

# Joint Nature Conservation Committee – 99<sup>th</sup> Meeting

## Confirmed Minutes

Date: Thursday 12 <sup>th</sup> June 2014	Time: 09:00
Venue: Monkstone House, City Road, Peterborough, PE1 1JY	

### Present

Mr Peter Archdale

Council for Nature Conservation and the Countryside

Mr Guy Duke

Independent member

Professor Chris Gilligan (Chair)

Independent chair

Dr Joe Horwood

Natural England

Professor Michel Kaiser (items 1-8, 12-15)

Independent member

Dr Hilary Kirkpatrick

Council for Nature Conservation and the Countryside

Professor Peter Matthews (items 1-8, 12)

Natural Resources Wales

Mr Ian Ross

Scottish Natural Heritage

Dr Susan Walker

Scottish Natural Heritage

Judith Webb

Independent member

### In attendance

Mr Colin Armstrong

Department of the Environment Northern Ireland

Mrs Helen Anderson

Northern Ireland Environment Agency

Dr Jessa Battersby (items 10 and 16)

JNCC

Dr Steve Gibson

JNCC

Dr John Goold

JNCC

Dr Tim Hill

Natural England

Dr Ron McDonald

Scottish Natural Heritage

Mrs Sue McQueen

JNCC

Mr Paul Rose

JNCC

Mr Marcus Yeo

JNCC

### Apologies

*Members:* Dr Bob Brown (Independent member), Professor David Hill (Natural England), Professor Lynda Warren (Natural Resources Wales)

*Attendees:* Ms Ceri Davies (Natural Resources Wales)

## 1. Chairman's opening remarks

- 1.1. Professor Gilligan welcomed everyone to the ninety-ninth meeting of the JNCC. In particular, Mr Ross, Chairman of Scottish Natural Heritage, was attending his first Committee meeting, and Dr Horwood from Natural England was attending as a full member for the first time.

- 1.2. Professor Gilligan noted that this was the final meeting for independent Committee member Judith Webb and thanked her for her support for JNCC over her six-year term of appointment.
- 1.3. Professor Gilligan reported on progress in filling two vacancies for independent members on Committee, including the forthcoming vacancy arising from Judith Webb's departure. JNCC's Defra Sponsorship team has the recruitment in hand and interviews are likely to be held in October.
- 1.4. Professor Gilligan noted that following his appointment he had met the Defra minister, Lord de Mauley, and had held introductory teleconferences with Committee members. Meetings with ministers and other stakeholders in the devolved administrations were being arranged.

## **2. Declaration of interests**

- 2.1. Mr Duke declared his involvement in science research as part of the NERC-funded 'Valuing Nature' programme Co-ordination Team.

## **3. Amendments to the minutes of the March 2014 meeting (JNCC14 N03)**

- 3.1. The minutes of the March 2014 meeting were agreed subject to the following additional amendment:
  - 5.3 Amend sentence to read: Dr Kirkpatrick noted that the 2013/14 performance update had attributed performance difficulties to insufficient staff resources in critical areas.

## **4. Matters arising (JNCC14 N04)**

- 4.1. Committee noted the completion of the action points from the March 2014 meeting.
- 4.2. Dr Walker advised that the action for the Chief Scientists' Group to assess the approach to Quinquennial Reviews should be discussed well in advance of the proposed 2018 date for the next Review.
- 4.3. In relation to changes to governance arrangements:
  - i. Mrs McQueen advised of the proposed steps to address vacancies on Committee sub-groups;

- ii. Professor Matthews emphasised that there may need to be flexibility for country conservation bodies to nominate staff as members of Committee sub-groups;
  - iii. Dr Walker highlighted the important distinction between non-executives and staff in providing robust governance;
  - iv. Professor Gilligan noted that Committee had agreed in March that “while country conservation body members of Committee sub-groups should normally be non-executives there may be justification for staff to represent country conservation bodies on an exceptional basis”. He further proposed and Committee agreed that the normal practice should be followed and any proposal to appoint on an exceptional basis should be agreed with the Chair.
- 4.4. Mr Duke advised that with the departure of Judith Webb, membership of the Audit and Risk Assurance Committee (ARAC) would be reduced to two members of the Joint Committee. Natural Resources Wales had nominated Nigel Reader to participate if the ARAC would otherwise be inquorate. Committee agreed that Natural Resources Wales should be asked to consider proposing Nigel Reader as a full member of ARAC. It was noted that the imminent recruitment of two independent members of Committee included a requirement for candidates “to be able to carry out financial governance and the work of an audit or similar committee”.

