



The one-hundred-and-fourth meeting of the Joint Nature Conservation Committee to be held at 0915 hours on 8 September 2015, Natural Resources Wales, Ty Cambria, Cambria House, 29 Newport Road, Cardiff, CF24 0TP

This paper is provided to the Joint Committee for decision/discussion or information. Please refer to the minutes of the meeting for Committee's position on the paper.

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Joint Nature Conservation Committee

Amendments to the confidential minutes of the one hundred and third meeting of the Joint Nature Conservation Committee held on 19 June 2015, at JNCC, Monkstone House, City Road, Peterborough, PE1 1JY

Removal of the confidential status from the following points:

- 7.10 Dr Horwood, in reference to the publication of the new habitat classification for the deep sea, queried how this might affect work on Tranche 3 of Marine Conservation Zones and assessments of the 'completeness' of the marine protected area network. He questioned whether a new suite of protected areas would need to be identified as a consequence of the revisions to the habitat descriptors.

- 7.11 Dr Gibson advised that the habitat classification had changed previously, as had other considerations that could affect evaluations of protected areas such as 'stock assessments' of habitats, and these had been handled to avoid negative consequences. The staff who led the development of the habitat classification for deep sea will be involved in the evaluations. There would of course need to be extensive dialogue to reach conclusions should a need for change be identified.



Joint Nature Conservation Committee - 103rd Meeting

Unconfirmed confidential minutes

Date: 4th June 2015

Time: 09:15

Venue: JNCC, Monkstone House, City Road, Peterborough, PE1 1JY

Present

Professor Ian Bateman
Independent member

Dr Bob Brown
Independent member

Mr Guy Duke
Independent member

Professor Colin Galbraith
Independent member

Professor Chris Gilligan (Chair)
Independent Chair

Professor David Hill
Natural England

Dr Joe Horwood
Natural England

Professor Michel Kaiser
Independent member

Dr Hilary Kirkpatrick
Council for Nature Conservation and the Countryside

Dr Susan Walker
Scottish Natural Heritage

In attendance

Mr Colin Armstrong
Department of the Environment Northern Ireland

Ms Ceri Davies
Natural Resources Wales

Dr Steve Gibson
JNCC

Dr John Goold
JNCC

Mrs Sue McQueen
JNCC

Mr Paul Rose
JNCC

Mr Mark Tasker (item 10)
JNCC

Mr Marcus Yeo
JNCC

Apologies

Members: Mrs Judena Goldring (Council for Nature Conservation and the Countryside), Professor Peter Matthews (Natural Resources Wales), Mr Ian Ross (Scottish Natural Heritage), Professor Lynda Warren (Natural Resources Wales)

Attendees: Mrs Helen Anderson (Northern Ireland Environment Agency), Mr Andrew Bachell (Scottish Natural Heritage), Ms Susan Davies (Scottish Natural Heritage), Mr Mike Evans (Natural Resources Wales), Dr Tim Hill (Natural England)

1 Chairman's opening remarks

- 1.1 Professor Gilligan welcomed everyone to the 103rd meeting of the JNCC.
- 1.2 Professor Gilligan welcomed the appointment to the Joint Committee of Judena Goldring, Deputy Chair of the Council for Nature Conservation and the Countryside in Northern Ireland. Mrs Goldring has a background in law and the environment, having previously worked for the Department of the Environment in Northern Ireland.
- 1.3 Professor Gilligan noted that this would have been the last meeting for Professor Matthews prior to the end of his appointment as Chair of Natural Resources Wales, and expressed thanks, on behalf of Committee, for Professor Matthews' perceptive challenges and constructive help throughout his time on JNCC.
- 1.4 Professor Gilligan welcomed Bethan Donovan from the Sponsorship and Public Bodies Team at the Department for the Environment, Food and Rural Affairs (Defra), as an observer to the meeting.
- 1.5 Professor Gilligan reported that he had briefed JNCC staff in the Peterborough and Aberdeen offices on the direction of travel for JNCC's strategy and had held discussions with the Senior Management Forum.
- 1.6 Professor Gilligan noted that a new Defra ministerial team had been appointed but it was not yet clear which minister would have responsibility for JNCC.
- 1.7 Professor Gilligan advised that the Secretary of State and the Department's ministers had recently addressed staff from Defra and its agencies and public bodies in a live forum. A key focus of the discussion was the push to make data more widely available. This theme is highly relevant to JNCC.
- 1.8 Professor Gilligan reported on developments since the previous meeting. Workshops had taken place with NGOs with an interest in the UK's Overseas Territories. Work to develop thinking on protected areas had been delayed due to pressures on JNCC staff.
- 1.9 Mr Duke advised that the Conservative government had made a pledge on 'blue belts' in the Overseas Territories and queried whether JNCC had a future role in this work. Mr Yeo explained that JNCC's role in advising on marine protected areas in the Overseas Territories had been fairly minor, and it is hoped that Defra and the Foreign and Commonwealth Office (FCO) will consider JNCC as a source of advice for future work.

