

## Example incidents

This annex gives simple examples of offences and indicates what our response may be. It is important to emphasise that the circumstances of every case will be different and the examples presented do not fetter our discretion in determining what sanction to serve.

### 1 Environmental Impact Assessment (Agriculture) Regulations

#### SIGNIFICANT

**Incident:** land drained, ploughed, spread with lime, fertilised and reseeded.

**Impact:** irreversible loss of 20ha high quality semi-natural grassland also important for breeding birds.

**Aggravating factors:** deliberate breach, offence prompted by financial gain.

**Mitigating factors:** none.

**Sanction:** EIA stop notice and prosecution.

#### MEDIUM

**Incident:** ongoing ploughing of hay meadow.

**Impact:** to date 5ha loss good quality meadow.

**Aggravating factors:** disregarding previous warnings.

**Mitigating factors:** none.

**Sanction:** EIA stop and remediation notice.

#### MINOR

**Incident:** uncultivated land ploughed for game cover.

**Impact:** minor loss of poor quality semi-natural grassland within a matrix of improved grassland.

**Aggravating factors:** none.

**Mitigating factors:** prompt reporting and admission of responsibility.

**Sanction:** warning letter.

#### TECHNICAL

**Incident:** uncultivated land ploughed without a screening decision.

**Impact:** although uncultivated land it was dominated by rank grasses and some scrub.

**Aggravating factors:** none.

**Mitigating factors:** offender genuinely unaware that a screening decision was required.

**Sanction:** advisory letter.

## 2 Heather and Grass Burning

### SIGNIFICANT

**Incident:** burn undertaken in high winds and with insufficient equipment and personnel gets out of control.

**Impact:** hot burn over 20ha blanket bog.

**Aggravating factors:** reckless breach, awareness of risks.

**Mitigating factors:** none.

**Sanction:** prosecution.

### MEDIUM

**Incident:** moorland burn left uncontrolled encroaches onto a steep (>45°) slope.

**Impact:** hot burn damages vegetation and exposes soil increasing the risk of erosion.

**Aggravating factors:** reckless breach, awareness of risks, wider environmental impacts (soil erosion).

**Mitigating factors:** none.

**Sanction:** fixed monetary penalty (when civil sanctions can be applied).

### MINOR

**Incident:** weather conditions deteriorate causing a routine moorland burn to get out of control.

**Impact:** 11ha dry heathland burnt.

**Aggravating factors:** none.

**Mitigating factors:** prompt call to fire brigade and assistance to extinguish fire, genuine attempt to comply and offence caused by exceptional circumstances out with the offenders control.

**Sanction:** warning letter.

### TECHNICAL

**Incident:** 1ha grassland burnt outside the burning season without a licence.

**Damage:** none - burn beneficial and a licence would have been granted if sought.

**Aggravating factors:** none.

**Mitigating factors:** admission of responsibility and previously good compliance record.

**Sanction:** advisory letter.

### 3 Sites of Special Scientific Interest

#### SIGNIFICANT

**Incident:** track construction through a mosaic of habitats.

**Damage:** 1ha direct habitat loss and wider degradation due to interruptions in drainage and hydrology.

**Aggravating factors:** deliberate breach, awareness of offence, offence prompted by financial motives, expensive restoration required, wider non-environmental impact (loss of landscape amenity).

**Mitigating factors:** none.

**Sanction:** prosecution and restoration order.

#### MEDIUM

**Incident:** winter grazing without consent.

**Impact:** overgrazing and poaching of grassland.

**Aggravating factors:** deliberate breach, awareness of offence, disregarding warnings.

**Mitigating factors:** none.

**Sanction:** RES stop notice.

#### MINOR

**Incident:** motorbike scrambling in shingle.

**Impact:** minor wheel rutting.

**Aggravating factors:** nuisance impacts on local community.

**Mitigating factors:** unaware of offence and open admission of responsibility.

**Sanction:** warning letter.

#### TECHNICAL

**Incident:** coppicing without consent.

**Impact:** none – coppicing beneficial although some concerns about quality.

**Aggravating factors:** none.

**Mitigating factors:** genuinely unaware of need to obtain consent and subsequent cooperation.

**Sanction:** advisory letter.

## 4 Species Licensing

### SIGNIFICANT

**Incident:** buildings demolished without effective exclusion of bats or adequate mitigation as specified in the licence.

**Impact:** estimated 50+ bats killed.

**Aggravating factors:** deliberate breach, awareness of offence, offence prompted by financial gain.

**Mitigating factors:** none.

**Sanction:** prosecution and licence revocation.

### MEDIUM

**Incident:** Water vole mitigation partially but not fully implemented as specified in the licence.

**Impact:** Favourable Conservation Status of the species on site potentially compromised.

**Aggravating factors:** lack of implementation prompted by cost saving.

**Mitigating factors:** ready co-operation with Natural England.

**Sanction:** compliance notice. Additional checks.

### MINOR

**Incident:** minor non-compliance of licence conditions during badger related works.

**Impact:** possible disturbance of badgers.

**Aggravating factors:** none.

**Mitigating factors:** good previous compliance record.

**Sanction:** warning letter.

### TECHNICAL

**Incident:** late submission of licence return as part of licence conditions.

**Damage:** no impact on species but return is a condition of licence.

**Aggravating factors:** none.

**Mitigating factors:** none.

**Sanction:** advisory letter.