Sheppard said that he intended to work with the unions to explore changes to the current situation with flexible and home-workers, however these talks would not start until later in the year. EB agreed that some communications should be put out to remind managers and staff about agreeing working arrangements with their line managers and to encourage conversation in teams about how to manage flexible working as a team to benefit everyone in the team.

Actions:

Simon Sheppard to bring back a proposal that has been discussed with the unions in the new year, and to develop a staff note on flexible working.

7. Performance Pay Discussion

- 7.1. It was agreed Simon Sheppard should carry out a job-sizing exercise amongst the Executive to provide a better baseline of job responsibilities.
- 7.2. EB discussed the different proposals in the performance pay paper and agreed with the recommendation (D in the paper), in principle. This needed to be discussed and collectively accepted by Directors.
- 7.3. Long term incentive plans were also discussed as a future method of rewarding performance, in line with civil service reform. This was considered a good concept but should be considered next year.

- 7.4. Work need to be commissioned before the start of the next financial year to determine the personal contribution of all individuals in the Executive from their PPA's so there is a base set of criteria upon which to base future decisions for the award of payments. Simon Sheppard recommended that it was too late to do it for this year;
- 7.5. The Executive Board will forego being considered for a non-consolidated payment for 2012/13;
- 7.6. The Executive Board wanted to consult the rest of the Executive on them also agreeing to foregoing being considered.
- 7.7. The Executive Board wanted a more detailed proposal for 2013/14 which should consider civil service reform plans.

Action:

Simon Sheppard to circulate paper.

NATURAL ENGLAND

09 July 2012, Hercules House - London

Attending

Dave Webster (Chair)

Jim Smyllie

Paul Lambert

Andrew Wood

Simon Sheppard (for Guy Thompson)

Apologies

Guy Thompson

Secretariat

David Slater

Lidia Plintschev

In Attendance

Ken Roy (Items 2, 8-10)

James Marsden (Item 3)

Richard Wright (Item 3)

Nathan Moores (Item 3)

Peter Nottage (dialled in for Item 3)

Alan Law (Items 3 & 4)

Julian Woolford (Items 5 & 6)

Julian Lloyd (Item 5)

Tony Cosgrove (Item 6)

Abdul Razaq (Item 8)

1. Intelligence Sharing

1.1. This was a closed session.

2. Triennial Review discussion with Andrea Young and Jill Wordley

2.1. This was a closed session.

3. Resourcing in Evidence and Analysis

3.1. Andrew Wood introduced the paper. The instigator for this discussion is the additional management burden which has been incurred from moving the Heads of Profession into the team. This has created an unsupportable burden on the Director of Evidence and Analysis who has judged that 30% of his time should be devoted to the Chief Scientist role. In order to enable that the teams need strengthening beneath him.

3.2. A Science Unit has been created along with some reorganisation at team level. The Uplands Evidence review has been significantly more complex than the cSac Review. This has been allayed with disparate Evidence activities across the range of functions as well as implementing standards. Evidence consequences of other standards. The proposition is to add an additional four posts; one at Manager level and three senior advisers to pick up management of the evidence programme. The four roles will give the Director of Evidence and Analysis the confidence in the function and will free up time, though time specific tasks for the Director will continue to arise.

- 3.3. The Executive Board noted the request and expressed concern that in year asks continue to arise. The need to create these posts was not questioned but alternative methods of funding the posts were suggested.
- 3.4. The Executive Board requested as a matter of principle when additional requests for resource a table in the paper should be added on how it will be done. Performance should be asked to assist in this.
- 3.5. The Executive Board expressed concern regarding the implementation of standards and whether this will spark other requests. The Executive Board was assured that other standards would be specific to functions. Evidence to Advice should be the continuation of this work.
- 3.6. The Executive Board agreed that a Team Manager is required as a priority. The reassignment pool should be examined to see if there are any Team Managers who are available in the reassignment pool.
- 3.7. The Executive Board were reminded of the amount of time the Chief scientist is required to spend on both Marine and Land Use work.
- 3.8. The Executive Board agreed the proposals as set out in the paper.

4. Marine Resources

- 4.1. James Marsden introduced the session to provide the Executive Board with an update on the risks and pressures on Marine function resources following work modelling with Performance. The Executive Board were asked for decisions on resourcing of Marine work in the second half of 2012/13 and for steers on 2013/14 resourcing options to inform discussions with regard the Corporate Plan 2013/16.
- 4.2. James explained to the Executive Board that the Marine function is looking a significant shortfall in both staff and resources if Natural England is going to fulfil our statutory delivery priorities and provide advice. A conversation will be required with Defra on the ask they have of Natural England on land and sea.
- 4.3. The Executive Board recognised that the paper only covered the four main Defra marine priorities which represented the basic legal minimum and it did not cover any more aspirational work such as a marine species recovery project.
- 4.4. Richard Wright invited the Executive Board to look at the following recommendations to reduce the predicted shortfall of 25FTEs in Q3 and Q4 of 2012/13 as set out in the paper.
 - 4.4.1. A small reduction in the marine evidence programme in 2012/13;
 - 4.4.2. recruit up to 5 charging roles as an invest to save opportunity;
 - 4.4.3. Further increase the use of call off contracts for technical advice;

- 4.4.4. Acknowledge Marine's vigorous pursuit of further business improvement and efficiencies for the Corporate Plan period;
 - 4.4.5. To agree in principle that any remaining shortfall to be covered through FTAs or re-balancing to end March 2013;
 - 4.4.6. The principle that we increase the Principal Adviser contingent as part of this increase in staff and work with legal team to ensure that high risk casework escalating to them is proportionate to the quantity of casework;
 - 4.4.7. The Executive Board is asked for a steer on whether we should ask Defra to explore the potential flexibility on other marine priorities that they would like us to do less of/go more slowly if we prioritise MCZs and SPAs;
 - 4.4.8. To reduce the predicted resource gap of up to 50 FTEs for the corporate plan 2013-16 the Executive Board were asked for a steer on pursuing the following additional options;
 - 4.4.9. Contracting out development of part of our conservation advice packages;
 - 4.4.10. A radical reduction of the current planned evidence programme which should be noted is already facing a funding shortfall of around £8m/year.
- 4.5. The Executive Board discussed the position in 2012/13 that we are seeing potential underspend in staff and resource.
- 4.6. Nathan Moores explained to the Executive Board the process that Performance used to design the workload model.
- 4.7. James explained to the Executive Board that share or jointly recruit staff across the Defra network is unlikely.
- 4.8. The Executive Board discussed and agreed the following;
- 4.8.1. Agree all recommendations in 3.1. Any reduction in the Evidence Programme should be a last resort;
 - 4.8.2. An addition of up to 25 FTE to the Marine PEP baseline, subject to reductions achieved through use of call off contracts. This figure includes 5 FTE for commercial services;
 - 4.8.3. Due to the need to draw in FTEs quickly, it was recognised that recruiting FTAs could be problematic, particularly in Specialist roles. Marine should undertake a twin track approach of seeking internal assignment of the right skills from other functions, with external recruitment on a 2 year FTA basis, to ensure that all posts are filled as quickly as possible, ideally by the start of Q3;
 - 4.8.4. With assignment there would need to be the appropriate training of staff. The skills framework will help to identify staff with the requisite skills ELG to stand over a mini-assignment exercise;
 - 4.8.5. In relation to external recruitment Marine should consider bringing staff at more junior levels e.g. adviser and train them up. This would have the advantage of then being able to fill any emerging gaps at more senior level in future.
 - 4.8.6. STAs or contracting in staff should be considered to cover short term gaps. The option to draw in additional capacity through contracting in staff should be explored;

- 4.8.7. An urgent discussion is required with John Robbs and Robin Mortimer on the points made on priorities which then needs to be fed into the Corporate Plan;
- 4.8.8. In relation to 3.2 and 3.3, the Executive Board recognised the difficult resourcing picture for the Corporate Plan period but agreed in principle to a further uplift of 25 FTEs for 2013/14 and 2014/15 pending Corporate Planning discussions;
- 4.8.9. Options to contract out conservation advice and a radical reduction in the evidence programme were not agreed. These options should be explored and scoped out further;
- 4.8.10. The resource model (which has also been used in the Land Management/Customers functions) was commended and should be used across the business and fed into the Corporate Plan.

5. Chargeable Services

- 5.1. Andrew Wood introduced the paper to provide a summary update to the Executive Board. Alan Law ran through the detail of the paper. The original submission for costing did not include all the different bits of staff time. All of these pieces of work will be separately costed and built. Although this process differs from that used by partners such as the MMO it will bring Natural England's pricing in line with theirs.
- 5.2. The Executive Board agreed to the adjustments in charging subject to refinements which should be made to the presentation.

Actions:

Proceed with limited launch of chargeable services.

(Andrew Wood/Alan Law)

6. Media Engagement Strategy

- 6.1. Jim Smyllie introduced the paper. Julian Woolford and Julian Lloyd joined to provide details.
- 6.2. The paper explained how the organisation is moving away from having very senior spokespeople. New roles are described on that basis. The organisation will move away from having the Chief Executive as the spokesperson for the organisation. The paper describes a policy of selective proactive media engagement, sign off protocols and a commitment to wider training for staff who will speak for Natural England publically.
- 6.3. The Executive Board made the following comments;
 - 6.3.1. Entirely comfortable with the proposition. Media engagement should be pushed down to where the issue is;
 - 6.3.2. Concern was raised about the amount of staff who will receive training;
 - 6.3.3. Chief Executive was comfortable with his own planned engagement. A conversation is required with Chair and a more refined proposition is required for Chair and the Executive Board;
 - 6.3.4. Engagement with the Farmers Guardian was agreed as were the set pieces.

Actions:

Refine the propositions for Chair and the Executive Board.

(Jim Smyllie/Julian Woolford)

Discuss the proposition with Chair
(Dave Webster/Dave Slater)

7. Staff Engagement Strategy

- 7.1. Jim Smyllie introduced the paper. Julian Woolford and Tony Cosgrove joined to provide further detail. The paper describes the important conversations Natural England needs to have as an organisation and how Internal Communications can support those conversations.
- 7.2. The Executive Board were asked to focus on the propositions contained within the paper and to assist in scoping on what the next paper might be. The Executive Board agreed the principles and made specific comments on each of the recommendations;

Actions:

Bring wider conversation strategic conversation back to the Executive Board.
(Jim Smyllie/Julian Woolford)

8. Corporate Plan

- 8.1. The Executive Board discussed the proposed timeline for the Corporate Plan process for this year. They also discussed some in year budgeting challenges which will require further discussion.

Actions:

Prepare paper for meeting on 16th July
(Ken Roy)
Further extended EB session required for September
(Dave Slater)

9. Performance

- 9.1. Paul Lambert introduced the session. Executive Board noted the current performance position in terms of end-Q1 RAG statuses for the KPIs.
- 9.2. The Executive Board were asked for a steer re the ongoing performance monitoring process on its in the wake of the decision to move away from quarterly functional reviews. The key steer was that Executive Directors will remain accountable for their functions' performance and hence will continue to hold their teams to account. There will, however, be no substitute process (e.g. more formalised ED reviews of performance) for quarterly reviews.
- 9.3. To support Directors and Executive Directors, Performance will continue to make performance commentary available (from CPMS) and any appropriate feedback on the overall performance picture across the organisation. Performance will also review the current overview process descriptions and narratives that set out the refreshed approach.

Actions:

Refine Performance agreement before it goes off to audit and risk committee and Board.
(Paul Lambert)

10. Risk

- 10.1. Paul Lambert introduced the item. There have been a number of conversations on Strategic Risk at Audit & Risk in January and at the Board workshop in May.
- 10.2. The Executive Board redrafted the Strategic Risks identified by the Board. Each risk was then given a probability and impact rating and assigned to the relevant Executive Director/Director.

Actions:

Redraft Strategic Risks

(Paul Lambert/Chris Morrey)

NATURAL ENGLAND

10 April 2012, Foundry House - Sheffield

Attending

Dave Webster (Chair)
Jim Smyllie
Paul Lambert
Andrew Wood
Simon Sheppard (for Guy Thompson)

In Attendance

James Marsden (Items 1 & 2)
Caroline Cotterell (Items 1 & 2)
Lydia Barnes (Items 1 & 2)
Julian Woolford (Item 2)
Alan Law (Item 3)
David Drake (Item 3)

Apologies

Guy Thompson

Secretariat

David Slater
Matthew Wood

1. Marine Resources

- 1.1. Jim Smyllie introduced the paper. James Marsden, Lydia Barnes and Caroline Cotterell joined to provide further support.
- 1.2. The Executive Board was asked to consider the developing risks and pressures on the Marine staff resource for 2012/13 and the longer term.
- 1.3. The Executive were asked for steers on the following;
 - 1.3.1. To consider and approve payment of a market supplement to recruit staff with marine specialist skills/experience to mitigate short term delivery risks;
 - 1.3.2. Note the work being done in conjunction with Performance to develop a more robust long term marine workload model to inform staff resource planning for the Corporate Plan 2013-2016 and as an input to the Triennial Review;
 - 1.3.3. To provide input on proposals to review the governance and management arrangements of the Marine function to reflect Defra marine priorities, embed programme/project management and ensure Team Leaders have more manageable workloads.
- 1.4. The Executive Board discussed and agreed the following;
 - 1.4.1. Not to approve a market supplement but to implement the following package of measures with immediate effect;
 - 1.4.1.1. Make full use of the pay range;
 - 1.4.1.2. Emphasize the benefits of the full reward package we offer; (e.g. higher range maximum than some of our public sector competitors, additional leave allowance and flexible working);
 - 1.4.1.3. Pay overtime where the business needs demands;
 - 1.4.1.4. Review the relative position on the salary range of advisers/lead advisers, environmental specialists, senior specialists and principal specialists in Marine with those in other

- functions and where appropriate make individual business cases for market supplement (i.e. increase progression within the salary range) for sign off by Jim Smyllie and Andrew Wood, following QA by James Marsden, Peter Nottage and Tim Hill (for specialists only);
- 1.4.1.5. Engage with Organisation Development and relevant function Directors of other marine ALBs and with Defra to better manage risks and issues around recruitment/retention across the Defra marine family;
 - 1.4.1.6. Engage with Organisation Development and Performance to source and re-assign additional Team Leader capacity to Marine where the manager/staff ratio exceeds 1:15, whilst allowing the principle that Area Teams could have two Team Leaders working together without changing team boundaries.
- 1.4.2. Noted the longer term workload modelling and efficiency review being done with Performance, asked that this work should be completed by end of Q1 (if necessary by re-assigning a manager from another function to facilitate this), a composite paper should be submitted to Executive Board in July to report progress on the implementation of recruitment measures above, and that this paper should be sponsored by Director Organisation Development with inputs from Directors of Marine and Performance.
 - 1.4.3. Agreed in principle the direction of the proposed new marine governance and management arrangements, subject to the outcome of the workload modelling and efficiency review, and asked that a business case for additional manager and principal adviser roles within Marine should be considered in that context.
 - 1.4.4. Agreed that all elements of this package of measures must comply with Natural England's pay remit.

Actions:

Implement full package of recruitment measures as agreed.

(Jim Smyllie/James Marsden)

Complete the workload modelling and efficiency review being done with Performance, asked that this work should be completed by end of Q1.

(James Marsden/Geoff Sansome)

Bring a paper to the July Executive Board meeting on the progress of the recruitment measures with input for OD/Performance Director.