2 Declaration of interests

- 2.1 Professor Kaiser declared his research work with the fishing industry.

3 Amendments to the minutes of the March 2015 meeting (JNCC 15 11)

3.1 The minutes of the March 2015 meetings were agreed, with one additional amendment:

4.5 Mr Yeo agreed on the importance of discussing performance at Committee meetings and advised that meetings are timetabled as close to the end of the previous quarter as possible.

4 Matters arising

4.1 Mr Yeo advised that the business plan for 2015/16 had yet to be signed-off by ministers due to the General Election. The Priority Performance Measures (PPMs) had been revised following consultation with Defra, devolved administrations and the country conservation bodies.

4.2 Mr Yeo proposed that Committee should delegate approval of the final submission of the business plan to ministers to Professor Gilligan.

4.3 Mr Yeo advised that following the General Election, decisions on funding for 2015/16 may need to be revisited. Defra may seek to reduce grant-in-aid funding for this financial year.

4.4 Professor Gilligan commended Committee on their excellent engagement at the previous evening's dinner. In particular the discussions on citizen science and protocols for the collection of data, interaction with the European Union and raising JNCC's profile had been extremely valuable.

4.5 Professor Gilligan proposed that going forward, these topics should be explored and followed-up by Committee members. Work to identify priorities and opportunities could be delivered through a series of high-level, targeted workshops.

4.6 Committee agreed the delegation of the submission of the Business Plan to ministers by Professor Gilligan.

5 Chief Executive's report on topical issues (JNCC 15 17)

5.1 Committee noted the paper which summarised a range of topical issues being dealt with by staff.

5.2 Committee discussed the environmental commitments in the Conservative Party Manifesto (2015).

5.3 Dr Walker commented that the manifesto commitments on natural capital relate to England, and that different approaches are being taken in Wales and Scotland.

5.4 Professor Bateman explained that the Natural Capital Committee's focus is on the

way decisions are made and how budgets will have better effect if they respect the natural environment. JNCC could have a potential role to support this work going forward as 'guardians of biodiversity' in the UK, acting as a link with Scotland, Wales and Northern Ireland.

- 5.5 Professor Galbraith advised that the Global Congress on Natural Capital is being held in Edinburgh in November and that Scottish Government is interested in the natural capital approach.
- 5.6 Professor Gilligan requested a follow-up discussion between the country nature conservation bodies and JNCC on how natural capital work can be taken forward across the UK.
- 5.7 Professor Galbraith enquired whether JNCC has links to the Arctic Council. Mr Rose advised that JNCC's links with the Arctic Council had been weakened as key staff have left JNCC. Talks are currently underway with the Arctic Council to resolve this.

Action point(s)
1: JNCC to meet with the country nature conservation bodies to discuss how natural capital work can be taken forward across the UK.

6 Appointment of a Deputy Chair of the JNCC and members of the Remuneration Committee (JNCC 15 15)

- 6.1 Mr Yeo presented the paper that proposed the appointment of Mr Guy Duke as Deputy Chair of the Joint Committee and the appointment of Mr Guy Duke and Dr Susan Walker as members of the Remuneration Committee.
- 6.2 Professor Gilligan advised that he intended to review the Committee sub-groups in due course.
- 6.3 Mr Duke noted that the term of his appointment on the Joint Committee would end in December 2015 but that the term may be temporarily extended.
- 6.4 The Joint Committee approved the appointments.