#### Action point

*1: Mr Duke to invite Mr Reader to become a full member of the ARAC. Natural Resources Wales to support Mr Reader’s membership of ARAC.*

## 5. Chief Executive’s report on topical issues (JNCC 14 D05)

- 5.1. Committee noted the issues raised in the paper.
- 5.2. Dr Walker noted the Defra pilot of a new process for the 2015/16 business planning round and queried whether this would impact on JNCC. Mr Yeo advised that the pilot involved Defra, Natural England and the Environment Agency, but not JNCC. Defra’s sponsorship team is aware that any future approach to business planning for JNCC will need to fully involve the devolved administrations and country conservation bodies.

## 6. End of year performance report for 2013/14 (JNCC14 D07)

- 6.1. Mr Yeo presented the paper that provided information on JNCC’s overall performance and financial position at the end of 2013/14.

- 6.2. Mr Yeo noted that JNCC should be proud of the year's achievements under challenging circumstances. Of the 25 priority performance measures for 2013/14, ten were fully achieved and a further 14 made substantial progress with completion expected early in 2014/15.
- 6.3. Mr Yeo advised that achievement of some targets had been adversely affected by a very high level of internal staff turnover throughout the year, in part because of government restrictions on external recruitment. JNCC staff are discussing with Defra how this might be addressed in future.
- 6.4. The following points were made in discussion:
- i. JNCC's work in 2013/14 had helped government administrations and country conservation bodies to meet a wide range of their obligations;
  - ii. it is essential to take steps to mitigate internal staff turnover, especially where this affects business-critical work;
  - iii. the number of priority performance measures is probably excessive;
  - iv. opportunities to seek additional funding to deliver business-focussed outcomes could be explored.
- 6.5. Professor Gilligan complimented staff on their performance in 2013/14 despite the challenges, and noted the transparent and self-critical approach to reporting.

#### Action points

*2: The Executive Management Board (EMB) to review the number of priority performance measures for the coming year*

*3: EMB to work with the Defra sponsor team to resolve problems associated with internal staff turnover.*

## 7. Report from the Audit and Risk Assurance Committee (oral update)

- 7.1. Mr Duke gave an oral report of the Audit and Risk Assurance Committee (ARAC) meeting the previous day. A written report would be distributed following the Committee meeting.
- 7.2. Mr Duke advised that the ARAC had reviewed the Annual Report and Accounts for 2013/14 and would recommend that the Company Board approve them for sign off by the Chief Executive subject to clarification of pension figures.

- 7.3. Mr Yeo advised that Defra had been informed of the outstanding pension figures and the potential delay (outside JNCC's control) in laying the Annual Report and Accounts before Parliament.

## **8. Annual Report from the Audit and Risk Assurance Committee (JNCC 14 D06)**

- 8.1. Committee noted the annual report for 2013/14 from the Audit and Risk Assurance Committee (ARAC).
- 8.2. The following points were made in discussion:
- i. risk management should be a priority for the ARAC and also for the Joint Committee itself. Consideration should be given to reflecting strategic risks in the business plan;
  - ii. a dashboard approach to the presentation of corporate information may aid understanding for Committee;
  - iii. data security is a concern and must be addressed as a priority. Mr Duke advised that data security had been discussed by the ARAC and that a number of measures had been put in place to manage the risks, including an action plan.
- 8.3. Professor Gilligan thanked Mr Duke and the ARAC for the report and welcomed the enhanced role Committee will play in risk management.
- 8.4. Committee noted the forward programme for the ARAC.

## **9. Implementation of the conclusions from JNCC's Triennial Review (JNCC14 P04)**

- 9.1. Mr Yeo presented the paper that outlined how the conclusions from JNCC's Triennial Review have been addressed following the publication of the Triennial Review report in June 2013.
- 9.2. Mr Archdale noted the improvement in funding arrangements for Northern Ireland, following the Triennial Review and advised that this had strengthened the relationship between Northern Ireland institutions and JNCC. There is potential for JNCC to build stronger relationships with the Republic of Ireland to enable a view to be taken on biodiversity issues across the whole of Ireland.
- 9.3. Professor Gilligan acknowledged the systematic approach JNCC had shown in addressing the conclusions of the Review. The progress made on the

delegation of offshore renewables advice to Natural England was a particular success. He noted that science leadership would be key to JNCC's future role.

- 9.4. Dr Kirkpatrick requested further information on the range of inter-agency groups with which JNCC is involved.
- 9.5. Committee endorsed the report on the implementation of the conclusions from JNCC's Triennial Review.