(Jim Smyllie/James Marsden)

2. Marine Relationships

- 2.1. Jim Smyllie introduced the conversation. James Marsden, Julian Woolford, Lydia Barnes and Caroline Cotterell joined to support the conversation.
- 2.2. Jim began by describing this as being one of a number of recent stakeholder conversations whose purpose was to tease out the pressures/risks that Marine are facing and to ask for the Executive Board's comments and endorsement.
- 2.3. The Executive Board began by reiterating the following priorities which had previously been agreed;

- 2.3.1. Closer management of Natural England's relationships with NGOs;
 - 2.3.2. Ensuring a better process for QAing our Evidence & advice;
 - 2.3.3. Examine how Natural England are contributing to the greater marine programme, both in how we support Ministers and go beyond our current brief;
 - 2.3.4. Expand on thinking around stakeholder management;
 - 2.3.5. Consider marine resourcing and morale.
- 2.4. In discussion the Executive Board made the following comments;
- 2.4.1. The focus needs to be shifted from 'managing' to 'building' relationships, we need to get better at listening;
 - 2.4.2. The big 5 priorities need to be integrated into the objectives;
 - 2.4.3. The objectives and actions in the current plan need to be rationalized, go after short term quick wins;
 - 2.4.4. Symbolic moments (the 'Opportunities' in the plan can be used as symbolic moments) should be retained. A speech needs to be prepared for the incoming Chief Executive.
 - 2.4.5. The relationship with DECC needs to be improved upon. A plan needs to be brought back to the Executive Board.
 - 2.4.6. James should continue to attend stakeholder engagements to develop relationships rather than manage issues.
 - 2.4.7. A narrative is required to explain what our role is, not just as advisers. It needs to be more nuanced;
 - 2.4.8. Publication of MCZ advice needs careful planning;
 - 2.4.9. More detail is required on Defra fisheries and better briefing channels need investigating;
 - 2.4.10. Consider the implications of an all party parliamentary group;
 - 2.4.11. Consider how best to engage Peter Unwin.

Actions:

Rationalize the action plan based on comments from the Executive Board.

(Lydia Barnes/James Marsden)

Develop proposal for engaging with DECC and bring to 23rd April EB meeting

(Guy Thompson)

Develop a more nuanced narrative for Natural England's role in marine.

Plan publication of MCZ advice.

Prepare speech for incoming Chief Executive.

(Julian Woolford/James Marsden)

Consider an All Party Parliamentary Group.

Consider engagement with Peter Unwin.

(Guy Thompson)

3. Chargeable Services

- 3.1. Simon Sheppard introduced the item as first in a regular diet of discussion topics. Alan Law and David Drake joined to provide further insight.
- 3.2. David ran through a presentation the purpose of which is to ensure the Executive Board is engaged on key customer issues (opportunities and risks) associated with the proposed introduction of chargeable services.
- 3.3. The main conclusions are that pre-application advice is increasingly important to Natural England, customers and NGOs. Certain themes have arisen i.e. consistency, responsiveness, ease of contact and staff experience.
- 3.4. The Executive discussed and agreed the following;
 - 3.4.1. This work should be phased in gradually starting in the summer, rather than still appear to be leading up to a launch post Autumn;
 - 3.4.2. We need to define the circumstances and basis for how we would be able to change our position on the advice that we provide;
 - 3.4.3. We cannot provide the degree of certainty in our advice that customers may want. We will have to be very careful with language.
 - 3.4.4. The Executive Board should retain detailed ownership. The Project Board's outcomes should be fed back to the Executive Board;
 - 3.4.5. The commercial context strengthens the need for staff to stick to the corporate position based on evidence – not on personal opinion.

Actions:

Bring paper on Communications (what we're landing and when) back to May Executive Board meeting.

(Jim Smyllie/David Drake)

4. 2012/13 Quarterly Functional Performance Reviews

- 4.1. Paul Lambert introduced the paper. The purpose of the paper was to seek Executive Board views to the proposed approach to quarterly performance reviews and the timetable for 2012/13.
- 4.2. The Executive Board were asked for steers on the following;
 - 4.2.1. Our continued approach to quarterly reviews with Reviewing Director;
 - 4.2.2. An approach to refreshing the team of Reviewing Directors;
 - 4.2.3. The role of Executive Directors in the review process;
 - 4.2.4. Flexibility in our use of External Stakeholders;
 - 4.2.5. The approach to rating functional performance;
 - 4.2.6. The quarterly reviews timetable for 2012-13.

- 4.3. The Executive Board questioned whether there should be a revised approach to Performance Management considering the amount of change that has taken place within the organisation and whether the current system is driving continuous improvement.
- 4.4. The Executive Board agreed that Performance Reviews add value, are an excellent opportunity gather intelligence and to gain valid challenges.
- 4.5. The Executive Board agreed the following;
 - 4.5.1. To continue the Director led approach;
 - 4.5.2. To halve the reviewing engagement;
 - 4.5.3. Paul Lambert will continue to stand over who the reviewing Director is, taking into account priorities and responsibilities;
 - 4.5.4. Involving external stakeholders should not be mandatory, Directors and Heads of should take a view when it adds value and they should define them as observers rather than reviewers;
 - 4.5.5. The reviewers should be part of a wider stakeholder strategy.
- 4.6. The Executive Board expressed some concern that the Functional Ratings should reflect differential objectives.

Actions:

Endorse the proposals as set out in the paper and as agreed.

Discuss at the Executive Gathering meeting at the end of April.

(Paul Lambert)

5. Evidence Strategy

- 5.1. Andrew Wood introduced the revised strategy to the Executive Board for comments and endorsement before it is presented to the Board in May. The Strategy is currently out for external endorsement, so far there has been no response.
- 5.2. The Executive Board discussed and made the following comments;
 - 5.2.1. An implementation plan will follow on the heels of the strategy and align with a whole series of change programmes. The implementation programme will go to the Evidence group for challenge and come back to the Executive Board for sign off.
 - 5.2.2. The Strategy needs to be contextualised (with a light touch) with the world we now operate in both internally and externally.
 - 5.2.3. The interim Chief Executive endorsed the Strategy subject to Andrew Wood incorporating the changes discussed.

Actions:

Update the Evidence Strategy to incorporate the Executive Board's comments.

(Andrew Wood/David Townshend)

6. EB Internal governance : To agree way changes/remits of groups going forward

6.1. Paul Lambert introduced the paper. The purpose of the discussion was to clarify the remit of each governance group. The Executive Board went through each group and agreed the following;

- 6.1.1. A more systematic approach to performance and risk between Executive Board and Operations Group;
- 6.1.2. Executive Board will continue to be the sponsorship group for all cross cutting programmes with scheduled reviews throughout the year;
- 6.1.3. Revise the line up of Operations Group.
- 6.1.4. Rename Awaydays to Executive Briefing meetings;
- 6.1.5. External Affairs to remain within Evidence Group;
- 6.1.6. Meetings should remain on Mondays. The location to be dependent on the following day's business.

Actions:

Rewrite the Operations Group and Evidence Group sections, publish and share with Directors.

(Paul Lambert/Dave Slater)

7. Designations update

7.1. Andrew presented the Designations update to the Executive Board. The Executive Board were asked to direct any comments to Paul Green.

NATURAL ENGLAND EXECUTIVE BOARD

10 December 2012, Hercules House - London

Attending

Dave Webster (Chair)
Jim Smyllie
Paul Lambert
Andrew Wood
Guy Thompson
Dave Slater

In Attendance

Maddy Jago (dialled in for item 1)
Paul Green (dialled in for item 1)
Mike Morecroft (item 2)
Julian Woolford (dialled in for item 3)
Tony Cosgrove (item 3)

Secretariat

Mel Sherwood

1. Designations Strategy Implementation

- 1.1 Jim Smyllie introduced the paper and reminded the Executive of the conversations held previously with both the Board and Executive Board. The resulting paper was a first attempt to put into place a plan that coordinates the remit, principles and delivery of Natural England's designations work in compliance with our statutory responsibilities.
- 1.2 Maddy Jago explained that the Strategy is still in its early stages and the purpose of the paper was to give the Executive Board an overview of what good might look like, the resource requirement for the delivery of designation work, which is timely for the Corporate Plan discussions, and to get a steer from the Executive on whether the descriptions in the paper are in the right place, especially the options proposed for each workstream area.
- 1.3 Paul Green reiterated the huge dependencies across the business and the resourcing required. There is a mixed perception of designations in the organisation and a more cohesive steer was needed.
- 1.4 In discussion the Executive Board:
 - 1.4.1 agreed on the benefits of a single strategy.
 - 1.4.2 supported the principles, but asked why they were apparently not consistently applied.
 - 1.4.2 were surprised that the strategy makes no mention of Land Owner/Site Manager stakeholder understanding, which is a live issue.
 - 1.4.3 noted that the Strategy demonstrated best practice, and is in tune with our statutory function work, with designations a lever to discharging our statutory purpose, but questioned whether it is delivering for the natural environment.
 - 1.4.4 considered that it will be difficult to have a balanced stakeholder forum and thought should be given to having a forum that gives value across the programme.

- 1.4.5 asked for clarity on Defra involvement, as a key stakeholder, and to what degree do we engage Defra to give them an understanding of our core strategy work other than at Public Enquiry level.
- 1.4.6 commented that the analysis doesn't give enough insight into resources.
- 1.5 Maddy responded and advised that the principles appeared to be inconstantly applied because different areas require different resources and different legal requirement and the wording is quite broad. Details could be added under each piece of work.
- 1.5.2 Defra could be invited to sit on the Programme Board. There are different designations in the round with diverse views that would help to increase Defra's understanding of our work. Paul Green suggested that due to changes of senior staff in Defra there is only a basic level of understanding of our work and currently the new senior staff are well disposed to learning more about our work.
- 1.5.3 the resources minimum is pretty much business as usual. There is no forward commitment around the Designation Review.
- 1.6 In summary the executive Board:
 - 1.6.1 questioned whether the Heritage Coast work could be passed to other bodies to see what could be done at a secondary level of designation?
 - 1.6.2 advised that we need to be bolder in setting out what an agreed programme of work for an ideal landscape would look like and work the timescale back from that.
 - 1.6.3 asked if the notification review is good value for money and will it give Natural England what we want?
 - 1.6.4 agreed that resources should be channelled into good things, rather than concentrating on the threats. There needs to be a range of what ideals/minimum would look like as there might be scope for reorientation around the situations post Triennial Review.
 - 1.6.5 would like an explanation of how we recognise the differing views on case issues, given the number of teams involved; who takes the decisions and how the cases come to Executive Board/Board.
 - 1.6.6 would like to see a set of specific choices to gain an insight into what the programme will look like in the next 2 years.
 - 1.6.7 agreed that any changes to the strategy, to include references to Landowner engagement, would need to go back to Board. Consider whether Chair could sign off outside of Board and then inform the Board of the changes.
- 1.7 Maddy thanked the Executive Board for their helpful contributions.

2. Climate Change National Adaptation Programme: implications for Natural England

- 2.1 Andrew Wood introduced the paper as highly relevant and explained that it makes clear the link of the Climate Change Adaptation Programme to our statutory purpose. It also provides a good example of joint working across the network.
- 2.2 Mike Morecroft emphasised two points to the Executive Board:
 - 2.2.1 Externally - the work on climate change continues to be an issue for Defra, with quite a sizeable directorate and programme to service a continuing lively research agenda, and
 - 2.2.2 Internally – where the work has to translate into delivery, and questions about how much Natural England is embedding climate change adaptation work into delivery.
- 2.3 Mike explained that the paper was intended partly to update the Executive Board on recent developments in the implementation of the Climate Change Act and to reaffirm our commitment to embedding climate change in our day to day work. This included a plea to protect the agreed resources to ensure the organisation can meet the additional work in support of Defra network commitments.
- 2.4 In discussion the Executive Board:
 - 2.4.1 asked what happens to Defra resources after July, and what is the work programme for 13/14?
 - 2.4.2 agreed that this was a good opportunity to reflect on where we are and how much the political landscape has changed and asked if Defra was driving the agenda?
 - 2.4.3 asked whether the National Adaptation Programme has the right traction/momentum, and does the government have the wherewithal to have national resilience?
 - 2.4.4 Considered our relationship with EA, and whether it is keeping Natural England sighted on the impact of the Programme on the natural environment.
 - 2.4.5 noted that we have a new organisational model with less resource and less local integrated delivery.
 - 2.4.6 recognised that the skill level is fundamental to embedding climate change into our delivery.
 - 2.4.7 asked for examples of what success looks like and for progress on the Climate Change Impact Report Cards.
- 2.5 Mike responded and informed the Executive Board that:
 - 2.5.1 in the political context Defra consider climate change to be way ahead of the designation strategy, and the EA has been supportive. There is a question

around some of the mitigation but Mike could not say how that would affect the adaptation work. There is no serious challenge, except resourcing.

- 2.5.2 Natural England has a lot of traction with EA in the environmental sphere although we struggle to broaden beyond that. We hold our own on Agriculture but it is harder with green infrastructure in cities, and we would be in trouble if EA sensed we were trying to take over the whole agenda.
- 2.5.3 success is difficult to measure. In the short term we recognise that we are evidence based and strong science will play a part in our success, for example the Climate Change Impact Report Cards - which have been delayed for the EA contribution and are likely to be out in March. Another example will be to see environmental stewardships working in practice.
- 2.5.4 a series of tools have been developed to up-skill staff, including an online manual and webinars. Take up on training has been slow but is believed to be down to staff finding the time. Whilst not everyone will get to a level of basic knowledge, it is hoped that the commitments in the Corporate Plan will ensure everyone has at least an awareness of our role climate change.
- 2.5.5 resource issues need to be addressed in a joined up cross-organisation way and a core resource is required for that.
- 2.5.6 the Corporate Plan KPIs make no mention of climate change and that has been fed back.
- 2.6 In conclusion the Executive Board thanked Mike for his contribution and:
 - 2.6.1 re-affirmed our commitment to embedding climate change adaptation and mitigation throughout the work of our delivery functions, and
 - 2.6.2 agreed that the resource captured in the Corporate Plan should be maintained as a bare minimum.

3. Internal Communications Strategy - Engaging staff over the next six months

- 3.1 Jim Smyllie introduced the paper and the suggested approach to delivering internal comms on key areas of the business for the next six months, particularly in relation to the four priority work areas: delivery, Corporate Planning, Triennial Review and Growth.
- 3.2 Tony Cosgrove explained that the aim of the paper was to suggest a confident and mature approach that would engage staff in an appropriate and effective manner.
- 3.3 In discussion the Executive Board:
 - 3.3.1 agreed that it was right for the focus over the next six months to be on the 4 priority work areas of delivery: Triennial Review, Corporate Planning and Growth.
 - 3.3.2 commented that the value and the purpose of the organisation should feature in the communications, with Team Leaders encouraged to take time to focus on team achievements and not just on delivery. There is a challenge

throughout the organisation around taking time to praise the work we are doing. Celebrating success is an effective and valuable way to increase input and staff well being.

- 3.3.3 queried the difference between the Uplands Moorlands Meeting review, in February on the summary to the Uplands evidence review in April.
- 3.3.4 could not be certain that there would be bTB updates as scheduled for April and May on the summary.
- 3.3.5 concurred that the focus on a different part of the business each month was a good idea.
- 3.3.6 agreed that hot seats are a good way to engage, stimulate debate with and successfully respond to staff and there should be two per month A full programme of topics to be covered might be issued to keep staff interested.
- 3.3.7 commented that the long service lunches are important and as work in the organisation will be business as usual during Triennial Review holding a lunch in Q1 should be considered.
- 3.3.8 agreed that sophisticated comms around growth and Walshaw would be needed.
- 3.3.9 advised that thought should be given to the communications plan on what culture change might look like and how to get people to the right place.
- 3.3.10 advised that Rob Aubrook would be working with the Board Sub Group looking at growth, with regard to Regulation enabling, rural economy and new markets.
- 3.4 Julian Woolford made clear to the Executive Board the position on the Government's ask in relation to growth. Natural England has to be a pragmatic, customer-faced organisation, and we are doing our best to streamline and engage better and earlier with customers. This links also to cultural change. The focus will be on what we can do as an organisation and there will be a big challenge around making the most of what we have. Case studies won't fulfil the ask.
- 3.5 Julian also advised that there will be further talks about staff engagement which may result in a paper to a future executive Board meeting.
- 3.6 In conclusion the Executive Board:
 - 3.6.1 endorsed the approach of focussing on the four priority work areas,
 - 3.6.2 agreed the plans for staff engagement around 5 high priority projects
 - 3.6.3 supported the the proposals for a themed approach to communications, and
 - 3.6.4 agreed that staff engagement over the next six months should be the internal comms priority.
- 3.7 The Executive Board went on to discuss the diary and arrangements for the week:

- 3.7.1 A notice to staff on feedback from the Ministerial Performance Review would go from Dave Webster on Tuesday 11 December. The draft was required by Jim Smyllie for QA on Monday 10 December, and then Dave Webster to sign off by Tuesday morning.
(Action: Tony Cosgrove to coordinate)
- 3.7.2 It was expected that on 11 December Defra would signal the start of the Triennial Review and comms were in place for a notice to staff from Paul Lambert to issue on Wednesday 12 December. The draft was needed by Paul by 17:30 on Monday for sign off.
(Action: Tony Cosgrove to coordinate)
- 3.7.3 Dave Webster was in the Hotseat on Thursday 13 December.
- 3.7.4 Internal comms would be drafting a personal Christmas message to staff from Dave Webster.