7 End of year performance report for 2014/15 (JNCC15 14)

- 7.1 Mr Yeo presented the paper that provided information on JNCC's performance for the year ending 31 March 2015.
- 7.2 Mr Yeo advised Committee that the Executive Management Board (EMB) considered the corporate performance for 2014/15 to be good, with 19 of the 21 priority performance measures (PPMs) fully or substantially achieved. Two PPMs made limited progress throughout the year but in both cases the timetable for the work was altered by factors beyond JNCC's control.

7.3 Mr Yeo informed Committee that financial performance was good and had improved over the last few years. An underspend of three percent was larger than in previous years but this was a deliberate decision taken in line with direction from JNCC's sponsors.

7.4 Committee noted the report and made the following comments in discussion:

- i. some members felt that the PPMs are too detailed and go beyond the level of information a board needs to operate;
- ii. excessive demands on the time of senior management is a concern as this may have serious implications for the organisation;
- iii. the RAG ratings do not effectively indicate revisions to timetables that are beyond JNCC's control. There should be the opportunity to re-calibrate PPMs during the financial year if government sponsors revise timelines;
- iv. the report would be enhanced by an executive summary;
- v. the performance report does not raise the same issues with science evidence that are included in the annual Audit and Risk Assurance Committee report;
- vi. staff turnover appears to be high;
- vii. business planning discussions with stakeholders will become increasingly important as financial pressures increase, as budget cuts in JNCC could create a financial burden elsewhere.

7.5 Mr Yeo advised that it was a difficult balance to strike with the tone of the report but that the report presents a positive but realistic picture of JNCC. Going forward, keeping the RAG ratings simple was crucial to enable accurate interpretation of performance. However, any clear changes to government priorities should be reflected in changes to PPMs during the year. The process would be reviewed at the end of Quarter 1.

7.6 Mr Yeo advised that staff turnover did not appear to be a major concern as staff exit interviews had not identified any generic problems. Action has been taken to address the high levels of internal staff churn. Many fixed-term appointments have been made permanent, creating greater job security, and more posts are being advertised externally.

7.7 Mr Duke advised that the audit of science evidence was based on an assessment of compliance with procedures and not the quality of evidence.

7.8 Ms Davies advised that the performance summary approach used to inform the NRW Board had been particularly successful and should be shared with JNCC.

7.9 Committee discussed the significant risks detailed in the report and commented that:

- i. risks should be listed in order, with the greatest risk at the top;
- ii. risk 4 (changes resulting from devolution) could be addressed by the creation of a prospectus of JNCC services for the devolved administrations. This could be available on the JNCC website and include details of what JNCC does and how this work supports the country conservation bodies.

7.10 (in confidence)

Dr Horwood, in reference to the publication of the new habitat classification for the deep sea, queried how this might affect work on Tranche 3 of Marine Conservation Zones and assessments of the 'completeness' of the marine protected area network. He questioned whether a new suite of protected areas would need to be identified as a consequence of the revisions to the habitat descriptors.

7.11 Dr Gibson advised that the habitat classification had changed previously, as had other considerations that could affect evaluations of protected areas such as 'stock assessments' of habitats, and these had been handled to avoid negative consequences. The staff who led the development of the habitat classification for deep sea will be involved in the evaluations. There would of course need to be extensive dialogue to reach conclusions should a need for change be identified.

Action point(s)
2: JNCC to review performance reporting at the end of Quarter 1.
3: Ms Davies to share Natural Resources Wales' performance summary approach with JNCC.

8 Corporate planning for 2016/17 and beyond (in confidence) (JNCC15 16)

9 Update on strategy development and implementation (in confidence) (JNCC 15 21)

10 Harbour porpoise SACs: site documentation and UK conservation strategy (in confidence) (JNCC 15 20)

11 Protecting Scotland's Seas presentation

- 11.1 Mr Chaniotis gave a presentation entitled Protecting Scotland's Seas, which explained work that has been undertaken in Scotland to support the designation, and subsequent monitoring and management, of Marine Protected Areas (MPAs).
- 11.2 Dr Walker praised the collaborative work between JNCC, Scottish Natural Heritage and Marine Scotland to deliver this package of work.
- 11.3 Professor Kaiser advised of a fishing pressure-effort sensitivities matrix that he had worked on with Cefas that was freely available. Professor Kaiser agreed that if JNCC were not in receipt of this matrix then a copy could be provided.
- 11.4 In response to the information presented on the 2014 Central Fladen MPA monitoring survey, Professor Kaiser queried why pressure gradient studies in response to fishing activities was a focus for the survey, given that similar work had been conducted by Bangor University in 2006.
- 11.5 Mr Chaniotis agreed to raise these questions with the Marine Pressures and Impacts team and feedback to Committee.