## **10. Advancing conservation science thinking on protected areas in the UK (JNCC14 P09)**

- 10.1. Dr Battersby presented the revised paper that discussed conservation science thinking on protected areas in the UK and had been jointly authored by staff from JNCC and the country conservation bodies.
- 10.2. Dr Battersby noted that both the Royal Society for the Protection of Birds and the International Union for Conservation of Nature (IUCN) National Committee UK Executive had submitted written comments that were critical of the paper.
- 10.3. The following points were made in discussion:
  - i. some of the information contained in the paper might help UK governments to respond to the European Commission's 'fitness test' for the nature directives, which is expected to report in late 2015 or early 2016;
  - ii. there is a need for further research to address some of the questions raised in the paper. Links should be developed with the academic community and research councils;
  - iii. protected areas are usually a product of human interaction with the environment, and future work on this topic should consider societal choices in addition to the underpinning science;
  - iv. consideration should be given to opening up the work to a wider range of stakeholders including the NGO community;
  - v. appropriate management of protected areas is crucial to their success, and is affected by wider policies, for example for agriculture and food security;
  - vi. the paper poses a lot of strategic questions that could inform future policy development;

vii. the paper can be read in a variety of different ways and it would benefit from an explanatory note prior to wider circulation;

viii. it would be helpful to consider examples from other EU member states.

10.4. In summary, Professor Gilligan praised the effort taken in preparing the paper. The next phase of work should focus on addressing the strategic questions raised. This would involve identification of exemplars of what is working well, and what is not, including consideration of approaches to protected areas in other EU member states. It will also be necessary to consider how the contents of the paper might be communicated to different audiences. A small workshop should be organised to engage with a range of organisations in taking the work forward.

#### Action point

*4: JNCC to organise a workshop with a range of organisations to take the work forward in considering the short, medium and long term approaches to assessing and optimising the effectiveness of on protected areas*

## 11. Science leadership by Joint Committee (JNCC14 P05)

11.1. Mr Rose presented the paper, which proposed suggestions for Committee's future science leadership discussions, developing some of the conclusions from the Committee discussion in June 2013.

11.2. The following points were made in discussion:

- i. additional topics that might be suitable for discussion include plant diseases and their impacts on the environment, and utilisation of the substantial resource of data held by JNCC and the country nature conservation bodies;
- ii. it would be necessary to define the purpose and objectives for JNCC's science leadership role;
- iii. consideration should be given to relationships with other organisations that have an interest in science leadership;
- iv. the approach to science leadership should focus on what can be achieved within JNCC's mandate;
- v. "science leadership" may not be the most appropriate term for the role being discussed.

- 11.3. Committee agreed to establish a small working group to develop a clear description, purpose, context and communication plan for future science leadership discussions, including horizon-scanning.

**Action point**

*5: Science leadership working group to be established to report back to Committee*

## **12. Report from the MPA sub-group (oral update)**

- 12.1. Professor Kaiser, who had chaired the most recent meeting of the Marine Protected Areas sub-group on 5 June, gave an update on the work of the sub-group.
- 12.2. Professor Kaiser commended JNCC staff for delivering a large volume of high-quality work over a short timescale.
- 12.3. In relation to Marine Conservation Zones (MCZs), the sub-group had:
- i. reviewed and endorsed JNCC's draft formal advice on two possible offshore sites for the second tranche of MCZs;
  - ii. reviewed the evidence quality assurance exercise and judged it appropriate;
  - iii. agreed to remove a deep-water mud habitats category;
  - iv. discussed the need for reference points that are not subject to human pressures to judge the success of conservation objectives.
- 12.4. The following points were made in discussion:
- i. reference points have generally not been established for terrestrial protected areas;
  - ii. all species and habitats have been impacted by human activity to some degree. The key is to define what it is desired to achieve.
- 12.5. In relation to Special Protection Areas (SPAs), the sub-group had:
- i. reviewed and endorsed JNCC's draft advice on two possible SPAs in offshore Scottish waters (Seas off St Kilda and Seas off Foula);
  - ii. endorsed the approach to identifying assemblages of bird species within these proposed SPAs.

- 12.6. Professor Kaiser advised that the Northern Irish member of the sub-group was stepping down and a replacement was required by the September meeting.

Action point
6: Dr Kirkpatrick to nominate a replacement member from CNCC for the MPA sub-group

- 13. Consideration of possible SACs for harbour porpoise (in confidence) (presentation)**
- 13. Identifying marine SPAs by 2015: progress and implications (in confidence) (JNCC14 P06)**
- 14. JNCC advice on Tranche Two offshore MCZs (in confidence) (JNCC14 P07)**
- 15. Options for involvement in obtaining EU LIFE funding (in confidence) (JNCC 14 P08)**