NATURAL ENGLAND

11 February 2013, Hercules House - Sheffield

Attending

Dave Webster (Chair)
Paul Lambert
Jim Smyllie
Guy Thompson
Andrew Wood
Dave Slater

In Attendance

Ken Roy, Greg Smith & David Slater (Item 2)
Maddy Jago, Paul Green, Ben Fraser & Mike Burke (Item 3)

Secretariat

Lidia Plintshev

1. Intelligence Sharing

1.1. This was a closed session

2. Triennial Review workshop

2.1. This was a closed session

3. SSSIs – (i) SSSI notification guidance (ii) The statutory framework and our role in their protection and management

3.1. This was an opportunity to clarify our understanding of the statutory framework and policy guidance for SSSIs, and to confirm the links between this and our priorities for notification and management of the series. This in turn will inform our workshop session on SSSIs with the Board planned for 5 March. The discussion focused on two papers: one setting out NE's approach to SSSI notification and the other concentrating on our role in their protection and management once designated. The relationship between this discussion and EB's review of NE's implementation of its statutory responsibilities for biodiversity was noted.

3.2. SSSI Notification Guidance - Paul Green introduced the paper and the Executive Board made the following comments

- 3.2.1. Defra 2003 code of guidance 'SSSIs encouraging positive partnerships' – some elements now out of date with changes to legislation – this provides Defra with opportunity to provide an input/policy steer – we might raise with them again the need to update this;
- 3.2.2. JNCC selection guidelines provide published guidelines for national agencies in taking forward notifications – In some cases the science is ahead of the guidelines, which could justify us taking decisions not based on the guidance, if we have the evidence to support this. The Board may want to discuss this issue;

- 3.2.3. Some sections of the selection guidelines have been revised and the Landscape and Biodiversity team have been working with JNCC to scope priorities and timelines and have been able to identify and improve weak areas. JNCC lead this work;
- 3.2.4. We also reflected on our specialist duties and responsibilities in taking forward notifications, and the role of the guidelines in informing this, and our forward pipeline of sites. The Board may also want to discuss this;
- 3.2.5. Noted that SSSI notification underpins Natura 2000 designations so we need to operate strategically in the context of the bigger European picture.
- 3.2.6. On notifications, we need to be supportive of the judgements of our specialists, making use of our evidence and SSSI standards, and using best available evidence on the most important sites and species given our limited resources;
- 3.2.7. In terms of keeping the series up to date, the Public Accounts Committee highlighted the need for a more systematic approach. The SSSI notification strategy has included a rapid review of all 4000+ existing sites and has concluded that nearly 2,500 sites need some changes. We have started a prioritisation exercise to work through which ones to do more work on first, and a paper is going to Operations group to take this forward. We need to be clear around the risks and justification for prioritising some over others;
- 3.2.8. Linked to this is how we manage the risk of not having up to date knowledge of all sites, resulting in difficulties in ensuring we are measuring and monitoring the right things. It was noted that while we now have a more systematic approach, sites can only realistically show a snap-shot in time. The Integrated Site Assessment programme is only as good as the citation and supporting documentation and the resources we have to develop site specific favourable condition tables is limited;
- 3.2.9. It was noted that we are currently in a transition phase, moving from a notification programme which is entirely reactive and “threat” based to a more proactive approach.

3.3. SSSI Statutory Framework paper

- 3.3.1. Mike Burke presented this paper and noted that one of the themes for Board to explore is how the range of different designation and policy drivers creates a complexity of objectives around individual sites;
- 3.3.2. There is also an increasing interest in what flexibility we have to accommodate other interests (e.g. landscape, cultural heritage) as part of SSSI objectives.

3.4. The Executive Board made the following comments

- 3.4.1. This is an opportunity to demonstrate our understanding of the issues and to get the Board’s early thinking in establishing some principles on how they want to shape the framework.
- 3.4.2. It would be useful to draw on the Uplands work which is already attempting to address these issues;
- 3.4.3. The Executive Board agreed not to invite external partners to the Board workshop, although noting we will need stakeholder buy in on what we are trying to achieve.

Actions:

To develop a map on the current delivery programme;

To ensure we provide the big picture context at the Board e.g. the way protected sites work delivers against Lawton principles;

To circulate the structure and themes of the workshop to Board members in advance with any associated background papers;

To identify a specialist to join the workshop to work through one or more case studies

(Jim Smyllie/Maddy Jago)



Natural England Executive Board Minutes

Date: 11 March 2012

Title: Proposal for SSSI notification – Chattenden Woods and Lodge Hill, Kent

Sponsor: Jim Smyllie, Executive Director

Location: Meeting Rooms 3 & 4, Floor 7, Hercules House

Executive Board members present

Dave Webster (DW), Chief Executive

Jim Smyllie (JS), Executive Director – People, Landscape and Biodiversity

Andrew Wood (AW), Executive Director – Science, Evidence and Advice

Paul Lambert (PL), Executive Director – Corporate Services

Geoff Sansome (GS), (Acting) Executive Director – Customers and Land Management

Other attendees

Tim Hill (TH), Chief Scientist

Julie Lunt (JL), Head of Legal Services

Maddy Jago (MJ), Director – Landscape and Biodiversity

Allan Drewitt (AD), Senior Ornithologist

Ben Fraser (BF), Senior Adviser, SSSI Designations

Richard Jefferson (RJ), Senior Grasslands Specialist

Matthew Wood, Board and Executive Services

David Slater, Board and Executive Services

DW introduced the session by advising the Executive Board of the intention to publish the papers and minutes to ensure clarity and transparency of Natural England's discussion. DW then asked JL to clarify the legal position to the Executive Board, regarding its powers and duties, and the legislation which governs the manner in which decisions on SSSI ought to be made.

JL advised the Executive Board of its legal powers and responsibilities as follows:

- Under Section 28C(1) of the Wildlife and Countryside Act 1981 (as amended) where Natural England is of the opinion that any area of land which includes, but also extends beyond, a SSSI is of special interest, Natural England may decide to notify that fact. In other words it appears Natural England has a discretion whether to enlarge the SSSI or not.

- The Board was advised that there has been no case law on the extent of the discretion accorded to Natural England when exercising its powers under section 28C. It was reminded however that English Nature had taken legal advice on this point. The advice drew an analogy to the situation in section 28(5), relating to confirmation of notifications, where, in fact, the legislative provision is phrased such that the Board has a discretion to confirm a SSSI or not. There has been case law on the exercise of discretion under s28(5) and both the High Court and Court of Appeal were clear that if the science supports the designation of a SSSI then the Board should designate it as such. In other words, as regards section 28(5) there is very little discretion if the science indicates that the site is of special scientific interest.
- The Executive Board was also reminded of the recent advice from Counsel regarding the Benty Grange case. This was not a case concerning s28C, but Counsel did provide a very clear opinion on the exercise of discretion under s28(5) which was that where Natural England is satisfied of the scientific case then in effect it has no discretion. The Executive Board was advised that when exercising its discretion under s28C, the position was analogous to the exercise of discretion under s28(5). In other words, if the Executive Board was satisfied of the scientific justification for the designation of the site, it had very little, if any, discretion as to whether it should notify Chattenden Woods & Lodge Hill SSSI.
- The Board was also reminded of recent discussions with Defra legal team about the exercise of the discretion under s28C, the conclusion of which was that when considering notifying a site relying on its powers under section 28C the Executive Board in fact has very limited, if any, discretion if the science supports the notification.
- The Executive was reminded that Natural England has a number of general legislative duties which it must have regard to when reaching its decision. These included, its general purpose under the Natural Environment and Rural Communities Act 2006 (NERC Act) (to conserve, enhance and manage the natural environment for present and future generations and to promote nature conservation and protect biodiversity); to conserve biodiversity under section 40 of the NERC Act and to have regard to the needs of agriculture and forestry and to the economic and social interests of rural areas under section 37 of the Countryside Act 1968. It was pointed out that whilst some regard was due in respect of these general duties, any judgment must still be based on the scientific case for the special interest of the site in question, and therefore ordinarily the regard which is due to other general legislative duties will be minimal. As regards the application of section 37 it was confirmed that Chattenden Woods and Lodge Hill is not a rural area and is primarily a military site not used for agriculture, so section 37 considerations would not be applicable in any case.
- The Executive Board was reminded that the decision was a scientific one and that they needed to be satisfied that the site was of special interest. They were advised that they needed to form a judgment based on all the evidence as to whether the site was of special interest by reason of its flora, fauna or geological or physiographical features. If the Executive was not so satisfied then they were advised that they should not notify the SSSI.

- The Executive Board was also reminded that it is their policy to have regard to, and to place significant weight upon the JNCC guidelines when they reach a decision on the existence of a special interest in respect of any land. They were also told that they should not be constrained by the guidelines and that they may depart from the guidelines if they consider that it would be appropriate to do so.
- When asked by the Executive Board to define the term appropriate, the advice was that if the guidelines give insufficient detail to enable Natural England to come to a view on whether a feature is of special interest, then Natural England must use its own best scientific judgement.

DW reminded the Executive Board that the previous discussions on proposing notification in October 2012 had not concluded that the land was of special interest, primarily due to insufficient confidence in the national population estimate for nightingales at that time. DW advised that the Executive Board should make the decision based on the paper before it, which contains all the relevant information needed for the decision.

JS introduced the discussion on the notification by confirming that members were comfortable with the legal descriptions in the papers. If they form the opinion that land is of special interest, the Executive Board have discretion to approve notification of an enlarged SSSI under section 28C that, if not exercised, becomes a duty to notify a new SSSI under section 28.

PL questioned whether the Executive Board was comfortable with an enlargement that would double the size of the site and questioned whether this was the intended use of the legislation that supports notification. JL confirmed that the size of any proposed extension is not limited in proportion to the size of the original site. If that had been Parliament's intention it would have been explicitly stated. PL then questioned whether there were examples of sites that had been enlarged by a similar proportion. BF and TH confirmed that it was well within the range of previous enlargements; they cited that Bewick and Beanly Moors had been enlarged by a factor of approximately 150 compared to the previously notified SSSIs that preceded it.

MJ reminded the Executive Board members that they needed to confirm whether they are satisfied in terms of the recommendations to approve of the following;

- a) The enlargement of the previously notified Chattenden Woods SSSI and change of name to Chattenden Woods and Lodge Hill SSSI.
- b) **The** extension of 222.19 ha to the previously notified area.
- c) **The** statement of Natural England's views about management and the lists of interest features and operations requiring Natural England's consent.

By way of introduction in terms of the science, the Executive Board was being asked to consider a nationally important Nightingale population, semi natural woodland and grasslands as proposed interest features. The size of the site would increase substantially from 128.96ha to 351.16ha. The principal reason for enlargement is the breeding nightingale which exceeds 1% of the national

population. Use of the 1% threshold is in line with the SSSI selection guidelines and has validity both nationally and internationally.

MJ provided orientation around the papers, highlighting the key sections describing the evidence and recommendations on special interest. In this case the paper also includes an analysis of representations made by interested parties, regarding the scientific case.

DW advised that any issues that are not clear in the papers will be raised in discussion and recorded clearly in the minute.

In discussion the Executive Board and the Chief Scientist raised the following points:

Nightingales

- Questioned the origin of the reference in section 3.6 which states “The use of 1% of a national or international population as a measure of the importance of a bird aggregation has a long history.”
- In section 3.4 it is stated that the selection of breeding nightingales as a specific ‘reason for notification’ is consistent with the current SSSI selection guidelines which were produced by the Nature Conservancy Council in 1989. Are there other examples of sites that have been notified for bird species on the amber list elsewhere in England, or in either Scotland or Wales?
- Questioned the last sentence in section 3.10 which refers to scrub as habitat more suitable to nightingales.
- Questioned whether the nightingale data from 2009 and 2010 is represented on the site map in the Supporting Information.
- Questioned whether using one year’s survey data is considered to be robust
- Asked for confirmation that in the view of our Chief Scientist;
 - the survey methodology had been sound
 - We can be confident that the statements in 3.22 & 3.23 are correct
 - If we have an idea of where the populations were in 1999 do we have an understanding in trends in terms of population range e.g. have they contracted in the South East of England or have they moved elsewhere?

They sought clarification on:

- The extent to which nightingales depend on a particular type of habitat which is transitional and asked for clarification on what would happen to the bird population if it was not managed.
- Whether the boundary could be modified in any way and still retain the special interest
- Whether, under the SSSI selection guidelines, any bird species would be eligible for selection if it exceeds 1% of the national population at a site.

- Whether there is any evidence around medium term stability on nightingale populations or any research on new populations and habitats.
- Requested that the reference from paragraph 3.13 is checked for misalignment of reference points.
- The last time the birds of conservation concern list was updated.
- Whether we can conclude that the site to be notified can be described as the most important site nationally for nightingales
- The level of confidence we can have in the statistical analysis of the survey methodology around variances in the population numbers.
- The comments about exceptional weather are subjective and questioned the likely effect of the weather in 2011 (which was unusually warm) on numbers of returning birds in 2012.
- Whether we could have confidence in the site to support the population in future years
- Whether it is likely that scrub will become a more frequent habitat included within SSSIs in the future

In relation to the ancient and other long established semi-natural woodland Executive Board asked:

- why the additional ancient woodland areas were not included within the boundary of the original notification
- what the selection guidelines are for ancient woodland

On the MG5 grassland feature, the Executive Board and the Chief Scientist asked:

- For clarification of the closeness of fit to the published NVC description for MG5 grassland which is described in the papers as 'moderate'
- Questioned whether there had been a common view from the ecologists advising Land Securities on the MG5 grassland.
- Requested clarification of whether there were significant differences in the species-richness of the quadrats which were surveyed and the published NVC.
- Whether any species are likely to have been missed because the survey was conducted in November.
- Whether the range of species richness for this habitat is typical and how it compares against the SSSI guidelines.
- How the constant species in the Lodge Hill grassland compare with the published MG5 description
- Whether there was a potential management conflict between maintenance of the scrub for nightingales and the MG5 grassland

The Executive Board were given clarity over the following points by AD, BF, RJ, MJ, JL and TH as follows;

- the 1% threshold approach to identifying important bird aggregations has been adopted by the Ramsar Convention and by JNCC and Defra as part of the SSSI and SPA selection guidelines. BTO and RSPB recognise the approach.
- AD confirmed that we can be confident that there are SSSIs notified for other species with amber listing in England and in Scotland and Wales, and gave examples, although it was noted that listing in the 'Birds of conservation concern' assessment is not a criterion for notification.
- In terms of whether the 1% threshold applies to any species of bird, yes because, any species that aggregates in sites in numbers exceeding 1% of its national population is inherently vulnerable to what happens on those sites. Put another way, a relatively small number of localised impacts could result in population level effects on the species. The fact that nightingale has reached that point is significant. Although it is not colonial (although it could be described as semi colonial due to the apparent effect that territorial males have in attracting further males to settle in the area) the fact that more than 1% of an ostensibly wide-spread species has aggregated on a discrete and relatively small site is remarkable, and something that wouldn't necessarily have been anticipated 20 years ago.
- Nationally, the numbers of nightingales associated with woodland habitat has decreased alongside their increase in scrub habitats, probably because the quality of woodland has declined. In particular the structural changes to woodland caused by browsing by deer and reduction in active coppice management are thought to have reduced habitat quality for nightingales.
- TH confirmed that, prior to the meeting, he had reviewed the BTO survey method produced and had asked for further clarification on their QA processes, and how many tetrads had actually been surveyed in the 2012 survey. This information was provided and it was noted that BTO assessed 2148 tetrads (finding 3111 nightingales). TH & AD then went on to summarise the stepwise process that BTO had used to determine the national population estimate that was provided in the papers.
- Allan Drewitt confirmed that the approach to estimating the population size is not unusual and is the same as the approach that the BTO uses for more abundant species. The key point is not whether the site estimate is too high. We can be confident there is more than 1% of the population on the site. TH expressed his opinion that his earlier doubts over the validity of using the 1999 population estimate was now removed following the production of the 2012 estimate, and that he was satisfied that the GB figure of 6250-6550 represented a robust and reliable estimate that had been produced by a well-established methodology and following robust quality assurance.
- With regards the weather, both the national and site survey took place within the same period. Changes are relative because both the national and site survey were subject to the same weather. It is unlikely that we have picked a year with unusually high numbers.
- Earlier national population estimates are all underestimates. The methodology for surveying nightingales has improved including e.g. the best time of day to survey. The 2012 estimate takes detectability of birds into account and is more accurate than previous years.
- The latest breeding bird Atlas which is currently in production shows that the historical contraction of breeding range towards the core areas in the south east has continued.