Action point(s)
7: The Marine Pressures and Impacts team to feedback to Committee on questions raised following the Protecting Scotland's Seas presentation.

12 JNCC post-consultation advice on the second tranche of offshore Marine Conservation Zones (MCZs) (in confidence) (JNCC 15 19)

13 Update on JNCC advice on offshore Special Protection Areas (in confidence) (JNCC 15 18)

14 Report from the MPA Sub-group (oral update)

- 14.1 Professor Kaiser gave an oral update on the work of the MPA Sub-group and an update on JNCC's related work and achievements to date, including:
- i. preparation of advice to support the designation of Tranche Three possible Marine Conservation Zones;
 - ii. work on the Irish Sea proposed Special Protection Area (pSPA).

- 14.2 Professor Kaiser advised that the Sub-group had reviewed the status of the overall MPA network and had identified a shortage of deep-water habitats. The Sub-group had also discussed adaptive management and the importance of JNCC's awareness of emerging data.
- 14.3 Professor Gilligan noted the issues around data and advised that JNCC needs to be proactive in advertising the data it holds and how these data are being used.

15 Report from the Audit and Risk Assurance Committee (oral update)

- 15.1 Mr Duke gave an oral report of the Audit and Risk Assurance Committee (ARAC) meeting held earlier in the week. A written report would be distributed following the Committee meeting.
- 15.2 Mr Duke advised Committee that the internal auditors KPMG had produced their annual assurance report for 2014/15, including the Head of Internal Audit's opinion. They had also presented scopes for the first two audits for 2015/16 – risk management and corporate governance (including assessment of the revised scheme of delegations) and evidence quality procedures.
- 15.3 Mr Duke advised that the ARAC had discussed the Annual Report and Accounts for the year ending 31 March 2015, following scrutiny of the report by ARAC member Nigel Reader. Mr Duke congratulated staff for the high quality content and timely delivery of the report and advised that the ARAC had recommended that the Chief Executive signs the letter of representation and that the Board approves the accounts.

16 Annual Report from the Audit and Risk Assurance Committee (JNCC 15 13)

- 16.1 Committee noted the Annual report for 2014/15 from the Audit and Risk Assurance Committee (ARAC).
- 16.2 Committee noted the Head of Internal Audit's opinion that some improvements are required to enhance the adequacy and effectiveness of the framework of governance, risk management and control. This largely results from a relatively low assurance rating for an audit of the implementation of JNCC's evidence quality assurance policies and procedures
- 16.3 Committee recommended that substantial assurance should be achieved for the audit of evidence quality in 2015/16.
- 16.4 Professor Kaiser advised that as a Board member he felt concerned that the level of detail included in the risk register was insufficient to enable him to scrutinise risks adequately and to exercise his duty fully. Mr Yeo noted that he would be happy to discuss the reporting of risk in more detail with Professor Kaiser.
- 16.5 Professor Gilligan thanked Mr Duke and the ARAC for the report and agreed that the issue of evidence quality assurance should be addressed and progress reported back to Committee.

16.6 Committee noted the forward programme for the ARAC.

Action point(s)
8: The ARAC to review work on evidence quality assurance and feedback to Committee.
9: Professor Kaiser to meet with Mr Yeo to discuss risk reporting.

17 Joint Committee forward programme for 2015/16 (JNCC 15 22)

17.1 Mr Yeo presented the paper summarising the forward programme for the Joint Committee for the remainder of 2015/16.

17.2 Committee noted the paper and made the following recommendations:

i. that dates for future Committee meetings should be closely aligned with the quarterly reporting timetable to allow Committee the opportunity to scrutinise performance;

ii. that consideration be given to using JNCC's Aberdeen office more frequently as a venue for future meetings, taking into account any additional costs that this would entail.