There are likely to be several reasons for this contraction including habitat quality and extent.

- BF confirmed that although the 2009 & 2010 surveys are cited in the reference list, the 2012 data provide the basis for the majority of the site boundary for nightingales. There are a small number of additional territories from earlier surveys in 2009 and 2010, mostly on the periphery of the proposed boundary, which have resulted in inclusion of some additional areas to those that were occupied in 2012. The boundary also includes contiguous areas of suitable habitat in the vicinity of recorded territories. It was confirmed to the Executive Board that the source references for the 2009 and 2010 surveys include maps showing the locations of the additional territories.
- There would not be any scientific basis for drawing a boundary which limited the numbers of nightingales in the SSSI to 1%, and all our decisions must be based on the science.
- With regards the precedent for using 1 year's survey data, Natural England has notified sites for other species (e.g. breeding nightjars) on the basis of a single year of comprehensive data, which for some species is only available approximately once every 12 years from national surveys. The fact that such populations remain (or have increased in some cases) provides reassurance that it is appropriate to use one year's data when necessary.
- With regards to the transient nature of the scrub and whether it is likely to be a more common interest feature in the future, AD confirmed that many SSSI habitats are transitional and that does not mean we should not consider them for notification. With a few exceptions, such as some ancient woodlands (where 'non-intervention' approaches have been adopted) and coastal habitats, the majority of SSSI habitats rely on management.
- MJ confirmed that we are not aware of any previous challenge to the use of the 1% threshold figure.
- The paper states that there are 27 breeding males in the existing SSSI and 58 within the proposed extensions.
- The reference cited in section 3.13 is correct.
- Birds of Conservation Concern was last updated in 2009 and is done every six years.
- The site is one of the most important sites in Britain for nightingales.
- It is not possible to set statistical confidence limits for the site estimate. Confidence limits will be produced for the national estimate which can be compared to the site total. Important to bear in mind that 1.3% is a minimum because of under-estimate at site level and probable over-estimate at national level.
- The BTO report said that compensatory habitat could be created if a number of things are done based on the location and extent of habitat.
- The Executive Board was advised that the previous notification of ancient woodland was likely to have been based on extent of continuous woodland at the time. We are now aware of the importance of other patches of semi natural woodland that are in close proximity and connected by areas of scrub and neutral grassland.

- The Executive Board was advised that the grassland is MG5 and can be confident that it matches the description in the NVC. 10 of the 11 constant species are present in Lodge Hill grasslands. However, the frequency and constancy of these is much reduced in comparison to the published NVC floristic table. We can be confident that it is MG5 based on the range of constant species but there is a difference in the range of frequency and constancy values.
- TH questioned how many quadrats the survey data is relying on and from which parts of the site they were collected. RJ advised that, in line with the standard NVC methodology, there had been 5 quadrats for each of the 4 grassland areas.
- TH questioned the species richness of the grassland. RJ advised that the average species richness of the Lodge Hill grassland was 16 species per quadrat and that the full range was 14-22, compared to the average of 23 (range 12-38) in the published NVC. TH questioned whether the timing of the survey was optimal and suggested that, given the timing of the survey, it was possible that some species would have been missed. RJ agreed, but stressed that this would not have made any difference to the determination of community type.
- RJ advised that the site has not been managed optimally. The MG5/MG6 or MG5/MG1 boundary is where he would advise the line be drawn between grasslands that are or are not of special interest. The quality becomes less of an issue in the SSSI selection guidelines if the area of MG5 at the site exceeds 5 hectares, as it does here.

Tim Hill provided the Executive Board with the following opinion;

- He was confident that the Nightingale population at this site exceeds 1% of the GB population.
- The size and quality of the ancient and long-established semi-natural woodland also satisfies the selection guidelines, and is also a key part of the mosaic of habitats supporting breeding nightingales.
- There is noticeably less information provided in the papers to confirm the MG5 grassland interest. Given that the fit to MG5 community is not strong, and that as the species richness range of 14-22 is below the average of the described MG5 community (12-38, mean 23) then the further information that was provided during the meeting could have been included in the papers. Despite the below average richness, TH did recognise that with an extent of about 12.6ha, this feature clearly exceeded the 5ha qualifying threshold in the selection guidelines. In summary TH concluded with an opinion that, whilst somewhat atypical in character and of below average species-richness, it should be remembered that this feature was surveyed at the wrong time of year, and had not benefitted from suitable management for some years. Given the large extent of this habitat it should be included as an interest feature.

- BF and RJ also noted that, whilst of lower species-richness than the average in the NVC, the MG5 grasslands still satisfy definitions of 'species rich', for instance in the Farm Environment Plan guidance.
- BF took the EB members through the list of operations requiring Natural England's consent and referred to the justification for listing of each operation, as set out in the supporting information paper.

DW asked each Executive Board Member to offer a view on whether they felt the evidence presented in the papers, and the subsequent advice received during this session supported the decision to notify the site as an SSSI.

All Executive Directors supported the notification. DW then confirmed that they agreed with all the recommendations to:

- a) **Approve** the enlargement of the previously notified Chattenden Woods SSSI and change of name to Chattenden Woods and Lodge Hill SSSI.
- b) **Approve** the extension of 222.19 ha to the previously notified area.
- c) **Approve** the statement of Natural England's views about management and the lists of interest features and operations requiring Natural England's consent.

NATURAL ENGLAND

11 June 2012, Hercules House - London

Attending

Dave Webster (Chair)
Jim Smyllie
Paul Lambert
Andrew Wood
Simon Sheppard (for Guy Thompson)

In Attendance

Julian Woolford (Item 3)
Mark Felton (Item 4)
Stephen Chaplin (Item 4)
Paul Egginton (Item 4)
David Whelon (Item 4)
Geoff Radley (Item 4)
Maddy Jago (Item 5 & 6)
Pete Brotherton (Item 5)
Ben McCarthy (Item 5)
Vicky Gilson (Item 6)
Dr Tim Hill (Item 6)
Ben Fraser (Item 6)
Alan Law (Item 8)
David Drake (Item 8)

Apologies

Guy Thompson

Secretariat

David Slater
Lidia Plintshev

1. Executive Board Ways of Working

1.1. The Executive Board discussed how they should produce future file-notes arising from stakeholder meetings considering the increasing number of FOI request Natural England are receiving and what we are potentially being asked to disclose. The Executive Board made the following observations;

- 1.1.1. Executive Board members should not to lose the good practice and excellent standard of notes, or dampen their flavour.
- 1.1.2. Executive Board members are requested to discuss politically sensitive issues rather than write them down and are advised against appending anything potentially sensitive.
- 1.1.3. The range and number of File-notes from Directors are slightly inconsistent.

1.2. The Executive Board discussed and agreed the following:

- 1.2.1. A more factual, less colourful approach should be given to file-notes with an emphasis on capturing actions.
- 1.2.2. An intelligence sharing session should be worked into Monday Executive Meetings to discuss recent meetings which are best shared verbally.

- 1.2.3. To produce a set of principals which should cover: how far across the organisation file-notes should be circulated; segmenting file-notes into the following distinct categories using appropriate language and style;
 - a) informal and formal meetings with Defra
 - b) major stakeholders with a political angle
 - c) catch ups with partner organisations
 - d) internal catch ups.
- 1.3. Chief Executive will speak to Chair to get updates on top issues and any recent intelligence
- 1.4. The Executive Board discussed the volume of QA requests and the current levels at which they are set.
- 1.5. The Executive Board discussed and comments summarised as follows:
 - 1.5.1. There is too much quality assurance processes in the system which was hampering accountability in some areas of the business.
 - 1.5.2. Need the right level of delegation of accountability and to demonstrate a level of trust and judgement.
 - 1.5.3. Potential risks around delegation of accountability are that replies go out which are not fit for purpose, we sometimes give PQ responses that are too detailed when being asked to provide only the facts. On engagements, Executive Directors are often unsighted on meetings which Chair and Board members are involved in.
 - 1.5.4. The setting up of “triangulation” meetings between the Executive Board, Board and Executive Services and Relationship Managers could mitigate this.
 - 1.5.5. Executive Directors should continue to stand over any inputs on PQs and political issues and Relationship Managers and Specialist should be accountable for more technical correspondence.
 - 1.5.6. Proposed changes made to the QA process were agreed apart from the proposal on PQs which will be retained at Executive Director level.

Actions:

Set up the Monday intelligence sharing slots and ensure a simple process in place to prompt the weekly discussions.

Set up triangulation meetings with External Affairs.

Implement changes to the QA process as agreed.

(Dave Slater)

Update Directors on this discussion at 3rd July meeting on the expectations for intelligence sharing and QA processes

(Executive Directors)

2. Reflections from the Board Workshop discussion

- 2.1. Paul Lambert asked the Executive Board for a steer on how to engage Defra into the July Board workshop, the main purpose of which is to make the Board aware of the options available and establish a way forward if the status quo is not an option and to note the need for Board agreement of our narrative.
- 2.2. The Executive discussed and agreed the following:
 - 2.2.1. To refine our invitation request to Defra and consider how the discussion should be concluded.
 - 2.2.2. To arrange two separate sessions on Options and Risks and to invite Andrea Young to the first part.
 - 2.2.3. To Invite James Marsden for the Marine Options discussion.
 - 2.2.4. Invitations to be extended to the Forestry Commission, Environment Agency for the session on CAP pillars 1 and 2.
 - 2.2.5. There will be no papers in advance or tabled on the day and presentations will not be shared in advance.
- 2.3. The Executive Board was asked to consider the Triennial Review stock-take narrative presented by Julian Woolford.
- 2.4. The Executive Board agreed a short piece should be developed which covered the following;
 - 2.4.1. Puts the case for a statutory advisor to Government on the natural environment (not a pitch document for Natural England but a considered rationale for why one might want a body like Natural England in the first place.
 - 2.4.2. Describes what Natural England has achieved so far. This section can be broken down as follows:
 - 1. Our successful delivery record to date for the natural environment – low on metrics, high on clear outcomes.
 - 2. How we've reduced back office costs – headlines only
 - 3. Brief description of how the operating context has changed (new Gov etc/ALB review) and summary of how we've responded.
 - 4. Short item on how we are a. the main Gov biodiversity delivery organisation for NEWP, b. our work with civil society, and c. how we are re-focussing on working with partners and customers more effectively.

Actions:

To extend invitations to Andrea Young and Sonya Branch to the 24th July Board meeting
(Paul Lambert)

Using the draft narrative as a basis to feed in to this session
(Dave Slater/Executive Board)

Consider audience and messages and to write a timeline based on how to get most value from the Board.

(Jim/Julian/Greg/Ken)

Forward the re-written narrative to Doug Hulyer and before Dave W meets with him

(Dave Slater/Julian)

Speak to Andy Clements in BTO to get insight and advice on the statutory duties of public bodies.

(Andrew Wood)

3. Relationships Update

3.1. The Executive Board was asked to consider the recommendations in the refreshed National Account Management Framework paper brought by Jim Smyllie.

3.2. The Executive Board discussed and agreed the following:

3.2.1. Further discussion with CEO on requirements for both himself and Chair with Julian/Karen Mitchell.

3.2.2. Briefings need to be tailored to individual needs of relationship directors. A necessary approach to be usefully agreed with Executive Directors and Directors. This may enable the handling of more key accounts through PET as a result.

3.2.3. The final A list needs to be reviewed: Gov Dept, except Defra and DECC should come off, as should IFCA and CRC etc This is worth a final run around this at EAMT with NAMs.

3.2.4. A brief guidance note needs to be developed on what level of support A and B partners would receive (frequency, comprehensiveness of briefs etc, filenote provision etc for each stakeholder)

3.2.5. A Task & Finish exercise should be set up to ensure that all account managers are clear on their responsibilities e.g. a workshop. Area Managers need to be included.

3.2.6. We'd like to look at how NAMs can hold the ring on sectoral engagement with stakeholders (e.g. hold a quarterly call with all account managers for their sector)

3.2.7. Jim will manage English Heritage, not Andrew

3.2.8. Deer Initiative is in L&B not A&E

3.2.9. The Executive Board would like to see the final framework

3.3. The Executive Board were asked to consider the Partner Survey Actions Plans paper brought by Jim Smyllie and Guy Thompson and to consider the following:

3.3.1. The timing of the next survey and how we might organise it differently.

3.3.2. To consider if the priorities are right.

3.4. The Executive Board discussed and agreed the following:

- 3.4.1. The timing of the next Partner Survey will be in Q4. Directors will be asked for an update on their partner and customer survey action plans at Q1 reviews;
- 3.4.2. A sectoral approach to the next partner survey was supported;
- 3.4.3. The bulk of actions are within the gift of the function and should be owned by the relevant Director.
- 3.4.4. The action plan will be taken through Defra sponsorship team as agreed.
- 3.4.5. To use new case studies which Dave Webster can take to the meeting with Paul Rew to illustrate where and how we have improved and delivered things differently as a result.

Actions:

Redraft paper and amend annex.

(Julian Woolford)

To create a better link between External Affairs and Board Services and share recent experience of amending briefings.

(Julian Woolford/Dave Slater)

Functional Directors will be asked to bring a progress report on the delivery of their element of the sectoral action plan back to Executive Board in October.

(Dave Slater)

4. CAP Reform

- 4.1. Stephen Chaplin gave a detailed presentation to the Executive Board which included an update on the progress being made on CAP Reform including developments on IT issues. The presentation was to make the Executive Board aware of the breadth and depth of the issues and covered key risks, issues and benefits to Natural England.
- 4.2. The Executive Board were asked to consider the following:
 - 4.2.1. Priorities for the CAP 2014 Programme Team:
 - 4.2.2. Ways in which the Executive Board can help and support the CAP 2014 team and ways in which the team can support Exec Board during the next phase of this work.
- 4.3. The presentation covered two main areas: the EU Policy framework and Timing of Implementation in England. The main points were as follows:
 - 4.3.1. There are major uncertainties around future CAP Pillar 2 budgets and the proposed Greening element of the CAP Pillar 1 Framework (which covers possible new measures for permanent grassland, crop diversification and Ecological Focus Areas). Once agreed this new CAP framework could have a significant impact on the scale and scope of future delivery of RDPE sponsored activity. Timing of implementation in England is also highly uncertain and will be dictated by a range of EU decisions and implementation challenges such as IT systems. It is,

- however, already clear that a 2014 start for the new programme is extremely unlikely with a 2015 launch (with new multi-annual agreements starting from 2016) more realistic.
- 4.3.2. Decisions on the policy priorities for the future rural development programme are largely domestic ones – the CAP Rural Development Regulation provides a flexible menu of funding measures from which Member States/regions choose supported by a justification in their programme document. The evidence base will be crucial in informing decisions between competing policy priorities.
 - 4.3.3. Industry challenge has highlighted a tension between having good evidence to defend HLS and being unpopular with the NFU and conversely, having weak evidence on ELS and being fairly popular with the NFU.
 - 4.3.4. Defra has asked for a first cut of evidence to inform decisions about policy priorities for the future RDPE by 15 June. It is likely to be very incomplete although work led by Natural England on biodiversity, landscape and the historic environment and access has been submitted and we are also inputting to work led by the Environment Agency on water quality. The evidence-base will continue to be developed beyond this year but this is a major opportunity for us to use evidence to influence policy decisions about the shape and focus of the future RDPE 2014-2020. There is a risk that an incomplete first cut of evidence will be used as a basis for major policy decisions on the shape/balance of the future programme.
 - 4.3.5. Noted that in a recent Defra Supervisory Board paper the dominant criteria proposed as the basis for future policy choices was economic cost-benefit. A case for a wider range of criteria, including consideration of alternative funding sources, contribution of interventions to policy commitments and scale of intervention required to deliver policy commitments, to be used to inform such decisions needs to be made.
 - 4.3.6. Discussion on the CAP IT system raised the following key messages:
 - 4.3.7. Defra's Future Options Programme Board to oversee either an inexpensive, simple and safe system as part of a more co-ordinated and integrated set of arrangements for CAP delivery or to "cherry pick" elements of what already works. (latter clearly more likely)
 - 4.3.8. Market Testing is currently underway with 40 consultants/contactors providing support. 25% of future work around IT CAP Delivery will be through Small and Medium size Enterprises.
 - 4.3.9. Proposals are being worked up to offer many different Contracts using web based technology or to use one big one.
 - 4.3.10. The steer from Ministers is that Pillar 1 continuity will be the highest priority (end of March 2015) and a meeting is proposed to deconstruct the steps for the launch of Pillar 2.
 - 4.3.11. A progress report will be submitted to the Defra Management Committee by the end of July.
- 4.4. The Executive Board noted all key points. They now need a firmer baseline on which we can ask the CAP 2014 Programme Board more relevant and searching questions – the next paper should suggest initial 'lines to take' on CAP based on our available evidence of success in this RDPE.

Actions:

To commission a narrative on CAP covering what already works, what we have learnt, scale/circumstances, using and ecosystems approach.

(Guy Thompson)

Bring paper back to September Executive Board with outline propositions on our lines to take, based on the evidence base on this RDPE.

(Stephen Chaplin/Mark Felton/David Whelon/Paul Egginton)

5. Bio 2020 – Terrestrial Biodiversity Task and Finish Group

5.1. The purpose of this paper is to provide clarification to the Executive Board of the work being done by the Task and Finish Group on detailed definitions for the Biodiversity 2020 outcomes 1A (better habitats) 1B, (more habitats) and 3 (species) and to provide an initial steer of the implications for Natural England.

5.2. The Executive Board were asked to note the following headlines:

5.2.1. The full report containing all the detailed analysis will be going to Defra Programme Board in July.

5.2.2. The evidence base for Forestry Commission and the Environment Agency habitats (woodlands and freshwater) is problematic.

5.2.3. The single biggest priority is to get 90% of priority habitats in a favourable or recovering condition.

5.2.4. An immediate challenge is to bring more rigour to habitat management although our longer term challenge is our dependency on CAP

5.2.5. It is predicted that by 2020, the programme will be 200m in deficit so it is imperative to find other funding streams and put in place better financial management.

5.2.6. The Environment Agency are bringing their corporate planning process forward to enable them to better own with the Bio2020 outcomes.

5.2.7. Good consensus on definitions with partners although the Forestry Commission seemed most nervous as they do not have the mechanisms in place to measure favourable conditions.

5.2.8. National Parks largely agree with our notion of favourable condition and recognised the extent of our current knowledge. The English National Parks Association raised a query about the adequacy of environmental stewardship but the CLA was broadly supportive.

5.2.9. Need to provide evidence to support the claims that changes to the RDPE Programme will severely inhibit Biodiversity 2020 delivery to feed in to CAP thinking.

5.3. The Executive Board:

5.3.1. Agreed the recommendations

5.3.2. Noted the particular challenge for EA & FC and that this should be played into the Joint Working Group.

5.3.3. That we need to ensure we were well placed to influence EA's corporate planning in particular recognising this is not ambitious enough.

5.3.4. We need to ensure that the evidence needs to support the implementation of the recommendations are adequately factored into our corporate planning.

6. SSSI notifications

6.1. The Executive Board were asked to approve the notification of High Marks Barn. The following points were made:

- 6.1.1. The site meets all guidance and the proposition is sound.
- 6.1.2. The horseshoe bat colony size has significantly increased and there is confidence that this will continue.

6.2. The Executive Board were asked to consider and give a steer on the following:

- 6.2.1. Confidence in the continuation of the increase of the bat population;
- 6.2.2. Genetic mixing;
- 6.2.3. The land immediately surrounding the site.

6.3. The Executive Board were given the following information;

- 6.3.1. The site has been the main roost for the colony which has been increasing over the last 5 years and there is no evidence that neighbouring colonies are declining as a result.
- 6.3.2. The barn has been enlarged there but it is uncertain as to whether this has coincided with the population increase.
- 6.3.3. It is uncertain that the bats use any of the adjacent land.
- 6.3.4. The site boundary appears to be arbitrary but it appears to follow natural hedgerows and fences.
- 6.3.5. The land is owned by the Vincent Wildlife Trust who are about to sell the land. They have asked for notification as a caution against the land falling into less sympathetic hands. A notification attempt was made with English Nature but failed because the case was made during a period when it had a moratorium on SSSI designations.

6.4. The Executive Board agreed and approved the notification.

6.5. The Executive Board have been asked to consider the de-notification of Webster's Claypits and the following points were made:

- 6.5.1. The site has been used for landfill since 1991 until 2000.
- 6.5.2. Attempts have failed to keep its geology exposed due to public safety issues resulting in it being filled and its restoration to public open space.
- 6.5.3. The exposure is no longer accessible and so not suitable for further study and restoration in impractical.
- 6.5.4. Ives Head could potentially become a replacement site which is due to come up for notification.

6.6. The Executive Board agreed and approved the de-notification.

6.7. The Executive Board were confirmed that any straightforward designations such as these could practicably be dealt with over the phone going forward.

Actions:

Progress site notification/denotification as agreed.

(Ben Fraser)

7. Customer Service Commitment

- 7.1. Simon Sheppard tabled a presentation to update the Executive Board on recent steps taken in preparing Natural England's Customer Service Accreditation and to note the following points:
 - 7.1.1. Corporate wide evidence has now been assessed, and 30 of the 57 criteria were approved because it was found that it does not cover all teams/customer groups and is not monitored for compliance.
 - 7.1.2. We have lots of mechanisms for collating customer feedback which is not centrally managed or monitored and we do not have a strategy to respond to it
 - 7.1.3. The assessors found that there is a lack of a corporate approach to the CSE agenda which needs to be tackled urgently
 - 7.1.4. Customer Services team will support other teams to complete accreditation steps.
 - 7.1.5. The results of Mystery Shopper exercise revealed inconsistent levels of knowledge and attitude amongst staff.
 - 7.1.6. A paper on Customer Contact Strategy will be brought to the next meeting and will cover issues such as ease of contact and ease of getting practical help.
- 7.2. The Executive discussed and agreed the following:
 - 7.2.1. To explore further the need for a dedicated NNR call team as NNR staff by definition work outdoors and are difficult to contact.
 - 7.2.2. To explore further how telephone numbers should be published on the website.

Actions:

To establish and enhance the Customer Insight Team
(Simon Sheppard)

8. Chargeable Services

- 8.1. David Drake and Alan Law presented the paper to update the Executive Board on key issues on the proposed launch of chargeable advice service.
- 8.2. The Executive Board were asked to approve the plan for a "soft" launch in July and to note the following points:
 - 8.2.1. Chargeable services will be a key enabler for us to increase our customer service improvement targets;
 - 8.2.2. Difficult to predict at this stage the level of demand but we have a good model in place;
 - 8.2.3. Need to bring in specialist capacity when needed;
 - 8.2.4. Limited launch might help to test the workflow in annex 2 of the paper;
 - 8.2.5. Legally, need to give appropriate caveat on staff impartiality if scenario arises whereby the same person is giving pre-application advice and chargeable advice.
- 8.3. The Executive Board discussed and agreed the following:
 - 8.3.1. To change the description from "soft" to "limited launch";
 - 8.3.2. Need to ensure proper customer journey mapping with staff giving consistent advice;

- 8.3.3. No need at this stage to do credit checks for our customers, as it is not felt a necessary part of the process but will revisit at a later stage when service develops;
 - 8.3.4. Customer handling needs careful consideration;
 - 8.3.5. Need to monitor response times;
 - 8.3.6. To decline approaches when a) it is felt there is no added value to be made and b) value could be added but there is not the capacity to do so;
 - 8.3.7. Need to be very clear at the outset on the difference between standard and chargeable service;
 - 8.3.8. Issues such as volume and demand and separation of duties will be covered during the call with Chair, Deputy Chair and Nigel Reader.
- 8.4. The Executive Board approved the limited launch for July pending, although this will depend on the view of Chair.

Actions:

Take forward recommendations and consult Chair before the launch
(Executive Board)

NATURAL ENGLAND

12 November 2012, Foundry House - Sheffield

Attending

Dave Webster
Jim Smyllie
Paul Lambert
Andrew Wood
Geoff Sansome
Dave Slater

In Attendance

Ben Fraser (dialled in for Item 3)
Maddy Jago (dialled in for Item 3)
Tim Hill (dialled in for Item 3)
Ken Roy (Items 4 & 5)
Greg Smith (Item 4)
Julian Woolford (Item 4)
Rachel Thomas (Item 4)
Tony Cosgrove (dialled in for item 4)
Karen Mitchell (dialled in fir Item 4)
Merin James (dialled in for Item 5)

Apologies

Guy Thompson

Secretariat

Matthew Wood

1. Executive Board Ways of Working

- 1.1. The Executive Board discussed and agreed the need to address current ways of working and also to identify the strategic issues that should be prioritised for future conversations. This was an important conversation that has implications for the wider governance of the organisation and the role of directors.
- 1.2. A draft agenda was agreed for a 2 day planning session on 7/8 Jan.

Action:

Work up agenda and follow up with Executive Directors to confirm plan for 7th/8th.

(Dave Slater)

2. Intelligence Sharing

- 2.1. The Executive Board discussed engagements from the previous week.

3. SSSI Notification Proposal – Holly Rocks

- 3.1. Jim Smyllie introduced the notification proposal. Ben Fraser and Maddy Jago joined to provide further detail. Dr Tim Hill also joined in his role as Chief Scientist to provide a scientific challenge. Jim assured the Executive Board that an update on grassland strategy will be considered at Evidence Group which will give more an update on the flow of MG5 notifications. Jim also drew the Executive Board's attention to the issues around ownership of the site.

- 3.2. Maddy Jago explained to the Executive Board that Holly Rock Fields is a lowland neutral grassland site located approximately 11 km to the north west of Leicester, near the town of Coalville, and formed of four adjoining meadows on clay soils. The site lies within the mixed agricultural landscape of the Charnwood National Character Area (NCA). Sympathetic management has allowed the unimproved grassland sward to remain herb-rich with high floristic diversity. The total area proposed for notification as Holly Rock Fields SSSI is 3.95ha all MG5 grasslands. Maddy advised that the site meets all quality thresholds to be notified.
- 3.3. Maddy Jago drew the Executive Board's attention to an error in paragraph 2.5 of the cover paper with regards the size of the site and advised that the Executive Board should consider the information on page 6 of the supporting information as providing accurate data.
- 3.4. In his role as Chief Scientist, Dr Tim Hill made the following comments:
- 3.4.1. Questioned to what extent had the survey data been peer reviewed/quality assured and would the data be published externally. Ben Fraser confirmed that the data had been reviewed by the local Wildlife Trust and the by Richard Jefferson, Natural England's grassland specialist. The paper had not been published externally. It will be published as a research paper that is in the public domain;
- 3.4.2. Questioned why less than 4 ha of the 16ha site is being notified hectares that is not notified so far. Ben Fraser advised that the 4ha site is one of a number of sites that have come out of the grasslands review;
- 3.4.3. Questioned the practicality of managing the site to restore favourable condition;
- 3.4.4. Dr Tim Hill confirmed that the science is sound and that Natural England could be confident about notifying this site as MG5.
- 3.5. The Executive Board made the following comments.
- 3.5.1. Questioned the boundaries of the maps in the supporting information and asked for clarification of the boundaries of the holding. Ben Fraser confirmed that the boundaries were accurate;
- 3.5.2. Commented that the owner of the site will need to pursue a different management plan depending on whether the land will be used for haymaking or aftermath management. Maddy Jago advised that the land could be in a transition phase. There is no long term established pattern of management of the site;
- 3.5.3. Advised that there is an error on page 8 of the notification document. In paragraph 3 the reference to coltsfoot (*Dactylis glomerata*) should be changed to cocksfoot (*Dactylis glomerata*);
- 3.5.4. Questioned the clarity of the operations requiring Natural England's consent on page 13 of the notification document with particular reference to the application of weed killers & herbicides, veterinary products and the use of vehicles or craft on the site. Ben Fraser advised that these operations are picked from a standard list. The use of weed killers/herbicides and veterinary products is relevant to sites with invertebrate interest. The mention of vehicles or craft on the site is to head off the possibility of the site being used as an off road driving venue.

- 3.6. The Executive Board confirmed approval for the notification of the site subject to clarification of the figure in section 2.5 and the error on page 8 of the supporting information. The Executive Board advised that the survey data should be placed in the public domain as a research paper.

Actions:

Proceed with notification subject to the corrections in section 2.5 of the cover paper, the error on page 8 of the supporting information and the publication of the survey data.

(Ben Fraser/Maddy Jago/Jim Smyllie)

4. Triennial Review Update:

- 4.1. Paul Lambert introduced the item. Ken Roy, Greg Smith, Julian Woolford, Rachel Thomas, Tony Cosgrove and Karen Mitchell joined to provide support.
- 4.2. Ken explained the following aims of the session;
- 4.2.1. To take stock of the overall Triennial Review Support Programme plan, given the Executive Board's governance role as Programme Board;
- 4.2.2. To place specific focus on a review of planned stakeholder engagement activity and internal communications work.
- 4.3. Ken explained the work on analysis had largely been around the development of the 'lines of sight' diagrams. Defra may publish lines of sight for Natural England and for EA as part of the formal Triennial Review launch later this year. We will need to continue to manage risks around the potentially significant differences between the overviews for 12/13 (the current focus of the Review Team) and 13/14 (post this round of Corporate Planning).
- 4.4. The Executive Board questioned whether there was an agreed media plan in Defra to highlight the review as a whole and / or individual pieces of supporting data. The Executive Board were assured that whilst there is no plan to highlight the line of sight data to the media. There remains, however, a risk that others may wish to interpret and comment on the data when available (recognising that this is at a greater level of detail than normally shared in our Corporate Plan). The Executive Board considered Annex 2 which comprised a list of the detailed Natural England's activities (as captured within the Lines of Sights diagrams) and which Defra Deputy Director is being asked to review these activities with the Cameron tests. The Executive Board agreed that it would be useful if the relevant Directors in Natural England were providing support to Defra.
- 4.5. The Executive Board discussed the request from Defra to supply a detailed breakdown of Natural England's staffing resources supporting the delivery of RDPE. It was confirmed that the breakdown of those figures would be signed off by Land Management in consultation with Paul Lambert.

- 4.6. The Executive Board discussed the nature of Natural England's response to the consultation. The Executive Board made the following comments;
- 4.6.1. Agreed broad steers on the nature and tone of Natural England's must response;
- 4.6.2. Agreed that time must be allocated for the Executive Board to refine the proposition which will be put to the Board.
- 4.7. The Executive Board were asked to consider what, if anything we may want to do next in terms of understanding/exploring solutions. Specifically with regard to how we engage with Defra in developing our understanding of the Single Environmental Body (Wales) business case.
- 4.8. The Executive Board made the following comments;
- 4.8.1. We need to respond to the Board's request by sharing further analysis of the business case with them in their additional January meeting.
- 4.8.2. We must press Defra for the timetable for their work in developing the business case analysis.
- 4.9. The Executive Board was asked to reflect on the emerging themes and issues with regards Stakeholder engagement, alongside feedback received at the 7 November Natural England Board workshop and individual Executive Board members' intelligence from stakeholders.
- 4.10. The Executive Board made the following comments;
- 4.10.1. Agreed that some simple lines need to be prepared for Executive Directors and Directors – to support them in engaging with stakeholders around the likely scenarios and the potential pros and cons.;
- 4.10.2. Agreed that refreshed stakeholders plan provides a broadly appropriate foundation for any engagement around the Triennial Review which we would do alongside business as usual discussions;
- 4.10.3. Offered some further details suggestions re additional engagements;
- 4.10.4. Confirmed that the plans around NGO lunch/dinner should be progressed in detail our plan and also a separate one around National Parks/AONBs;
- 4.10.5. Agreed that Natural England will plan to make public a formal response in February which will capture our preferred view plus address any key issues emerging from other partners.
- 4.10.6. Agreed that CEO will do a Hot Seat within a day or two of formal start of Tri Review;
- 4.10.7. Agreed that there should be no set piece events for staff in the New Year but that we that Executive Directors should visit the full range of key offices with relevant geographic spread, and ideally visits to offices they haven't been to before in February;
- 4.10.8. Agreed that there will be a much more formal engagement event/series of events in the summer when the outcome of the Tri Review is known;

Actions:

Test Directors to see if they have been contacted by Defra Deputy Directors to review NE activities based on the Cameron tests

(Rachel Thomas)

Press for timetable for solution for Single Environmental Body;

(Ken Roy)

Confirm the sign off of Land Management RDPE resourcing figures and make Paul Lambert aware.

(Geoff Sansome/Paul Lambert)

Pursue engagement with stakeholders as staff as agreed by the Executive Board

(Julian Woolford)

5. Preparation for 6 December 2012 Ministerial Performance Review (MPR)

- 5.1. Paul Lambert introduced the paper to brief the Executive Board on preparation for the next Ministerial Performance Review (MPR) on 6 December; to seek the views of the Executive Board on topics we want to discuss; and to ensure our approach demonstrates our delivery successes whilst focusing on the Secretary of State's priorities for Natural England. Ken Roy, Julian Woolford and Merin James joined to support the discussion.
- 5.2. The Executive Board were asked to note the timetable for the MPR; for comments on potential topics which might be discussed (including suggesting any further issues) and to consider the how best to demonstrate Natural England's delivery successes and how we ensure that our priorities are aligned with the Secretary of State's priorities for us.
- 5.3. The Executive Board discussed and made the following comments;
 - 5.3.1. Advised that likely topics of conversation will include growth, bTB, CAP Transition and Marine;
 - 5.3.2. Gave steers on the likely type of conversation that the Secretary of State is likely to want. Defra need to feel assured that Natural England understands their risk profile and that we are managing the risks that we are responsible for accordingly;
 - 5.3.3. Agreed that Natural England should share any with the Minister any risks/casework that Defra are unaware of;
 - 5.3.4. All the materials need to be shared with Chair in advance;
 - 5.3.5. Agreed that times need to be reserved for the Executive Board and Chair to discuss before the 6th December;

Actions:

Reserve time for the Executive Board and Chair to discuss the MPR before the 6th December.

(Dave Slater)

NATURAL ENGLAND

14 May 2012, Hercules House - London

Attending

Dave Webster (Chair)
Jim Smyllie
Paul Lambert
Andrew Wood
Guy Thompson

In Attendance

Simon Sheppard (Item 4)
David Drake (Item 5)
Paul Egginton (Item 7)
Jonathan Kidd (Item 7)

Apologies

Secretariat

David Slater
Mel Sherwood

1. Executive catch up

1.1. This was a closed session.

2. Meeting with Andrea Young, Director for Strategy and Change - Defra

2.1. This was a closed session.

3. May Performance and Risk Update

3.1. Paul Lambert introduced the paper. The Executive Board discussed its remit in the approach to risk and performance at future meetings, using the paper as a guide.

3.2. The Executive Board were asked to;

3.2.1. discuss and agree how risk is incorporated into the business of each Executive Board meeting; and

3.2.2. consider and agree how performance is included at Executive Board meetings.

3.3. In discussion the Executive Board made the following comments:

3.3.1. the risk register should be less general and better define the real risk to the business at any given time, in the past conversations have been too high level and about general issues rather than specific scenarios that create risks;

3.3.2. there needs to be enough time in Operations Group to properly consider Performance.

3.3.3. Careful to make any process around the Executive Board simple and not create additional process that doesn't add value.

3.4. The Executive Board agreed:

3.4.1. That the Strategic Risk Register (SRR) should be brought to Executive Board quarterly with/through connected agenda items.

- 3.4.2. A link to the SRR will be provided with the papers to help Executive Directors prepare for the discussion and identify things that need time for discussion.
- 3.4.3. Make the connection to corporate risks in the Corporate Plan.
- 3.4.4. The Executive Board to consider any big conversations around Performance prior to the quarterly review with reviewers present if possible– keeping keep post performance actions with Operations Group.

Actions:

Agreements to be taken forward.

(Paul Lambert/David Slater)

4. Customer Service commitment slot: Executive Board CSE Service Commitment and revised governance arrangements for the CSE Programme

- 4.1. Simon Sheppard joined to introduce the item.
- 4.2. The Executive Board agreed that, since it was discussed at Ops Group, there was no need for further discussion of the revised governance arrangements for the CSE Programme at the meeting.
- 4.3. The Executive reviewed progress made with the Executive Board Service Commitment, including the Out & Abouts carried out in the last eight weeks. It was agreed that:
 - 4.3.1. The reporting is helpful to understand what functions are doing, although it is not yet fully aligned with monthly conversations held with management teams;
 - 4.3.2. It has been made more complex by three functions being in different places with their planning.
 - 4.3.3. Opportunities should be sought within Executive Director diaries to do staff engagements, such as joining team meetings, or talking with local leaders and back to the floor visits.
 - 4.3.4. Staff could be invited to discussions on customer issues at Executive Board.
- 4.4. Work to provide file notes, and make them accessible to External Affairs, is in hand. There should be a paper on intelligence sharing at June Executive Board.

Actions:

Invite staff to discussions on customer issues at future Executive Board meetings.

Prepare Intelligence sharing paper for June.

(Paul Lambert/David Slater)

5. Land Use Commercial: Product offer and Proposed timings

5.1. Jim Smyllie provided the context of the paper and David Drake joined to provide an update of where the programme is up to, focussing on the identified risks and cross function alignment.

5.2. During the discussion the Executive Board indicated:

5.2.1. Concern that there is still much work to be done on cross-functional alignment due to the delay with recruitment;

5.2.2. Nervousness about the lack of specialist capacity in some areas;

5.2.3. Concern that the soft launch would send mixed messages to developers and perhaps scenarios could be role-played;

5.2.4. Annex 3 falls short of a customer journey map and needs further work;

5.2.5. Agreement that the Risk Register clearly identifies the key risks around delivery;

5.2.6. content with the good, clear examples of what the chargeable advice might look like in reality.

5.3. The Executive were asked to:

5.3.1. consider the offer and key delivery risks;

5.3.2. endorse the timings for the proposed launch plan;

5.3.3. provide a steer on how and when these plans should be communicated to Chair and Dep Chair; and

5.3.4. to confirm what further areas of the project it would like to consider at the Executive Board meeting in June.

5.4. The Executive Board advised:

5.4.1. the June Executive Board meeting discussion should be an update on the Risk Register and mitigation.

5.4.2. Chair and Dep Chair should be updated after the Executive Board meeting in June (Action DS)

5.4.3. Proceed with the launch on the basis of timings given.

Actions:

Set up a telecom to include David Drake.

(David Slater)

6. Governance Statement for 11/12

- 6.1. Paul Lambert explained that the paper is brought to the Executive Board before it goes to the Audit and Risk Committee on 13 June.
- 6.2. The Executive Board:
 - 6.2.1. discussed and supported the conclusions of the internal control questionnaire; and
 - 6.2.2. endorsed the Governance Statement (GS) for the Chief Executive to sign as part of the Annual Report and Accounts, subject to seeing the draft GS.

Actions:

Circulate draft Governance Statement.

(Paul Lambert)

7. ICT Strategy and KID strategic standard

- 7.1. Paul Egginton and Jonathan Budd joined to provide context to the paper and aid the discussion.
- 7.2. The documents, which provide key bits of infrastructure, have been refreshed. Both are in line with Government and neither the principles nor structure in the Strategies needs changing. Given the changing political landscape the Executive Board welcomed the timely refresh of the documents, and strongly complimented Paul and the team on the quality of the documents, and particularly how information was presented. The Executive Board asked for more information on the impact on SMEs from the strategy. Paul Egginton reflected that his biggest risk was the uncertainty around anticipating the evolving and shifting requirements of a new CAP, and getting better engagement from the business.
- 7.3. The Executive Board:
 - 7.3.1. agreed the outcomes, Strategic Principles and Quality Values set out in the Draft ICT Strategy;
 - 7.3.2. agreed the KID strategic standard in a good place and resolved to encourage more commitment from the business in Natural England;
 - 7.3.3. agreed that the measures of success – and that they will be reviewed annually.

8. Post ELG actions

- 8.1. The Executive Board agreed to come back together on 12th June to discuss three key priorities to be taken forward. These will also form a major part of the ELG agenda on 3rd July.
 - 8.1.1. Evidence to Advice
 - 8.1.2. Process Review
 - 8.1.3. Empowerment

Actions:

Relevant Executive Directors to discuss and plan the session.

(Andrew Wood/Paul Lambert/Jim Smyllie)

9. Performance

- 9.1. The Executive Board discussed the final team ratings for this year.
- 9.2. The Executive Board agreed;
 - 9.2.1. The continuation of quarterly performance reviews with Reviewing Directors for all Functions. These can be light touch where appropriate, particularly for smaller Functions and Q1, focusing on the key issues, preparedness and planning.
 - 9.2.2. Refreshing half of the Reviewing Directors this year. Volunteers to be sought.
 - 9.2.3. Reviewing Directors remaining with their assigned Functions throughout 2012/13.
 - 9.2.4. The continuation of the approach whereby the Reviewing Director is from outside the Executive Director led functional grouping.
 - 9.2.5. Executive Board will become the mechanism and opportunity for organisational performance discussions.
 - 9.2.6. Flexible use of External Stakeholders with flexibility in the frequency of attendance of External Stakeholders at quarterly reviews to best meet individual Functions' needs, with a minimum commitment of two reviews per year. For some Functions, Quarters One and Three will work best, for others Quarters Two and Four.
 - 9.2.7. A 1 - 4 functional rating approach to be dropped for 2012-13 but functional performance to be RAG rated, informed by CPMS.
 - 9.2.8. The Executive Board also agreed the principles of Executive Performance Pay, which mirrors the civil service guidance for senior staff.

NATURAL ENGLAND

15 October 2012, Hercules House - London

Attending

Dave Webster (Chair)
Jim Smyllie
Paul Lambert
Andrew Wood
Guy Thompson (by VC)
Dave Slater

In Attendance

Ken Roy (Items 2 & 3)
Greg Smith (Item 2)
Rachel Thomas (Item 2)
Maddy Jago (Item 4)
Huw Davies (Item 4)

Apologies

Secretariat

Gillian Clarke

1. Intelligence Sharing

1.1. This item was rescheduled to the 18 October.

2. Triennial Review

TR Scenarios Contribution

- 2.1. Both Natural England and Environment Agency will be responding to Defra's invitation to provide a 'without prejudice' contribution this week on the scope of possible TR scenarios for inclusion in the TR consultation. Natural England to proffer a 'natural environment' centred scenario. Agreed process for editorial input from EDs and sighting of Board members to enable sign off and submission on Wednesday. Agreed to share in confidence with Environment Agency and with other relevant ALBs.
- 2.2. Dave Webster reported on initial exploratory discussions with Marcus Yeo (JNCC), Tim Rollinson (FC) and Paul Leinster (EA) to share intelligence on emerging ideas. No current ambition for major change in JNCC and Environment Agency. Agreed to explore possibilities with Forestry Commission in light of devolution and Welsh single body.

TR Programme Governance

- 2.3. Supporting paper sighted EDs on scope of programme, timeline and outline plan. Confirmed Executive Board to provide ongoing input to programme products and business decisions over next few months so existing Programme Board to stand down but regular sessions with Paul Lambert as SRO will continue to ensure programme governance in order.

- 2.4. Ken Roy noted arrival of three new Grade 7s to the Defra team (Anna Sanders, Mat Barber and Naomi Matthiessen). Anna and Mat both have recent Cabinet Office experience. Naomi is well known to use from Marine background and highly regarded. Evident that the 'economic outcomes' workstream (around efficiencies and benefits to the economy) is ramping up under Mat.
- 2.5. The Exec Board reviewed and confirmed the risks and issues register. Noted the importance of continued staff communications during Defra stakeholder engagement in run up to likely end Nov launch date. Also endorsed the continuing challenge of conveying the complexity of what NE does. 'Lines of sight' documents are critical in explaining this fully but in a suitable structure.

Communications

- 2.6. The Executive Board welcomed draft Q&As and agreed that, subject to a few revisions and final sign off by Paul Lambert, they should be published this week.
- 2.7. Agreed letter to staff to coincide with formal consultation launch and Hot Seat soon thereafter (with Sonya B). In meantime need to ensure increased Exec visibility through 'out and about's between now and Christmas
(ACTION: BES to review)

Stakeholder Engagement

- 2.8. Rachel Thomas talked EDs through the emerging Defra stakeholder engagement plan – with three bespoke workshops at centrepiece (on environmental land management, FRM and regulated businesses). Agreed Director level attendance appropriate at these. Noted importance of gathering and sharing intelligence from each event (including Defra attendance at other events such as DIG, AESG and Access and Engagement Advisory Group).

3. Corporate Planning/Funding Discussion

- 3.1. The Executive Board were asked to review any initial response from Defra in response to their request for implications of substantial changes to our funding for 13/14 and 14/15.
- 3.2. The Executive Board were also asked to review whether there were any short-term decisions that need to be taken to manage risks around organisational affordability for next year.
- 3.3. The Executive Board commented:
 - 3.3.1. The Board needed clear options to discuss on 7 November, and were reassured that functions were responding to the steer to articulate the impact of current pressures on CP delivery.

- 3.3.2. The need for additional directors were needed for the Corporate Planning item on the next EB on 22 October to capture the interface between functions, e.g. Land Management and Biodiversity, Regulation and Land Use.
- 3.3.3. The Executive Board would be provided with up to date FTA numbers in the next EB paper; these numbers would differentiate between the 'time limited FTAs' rather than permanent staff currently in FTA roles.
- 3.3.4. If 5% funding cut were imposed could result in VER/VES situation it was noted that the following issues would need to be considered in the future for any more detailed analysis:
- Interdependence between functions
 - Skills mix
 - Geography
- 3.3.5. There was a need to establish what targets can be missed along with the consequences of doing so.

The Executive Board agreed the approach to 22 October as proposed by Ken Roy.

Action:

Executive Directors to identify which Directors to be invited to 22 October
(All)

4. External Funding Strategy Refresh

- 4.1. The Executive Board were asked to consider and agree the following recommendations:
- 4.1.1. A continued EFT, based within L&B, should be resourced at the PEP model level to maintain contacts with and influence the external funding sector to support NE priorities and provide other resources to support delivery.
- 4.1.2. Resources to develop and deliver bids should be incorporated into the work of other functions. Support and associated resource will be required in both L&B AND other functions and will need to be agreed through the Corporate Planning process.
- 4.1.3. Natural England should increase its relationship work with funding bodies, such as BIG, HLF and the Landfill Trusts, to help align funding decisions with government's priorities for the natural environment and to increase the level of funding coming into the sector.
- 4.1.4. A cross functional steering group should be established, to be accountable for detailed decisions on the prioritisation of efforts and for ensuring cross-organisational buy-in to the programme of work, to agree the resources required to deliver and to the delivery of benefits.

- 4.1.5. EFT activity should be targeted at spatially prioritised areas and those delivery priorities for which there are resource gaps and which coincide with funders' priorities, (priorities to be determined in consultation with functions as illustrated below).
- 4.1.6. A new more effective target & measure in CPMS should be introduced as part of this year's Corporate Planning round.
- 4.2. The Executive Board discussed the recommendations and made the following points:
- 4.2.1. The Paper was timely but a clear steer was needed; it was acknowledged that the proposals would need investment;
- 4.2.2. Any external funding strategy should be considered in conjunction with the Corporate Planning process;
- 4.2.3. Key projects were discussed and prioritised in the following order:
- LIFE programme with potential to bring money into NE to supplement GIA
 - Heritage Lottery Funding
 - Section 106, Community Infrastructure Levy and other commercial/regulatory opportunities
- 4.3. The Executive Board discussed the possible EFT resourcing options and agreed on Scenario A – a fully resourced EFT working in a new way, i.e. a fully staffed EFT of 6 FTEs with help from staff in appropriate teams across NE functions, particularly L&B, A&E, Marine, LM, LU, E&A.

Actions:

The Executive Board agreed all of the recommendations contained within the paper.

(Jim Smyllie/Maddy Jago)

NATURAL ENGLAND

22 October 2012, Foundry House - Sheffield

Attending

Dave Webster (Chair)
Julian Woolford
Ken Roy
Guy Thompson
Andrew Wood (by VC)
Dave Slater

In Attendance

Rachel Hart (Item 1)
Geoff Sansome (Item 1)
Mike Burke (Item 1)
Abdul Razaq (Item 1)
Simon Sheppard (Items 1, 3 & 4)
Rob Aubrook (Item 2)

Apologies

Paul Lambert
Jim Smyllie

Secretariat

Matthew Wood

1. Corporate Plan Content preparation for 7th Nov Board meeting

- 1.1. Ken Roy introduced the session which asked for steers from the Executive Board focussing on the plan for 13/14 – 14/15. Rachel Hart, Geoff Sansome, Simon Sheppard and Mike Burke joined to provide assistance. The session aimed to discuss;
 - 1.1.1. The overall funding position;
 - 1.1.2. The base case plan;
 - 1.1.3. Business model refresh;
 - 1.1.4. Developing options;
- 1.2. The Executive Board were asked for specific steers on the next steps for;
 - 1.2.1. Shorter term plan refinement;
 - 1.2.2. Longer term Corporate Plan development;
 - 1.2.3. Corporate Plan implementation;
 - 1.2.4. Communications to Defra and the Board;
- 1.3. Ken Roy highlighted some of the agreed measures of success for the Corporate Plan project;
 - 1.3.1. The need to be able to demonstrate the golden thread from Natural England's delivery to Defra departmental priorities;
 - 1.3.2. The need for a sustainably deliverable plan;
 - 1.3.3. The need to be able to communicate clear messages about what we are no longer able to do;

- 1.4. The Executive Board proposed one further measure of success which was to be able to demonstrate that the 13/14 plan reflected the longer term direction of travel for the organisation, sending some clear messages to ourselves/stakeholders of where we are going as an organisation.

The Overall Funding Position

- 1.5. The Executive Board endorsed sharing the historical context funding information – as useful context and a reflection of the key changes and of the increased efficiency delivered by Natural England.
- 1.6. The Executive Board discussed the staff numbers and cost projections for 13/14 and 14/15.
- 1.7. The Executive Board also discussed the risks with regards to workforce funding (including any further reductions in GIA signalled by the autumn statement).
- 1.8. The Executive Board recognised the need to address the funding issues (in particular for 14/15).
- 1.9. OD and Performance were asked to bring a more detailed picture of the manpower position and of the remaining recruitment activity to inform further decisions.

The Base Case

- 1.10. Ken Roy described the base case as a plan based on the assumption that functions have the agreed staffing levels for 13/14 and have been asked for the consequences of operating at these levels resourcing levels. Ken asked the Executive Board for steers on the suite of proposals from functions on activity to be stopped (or targets to be re-profiled).
- 1.11. The Executive Board went through each Outcome at a strategic level and made some general comments:
 - 1.11.1. All consequences need to be expressed in terms that will make sense to Board or to broader external audiences (including Defra). We need to be clearer about the end result of not doing something – and less focused on internal costs and implications. The more direct style used for the scenario work many of you have been involved with for Defra is a good model here;
 - 1.11.2. We need to be clearer about where we are proposing to stop an area of work and where we are genuinely looking to re-profile – in the latter circumstance, if we are re-profiling, we need to be explicit about the target that we are looking to relax;
 - 1.11.3. We cannot include “displacement proposals” – some functions offered propositions that were not about stopping activities but were about transferring the load to someone else (internally or externally). If a proposition results in no net reduction in the overall ask, then we cannot include it in our list of impacts;
 - 1.11.4. We should not include any proposals which involve cutting areas which, over the medium term, will have a positive cost / benefit in terms of additional income generated for Natural England;

- 1.11.5. We cannot include options which, basically, involve us refusing to deliver a statutory duty (although we may wish to review the scale of investment and the level of risk);
- 1.11.6. We cannot include any options with implications in terms of reduced Health and Safety;
- 1.11.7. Executive Board noted / accepted the majority of the specific propositions, offering some more detailed comments as follows:

Outcome 1

- Although the specific proposition re no further boundary reviews makes sense, for areas such as landscape (and access) we will need to review the emerging plan to ensure that what is left adds up to credible delivery in a key area of our statutory role;
- If we don't fund LRCs it will have a long term impact on the data Natural England uses to support decision making;
- Landscape and Biodiversity need to review the case for prioritising NCAs. If this remains a priority, it needs to be an organisational one (noting that Land Management proposed to withdraw from this area of work)
- MCZ – recognise the need to discuss and agree the profile with Defra;
- Need to be very clear on the actions around record keeping on SSSIs;

Outcome 2

- The Executive Board endorsed the proposals set out in the presentation.

Outcome 3

- Offsetting pilots might release new funding;
- We seem to be proposing a number of things Land Use wouldn't do that relate to statutory delivery;
- Giving up climate change adaptation. Natural England is committed to giving a plan to parliament, need to be clear about what we are dropping;
- Chargeable Services – If it takes off then taking the opportunity that gives us to cover other costs is significant;
- We need to understand the implications of difference scenarios around RDPE transition and longer term delivery. Land Management and L&B have been commissioned to produce a view of the different delivery options under the different scenarios.
- We need to be very clear about any work we will no longer be able to do which related to our interface with the Environment Agency and test risks related to TR;
- Embedding the Ecosystem approach – Need to be very clear about what our LPA offer is;
- The cost of undertaking the Heather and grass burning review is minimal;

Outcome 4

- There could be some scope to invest to save.

Outcome 5

- We need to honour Procurement promises made as part of the process challenge.
- Can't withdraw from Audit dossier production;

- 1.12. Executive Board also asked that functions leave space in their plans – for thinking and development (as well as for future change). If we plan to 100% we will not have a sustainably deliverable plan.
- 1.13. Ken Roy summarised the next steps where the immediate focus will be on asking functions to refine their lists of base case impacts to inform the presentation to the Board on the 7th November.

Business Model Refresh

- 1.14. Ken asked the Executive Board for steers on potential revisions to the current Business Model. The Executive Board made the following comments;

Central Functions

- 1.14.1. The central expectation is that we will reduce resource from this area;
- 1.14.2. There was a sense that some parts of BES and External Affairs had been extensively reviewed and there may be limited potential for further reductions. Nonetheless, we should look quite expansively at all opportunities;
- 1.14.3. We need to clear on the requirement for enabling resource required to embed continuous improvement?
- 1.14.4. We need to explore synergies between the teams (i.e. BES and External Affairs);
- 1.14.5. The Executive Board feels very ably supported by Stakeholder and Account Management – Is it too much?
- 1.14.6. We should be willing to listen to any offer and examine what the next stage of evolution looks like;
- 1.14.7. We must not fall into the trap of displacing activities which then re-appear within functions.

Local Delivery

- 1.14.8. There are concerns that we have not made progress on the question of whether there is a case for any business model change re local delivery structures;
- 1.14.9. Whilst there may be an opportunity that should be grasped the Executive Board were not convinced it will deliver real savings;
- 1.14.10. Nonetheless we need to explore further and then make a decision. We need Directors (Geoff, Ciaran, Maddy, Janette, Liz, Rob C) to prioritise this work and to review possible propositions before the 14th November All Directors session.

Business Management/Corporate Services

- 1.15. The Executive Board endorsed the position that we should continue with a mixed economy in terms of business management / corporate services rather than investing time currently in redefining a common model;
- 1.16. The Executive Board noted that we will need to be aware of changes in government-wide Corporate Services benchmarks.

Developing Choices

1.17. The Functions were asked to identify the consequences of having a further reduction of 10% in staffing levels and the opportunities that a 10% increase in staffing levels. The Executive Board were asked for an initial steer on the broad choices. The Executive Board made the following comments;

- 1.17.1. **Regulation** - The species enforcement line is robbing Peter to pay Paul;
- 1.17.2. **OD & Procurement** - The Executive Board were not keen on reducing business partners and there remains the need to do staff inductions. This is linked with the process review. A line should be put through the procurement cut;
- 1.17.3. **Customer Services** - Need to do more work on possible options that goes beyond current modelled assumptions about what is needed for core RDPE delivery;
- 1.17.4. **Estates** - This hasn't got a huge programme going forward and should be kept in play;
- 1.17.5. **Marine** - There is the potential to go back to Defra and negotiate;
- 1.17.6. **Land Use** - Further reductions to Land Use should be kept within the conversation;
- 1.17.7. **Land Management** - In play – linked to wider conversation re CAP / FOP;
- 1.17.8. **SKI** - Further reductions should be kept on the table;
- 1.17.9. **Access and Engagement** - Already doing close to de-minimus. Should overlay with what we put down in the 5% reduction offer.

1.18. The Executive Board discussed the highest priority for 10% increases:

- 1.18.1. **Regulation** – All three elements suggested are quite real and will not happen without more funding;
- 1.18.2. **Landscape & Biodiversity** – We should keep this on the table. There is clearly a need for more specialists across the organisation;
- 1.18.3. **Evidence & Central Functions** – There are no more people required for Evidence or the central functions;
- 1.18.4. **Land Use** – There is more of a case for more staff increases in Land Use. HS2 is coming down the track and will have demands on legal;
- 1.18.5. **Finance & Estates** – Won't be increasing in size.

Board Choices

1.19. Ken asked the Executive Board for steers on how we present information and options to the Board in the 7th November:

- 1.19.1. On 7th November, we need to provide up to date context. We may wish to offer an option of taking risks on short-term delivery in order to invest in longer term sustainability (e.g. via external funding). We may want to explore further choices about the trade-offs between investing in customer satisfaction or the delivery of statutory duties or in our ability to set broader agendas.
- 1.19.2. We will need to be clear on continuing risks re reductions to overall funding.

Communications

- 1.20. The Executive Board confirmed communications should be given to staff when there is something coherent to say after the November 7th Board. The Corporate Plan and Triennial Review need to make sense to staff and stakeholders. We need to recover communication standards that were used during PEP.

Actions:

Incorporate steers given by the Executive Board into the Corporate Plan

Organise a Directors workshop before 14 November All Directors session on Local Delivery to include Geoff Sansome/Maddy Jago/Janette Ward/Ciaran Gannon/Liz Newton and Rob Cooke.

(Ken Roy/Paul Lambert)

Prepare staff communications post 07 November Board meeting

(Ken Roy/Julian Woolford)

2. 2012/13 Portfolio Review

- 2.1. Ken Roy opened the session with a quick status update on the 12/13 portfolio. No major issues were identified by Executive Directors (also SROs) that required discussion at Exec Board. Rob Aubrook joined to provide further details.
- 2.2. The Executive Board focused on provision of steers for the 13/14 portfolio, offering some specific comments:
- 2.2.1. Some of the work of the Uplands Programme will slip into 13/14. We need to ensure that the remaining work is resourced and completed successfully – although this may be possible through business as usual mechanisms;
- 2.2.2. Our work on Local Delivery needs more impetus. It is a key change programme which doesn't seem to be making any visible progress yet;
- 2.2.3. There should be fewer programmes in 13/14 with greater continuous improvement. There should be a small portfolio of high impact, high value key areas of change which include;
- ISAR (exploring any linkages to growth work)
 - Local Delivery (including further focus on the way we present our offer and potentially embedding elements of current ecosystems work)
 - Evidence to Advice (including some future standards work)
- 2.2.4. We will clearly need to continue to support / drive CAP 2014/FOP, although this is a different type of activity;
- 2.2.5. At this stage we do not have any specific propositions for work (further efficiency investments / income generation) to close the Financing gap;
- 2.2.6. We will probably need resource for Triennial Review implementation – but this will be confirmed at the start of 13/14;
- 2.2.7. Joint Working is significant and should be left in;

- 2.3. The Executive Board agreed the portfolio should be simplified. The Executive Board also confirmed assumptions about areas where we would not expect further change work – including estates, OD, customer service and Bio 2020 / NEWP (which will inform our planning but not deliver within-year changes).
- 2.4. The Executive Board agreed;
- There is a clear need to make a narrative out of this (for staff and for Defra)
 - We don't currently have a 14/15 pipeline. There needs to be a plan we are working towards and a pipeline that we can come back to.

Actions:

Simplify the Change Programme portfolio

Produce a narrative for staff and Defra

Construct a pipeline for 14/15

(Ken Roy/Rob Aubrook/Paul Lambert)

3. Role of ELG including Executive Ways of Working

- 3.1. Simon Sheppard introduced that paper regarding the role of ELG as a culmination of conversations between Directors to determine whether there is a future role for ELG. The paper suggests that ELG should meet at least quarterly not linked to performance cycle and events lead meetings which are linked to Corporate Planning for example. This helps in aiding communication between Directors to enable cohesion and integration as well as joined up organisational leadership.
- 3.2. The Executive Board noted there are connective governance issues around the overlap between the Operations and Evidence Groups.
- 3.3. The Executive Board discussed and made the following comments;
- 3.3.1. It is not clear how far bringing order and changing the name is going to help. Some Directors feel disenfranchised and there is a need to resolve the interface between groups;
- 3.3.2. Over the next 6 months the Executive Board could be more efficient in the use time. The Ops and Evidence Groups do largely the same thing. One Executive Director could chair a decision making groups. Directors should be mandated with the same opportunity;
- 3.3.3. The Executive Board need to stand back and take stock on whether it is spending time on the right issues, it needs to say what it is about and take the opportunity to look at overall governance of the organisation so Directors are clear about their accountabilities;
- 3.3.4. There is a task and finish element to the Director group which is very powerful.
- 3.4. The Executive Board agreed that this is not a finished proposition. It will be informed by an Executive Board discussion on the 05 November where the Executive Board will discuss ways of working and core behaviours.

- 3.5. The Executive Board requested a more obviously programmed agenda which is more strategic. The Executive Board should take decisions on strategic questions which Directors then own. This will help to join up delivery.
- 3.6. The Executive Board will consider corporate leadership and streamlining Operations and Evidence Groups.

Actions:

Feedback to Directors

EB to discuss at 05 November Executive Board meeting

(Simon Sheppard/Paul Lambert)

4. People Programme Update

- 4.1. Simon Sheppard introduced the quarterly update and to gather feedback on the progress of the programme. The Executive Board were asked to note;
 - 4.1.1. The progress made in Q2;
 - 4.1.2. The revised governance arrangements;
 - 4.1.3. The plans for Q3;
 - 4.1.4. The intention to close the plan by 31 March 2013;
 - 4.1.5. And to provide feedback on the programme and steers for Q3 and Q4.
- 4.2. The programme has developed principles and tools to support the corporate planning process which are beginning to be used. A timeline has been set for various succession and talent work which will come to ELG and then into Exec Board. Natural England has shared what we have done with Defra. The Skills framework data has been provided to every function. Work has been undertaken on specialists with Tim Hill and John Creedy. Simon Sheppard has taken chairmanship of the Project Board which will keep the same governance in place.
- 4.3. The Executive Board made the following comments;
 - 4.3.1. This is a useful collection of tools. There is still concern about the clarity on the vision for the workforce strategy;
 - 4.3.2. Team Leaders are looking around for role models, which we have never got right. Talked a good game but fundamentally for whatever the reason we have undershot on delivery;
 - 4.3.3. With regards the Workforce plan we need to be clear on what we want/need in 3 years time;
 - 4.3.4. The Executive Board would like to look back at the end of Q4 at how these tools helped the organisation. This should include the staff perspective;
 - 4.3.5. A longer term strategy piece should be done on the back of the Triennial Review.

Actions:

Continue to monitor revised project management arrangements following loss of project manager.
Review monthly with Programme Board;
Set out a clear vision and strategy for workforce, build this up from corporate plan narrative and add following outcome of TR. Test vision and strategy with EB at beginning of Q4. Review progress against strategy with EB quarterly, from Q4 onwards;
Add learning and development programme for managers to the programme deliverables. Agree with EB in Q4;
Be more explicit in our workforce programme when we use different resourcing options – advertising, EOI's and assignments;
Add to outcome of workforce plans at the end of Q3;
Test the reality of skills framework entries, how do we challenge those that are over stated.
At the end of Q4 complete a lessons learned exercise, how have the tools helped the business
(Simon Sheppard/Paul Lambert)

5. Progress against Partner Survey action plans by sector

- 5.1. Julian Woolford introduced the paper to update the Executive Board on progress made on actions to address issues identified in our 2011/12 Customer and Partner Surveys. Julian observed that overall Natural England is in a good place though it requires constant vigilance to maintain good relationships given the breadth of our stakeholders. It's clear that Natural England needs to treat customers and partners well when explicitly linked with growth.
- 5.2. The Executive Board made the following comments:
 - 5.2.1. The relationship with the CLA is in a good place, others continue to be challenging. There are clearly big risks around transition with particular reference to the uplands given the scale of dependence on stewardship.
 - 5.2.2. There are big risks on not getting our relationship with DECC and CLG right;
 - 5.2.3. Developers are a priority and there is still ground to be made up.
 - 5.2.4. There is a clear difference in the separate customer/partner feedback i.e. from Land Management and Regulations. The feedback from Customers needs to be much clearer to tease out as a narrative;
 - 5.2.5. The join up between partners across the Defra partnership needs to be refreshed and recalibrated.
- 5.3. The Executive Board confirmed that Natural England needs to talk with partners who are going to be significantly affected by likely changes which will emerge from the Corporate Plan and we need to tell them before we make a decision.
- 5.4. A Strategy needs to be in place as Transition comes over the horizon. The organisation needs to remain to be seen as empathetic, practical and outcome facing.

NATURAL ENGLAND

23 July 2012, Foundry House - Sheffield

Attending

Dave Webster (Chair)

Jim Smyllie

Paul Lambert

Andrew Wood

Simon Sheppard (for Guy Thompson)

Apologies

Guy Thompson

In Attendance

Rob Edwards (Item 1)

Laura Hodgkisson (Item 1)

Simon Hall (Item 2)

Barbara Marling (Item 2)

Ken Roy (Item 2 & 3)

Janette Ward (Item 4)

Phil Eckersley (Item 4)

Secretariat

Matthew Wood

1. Workforce Planning, career development, succession planning and talent management

- 1.1. Paul Lambert introduced the item. Laura Hodgkisson joined to provide a progress update on the Workforce Strategy. Rob Edwards joined to discuss Succession Planning and Talent Management.
- 1.2. The Executive Board suggested that before the proposition on workforce planning is considered in light of Corporate Planning zero based review conversations which will take place in August and September.
- 1.3. Laura gave a presentation to the Executive Board describing the change in approach to enable the workforce to;
 - 1.3.1. Share a *learning by doing approach* which addresses emerging workforce issues in the short-midterm using workforce planning tools;
 - 1.3.2. Share HR and Skills data to be used to inform workforce planning;
- 1.4. The Executive Board were given the following proposition;
 - 1.4.1. To Use the High level strategy and simple principles to keep us aligned to the high level aspirations of Natural England's future workforce and workforce planning;
 - 1.4.2. To work with Performance to ensure timelines for Corporate Planning and Workforce planning align;
 - 1.4.3. Marine Resourcing should be addressed immediately;

- 1.4.4. OD will support Executive discussions arising from Corporate Planning to rebalance staffing levels;
 - 1.4.5. OD will complete light touch guidance for functional workforce planning. A sense check of the existing tools and delivery of Career development & succession planning, Talent Management;
 - 1.4.6. OD and Directors work together and facilitate solutions for emerging organisational level workforce issues;
 - 1.4.7. OD looks at other issues emerging from the HR and skills data and develops appropriate tools and approaches.
- 1.5. The Executive Board discussed and made the following comments;
- 1.5.1. The Executive Board will need to have the benefits of the Corporate Planning discussions to tease out the risks and issues. All these tools must be nested in the Corporate Planning process;
 - 1.5.2. Future PEP savings assumptions based on 13/14 figures need to change;
 - 1.5.3. This links into Corporate Planning decisions including basic assumptions and to staff engagement planning. The Corporate Planning can be used to signal change;
 - 1.5.4. It must not be allowed to turn into a bidding process, ideas need to come up operationally;
 - 1.5.5. We need to pause the second half of the Marine Resource conversation until we can see pressures in the round;
 - 1.5.6. Every effort must be made to not add to the burden and to take every opportunity to make sure the pressures on the organisation are transparent to the outside world;
 - 1.5.7. There are a number of linked conversations which must be linked by learning through doing.
- 1.6. The Executive Board agreed;
- 1.6.1. The proposition;
 - 1.6.2. To align to Executive Director discussions on Corporate planning;
 - 1.6.3. To come together in August to form the questions that will be answered in September's meeting;
 - 1.6.4. To organise an Executive Gathering at the end of September.

Succession Planning

- 1.7. Rob Edwards asked the Executive Board;
- 1.7.1. to note that guidance would be completed in mid August;
 - 1.7.2. to agree the launch in September 2012 of career development conversations;
 - 1.7.3. to agree that Workforce Process Planning meetings commence in October;
 - 1.7.4. to allow Leaders to discuss the outcomes of CDC's and assess an individual's potential using a nine box grid and other Workforce Planning tools;
 - 1.7.5. to agree that Directors will meet with an ED Group to undertake a similar process for Principal Specialists/Principal Advisors/Managers and review.

- 1.8. The Executive Board agreed to all the recommendations.

Talent Management

- 1.9. Rob Edwards gave the Executive Board an overview of the two talent programmes for future Managers/Directors (Programme A) and future Team Leaders (Programme B).
- 1.10. Programme A will be a two year course made up of a maximum of 20 individuals who will be nominated based upon essential indicators in the Leadership skills framework that relates to a Director.
- 1.11. Programme B will delve into the whole of the organisation, entrance will not be selective in terms of role /grade. There will be a maximum 25, the nomination criteria will be based on Natural England key behaviours. The programme will be structured to focus on management training, working in cohorts and applied learning.
- 1.12. The Executive Board made the following comments;
- 1.12.1. To agree the numbers in both programmes, although a principle should not be made now. The specialists workshops will come in behind. The boundary should remain open;
- 1.12.2. There should be no quotas and a clear nomination criteria process
- 1.13. Rob explained expectations around 'The Deal' which has had input from the Unions and is going to a programme board. The Executive Board discussed and made the following comments;
- 1.13.1. To agree the expectations;
- 1.13.2. the last point on competing for future jobs should be clarified so that expectations around the offer for substantial roles to be set out more explicitly;
- 1.13.3. The deal on development activities needs to be spelt out upfront including the discipline of accepting the opportunities;
- 1.13.4. Roles should be identified where potential candidates can be placed in functions;
- 1.13.5. Secondments to Industry should be considered;

Actions:

Take forward the proposition of Workforce Planning

(Paul Lambert/Laura Hodgkisson)

Take Forward Talent Management/Succession Planning incorporating comments from the Executive Board

(Paul Lambert/Rob Edwards)

Organise an Executive Gathering at the end of September

(David Slater)

2. Customer Insight Strategy and Customer Contact

- 2.1. Simon Sheppard introduced the item, Simon Hall joined to provide detail.

Customer Insight Strategy

- 2.2. Simon went through the paper which set out a vision for how customer insight will be used to improve Natural England's performance. The paper recommended that the Executive Board ;
 - 2.2.1. Endorsed the principles of the paper;
 - 2.2.2. Agreed to be briefed in detail as a group to understand what the approach outlined in this document means for them and for Natural England;
 - 2.2.3. Noted the establishment of a centre of excellence in customer insight in the Customer Services team;
 - 2.2.4. Supported a strengthening of the Performance team's role and capacity to put customer insight and the services that we provide at the centre of how we decide what change to deliver in Natural England and how we drive improvement activity and innovation;
 - 2.2.5. Supported the transition of the CSE L&D intervention into Organisational Developments L&D portfolio;
 - 2.2.6. Supported an initiative to test this strategy through a pioneer team in Marine Casework and the MoA process in Landscape & Biodiversity;
 - 2.2.7. Noted the plan for a conversation about organisational rollout of this strategy at the October Executive Board. This conversation will be led by Performance, OD and Customer Services Directors;
 - 2.2.8. Agrees to close the CSE programme in order to release resource to complete pioneer work with the expectation that this approach will be key to realising the ambitions in the customer strategy;
 - 2.2.9. Notes the very close link between the principles of how we think that customer insight should be used in Natural England and empowerment of staff.
- 2.3. Simon Hall described how over the last 15 months energy and understanding on Customer Service Excellence has been built across the organisation though ideas haven't been embedded.
- 2.4. Simon Hall commended the recommendation to use methodologies systems thinking as a way to understand customer demands. LEAN system analysis with value at its heart. We need to understand waste and where CSE are not adding value. This needs to be done with Executive Board commitment.
- 2.5. Simon Hall explained how this would be achieved. The CSE programme will be closed down. The Performance team's role and capacity will be strengthened to put the customer agenda at the centre of how we decide what to change in Natural England and how improvements/innovation are driven with input from Standards/OD and Customer Services. The approach should be tested through looking at Marine casework and the MoA process in Landscape and Biodiversity.
- 2.6. The Executive Board made the following comments;

- 2.6.1. The Executive Board would like to see the Strategy at an early stage;
- 2.6.2. The approach should be trialled with the MoA process in Landscape and Biodiversity and with Marine subject to a conversation and the agreement of the Marine Director;
- 2.6.3. The language around going from 'good' to 'great' is not appropriate at this time and needs to be more sober;
- 2.6.4. The Executive Board would like to see the proposition for moving staff/resource from CSE to Performance/OD/Standards;
- 2.6.5. The continuous improvement and LEAN analysis leads into the Corporate Planning process. This will be a useful tool to look at the processes we've designed;
- 2.6.6. The Strategy and proposition for closing down the CSE programme should be agreed by correspondence;
- 2.6.7. Learning & Development should be developed and brought back into a conversation with the Executive Board;
- 2.6.8. The longer term potential benefit of helping to underpin the Evidence to advice process should be explored.

Customer Contact Strategy

- 2.7. Simon Sheppard introduced the paper on the Customer contact strategy. Customers have suggested it's difficult to get someone to help them. The recommendation is to a practical response to get Land Use, Regulations (Delivery) to think about what they can practically do and work with SKI (Enablers). A Customer Contact Strategy has been designed and developed which will be passed to Customer Services, External Affairs and SKI. Customer Services will own it. The Executive Board were asked to agree the strategy and how it is embedded. A firmer proposition will come back to Executive Board in October.
- 2.8. The Executive Board made the following comments;
 - 2.8.1. There should be no quick wins which require more processes and targets. Happy with the proposition to make improvements so long as they are improvements. Staff needs to see the improvements as their own ideas;
 - 2.8.2. The paper felt too hypothetical with not enough data;
 - 2.8.3. The Customer deal needs to be explicitly described. Customer expectations should not be created where they cannot be fulfilled;
 - 2.8.4. It would be helpful to see more details on what Natural England's customers think;
 - 2.8.5. Every Customer should have a named contact;
 - 2.8.6. Need further principles on Customer Account Management;
 - 2.8.7. The Executive Board would like to see the architecture of the 'big' solution i.e. Customer Contact centre/Named contacts;
 - 2.8.8. Define the regret free quick win possibilities;
 - 2.8.9. Consider the Single Govt website.

Actions:

Circulate Strategy and Proposition for shifting resource and capacity from CSE to Performance/OD/Standards by correspondence;

Develop plan to embed as Business as usual;

Agree approach to Landscape and Biodiversity MOA casework with Maddy;

Discuss assisting with Marine casework with Marine Director

(Simon Sheppard)

Plan conversation on organisational roll out for October EB meeting

(Paul Lambert/Simon Sheppard/Ken Roy/Peter Nottage)

Assist in design of Customer Contact Strategy with Customer Services/External Affairs and SKI

(Peter Nottage)

3. Portfolio of Change Programmes**3.1. Confirming assumptions / the model**

3.1.1. Our portfolio captures the suite of ED-led cross-organisational change programmes - defined by level (strategic), scale of impact (in terms of breadth of change across functions) and level of organisational risk;

3.1.2. We confirmed the continuing model of EDs as SROs, taking these programmes forward with supporting Directors and Programme Managers.

3.2. Reviewing portfolio risks

3.2.1. The cross-programme risk analysis was of interest but was not felt to tell us anything significantly new. The challenge is, in part, whether programmes are documenting risks that are not in fact in their gift to mitigate / manage. There is also a need for a sense-check / cross-reference with the functional and strategic risk processes - need to explore how these interact and do not duplicate.

[ACTION: Paul Lambert/Ken Roy]

3.2.2. There was recognition of the cumulative deliverability risks – but a sense that the analysis as presented did not give enough detail / clarity to enable clear decisions to be made about specific portfolio changes.

3.3. New pressures

3.3.1. We will not have a future programme on charging

3.3.2. We will not have a future programme on Farm Advice

3.3.3. We will not have future programmes on business process / empowerment (these will be taken forward as time-limited Director-led initiatives)

3.3.4. We do not need any further work to address the shifts set out in the Delivery Framework

3.3.5. We will continue to explore the best mechanism for taking forward work on Evidence to Advice

Actions:

CAP 2014: It is important that this is well set up as, in the medium term, there is a complex transition / implementation task. In the short-term, less appropriate to communicate about this as a major current change programme - as a lot of the immediate focus currently is on business as usual advice to Defra. Nonetheless it does need programme discipline given the very real and complex implementation challenges;

Uplands: We do now need to confirm the exit strategy and to explore whether this can move to business as usual sooner than planned;

CSE: Will now close as proposed

[Guy Thompson]

Ecosystem Approach / Climate Change: This still has not got enough internal resource and has over-high reliance on Heads of Profession. There is a need to actively explore merging the Ecosystem elements with LDDP - assuming we can find a way to deliver our statutory climate change responsibilities

[Andrew Wood/ Jim Smyllie]

NEWP / Bio2020: EDs no longer need to see this as a change programme, as it is well on the way to transition to business as usual with the assumption that all further asks on the wider organisation will be captured within the next planning process. The focus then passes to L&B to agree the right level of PPM for ongoing work;

Standards: Continued focus (as per recent programme board) on rationalising the current product list. Major programme break / decision point at March 2013

[Jim Smyllie]

People Programme: Needs to deliver the key new tools and capabilities required by the 13/14 planning process - thereafter this returns to OD business as usual.

[Paul Lambert]

There were some overall portfolio steers:

We do need to re-examine the culture change elements of all programmes – as this is difficult to implement in isolation;

We need to ensure that functions are sighted on the totality of the programme-generated asks on them for the remaining of this year. We need to re-cut the deliverability analysis to produce function by function views of expected impacts for Q3 and Q4 and share these with Directors. *[NB: With Jim's approval, we will bring a summary of any issues arising to Operations Group];*

At a more detailed level, continue to steer programme managers to co-ordinate in terms of more detailed scheduling (e.g. all staff emails etc);

Ensure that the resource requirements of ongoing / future programmes – both in terms of core teams and in terms of wider impact – are captured as part of the 13/14 planning process;

Develop a draft change narrative – and share with with EDs. The purpose is initially to explore whether we have a shared story on change for use by the Executive.

[Paul Lambert/Ken Roy]

4. EIA Regulations

- 4.1. Andrew Wood introduced the paper; Janette Ward and Phil Eckersley dialled in to provide further detail. Janette updated the Executive Board on the history and development of the EIA Agriculture Regulations and highlighted the continuing challenges Natural England faces as regulator and the work being done to address these challenges.
- 4.2. The Executive Board noted the number of historical concerns with the EIA Regulations and endorsed the recommendation to continue working with Defra on to establish a better way to identify valuable Semi-Natural Areas to enable their protection.

Actions:

Continue working with Defra on establishing better ways to identify Semi-Natural Areas
(Janette Ward)