



**Annual report on Natural England's enforcement activity
1 April 2017 to 31 March 2018**

1. Sites of Special Scientific Interest (SSSIs)

A total of 45 offences were recorded on SSSIs in 2017-18, a continued significant decline from the peak which occurred in during the financial year 2013/14 (Figure 1.1). The majority of incidents were minor and were concluded using warning letters. The number of civil sanctions utilised has increased slightly from the previous year to 10. The use of civil sanctions during 17/18 included 1 Stop notice, 1 Restoration notice and 8 Enforcement Undertakings. No criminal proceedings were brought in 2017-18.

Since data collection began in 2008, the number of offences committed by those who own or occupy sites (e.g. farmers and land managers) compared to those who have no connection with the land (e.g. recreational off-roaders) has been very similar (Figure 1.2). The number of offences committed by public bodies has been much lower.

Based on the number of offences reported from 1st April 2008 to 31st March 2018, offences appear to be concentrated in the south of England. However, in recent years the number of recorded offences is greatest in the East of England and East Midlands Area Teams (this shift could be attributed to reporting effort rather than a change in the frequency of offending). Coastal and lowland grassland habitats are most frequently damaged (Figure 1.4). The variety of illegal activities continues to be wide, but dominated by vehicle use and the direct loss of habitat through construction related activities (Figure 1.5).

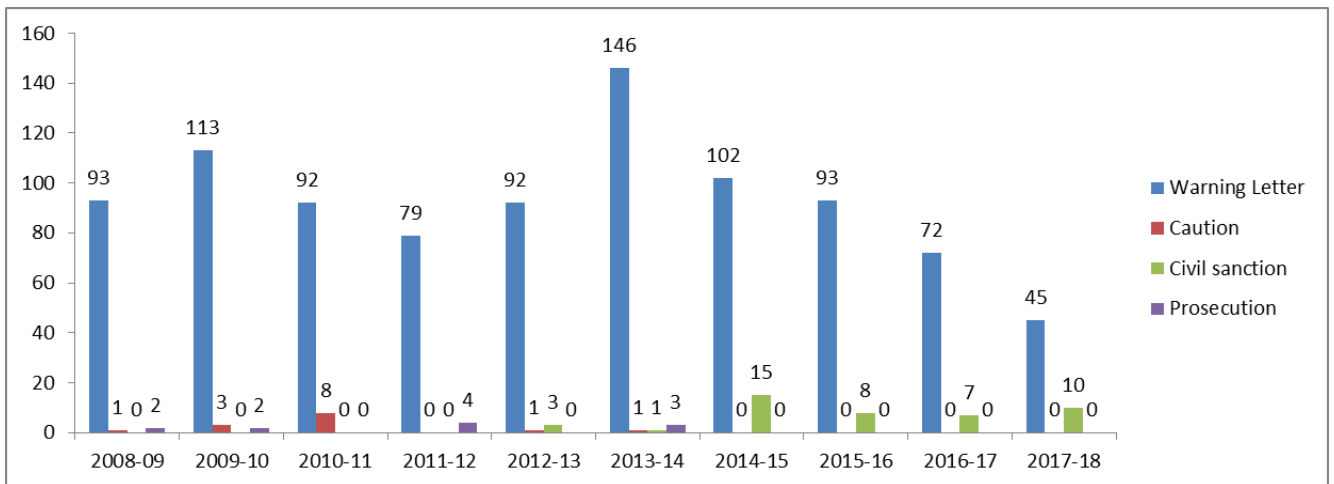


Figure 1.1. Criminal activity on SSSIs by financial year and sanction.

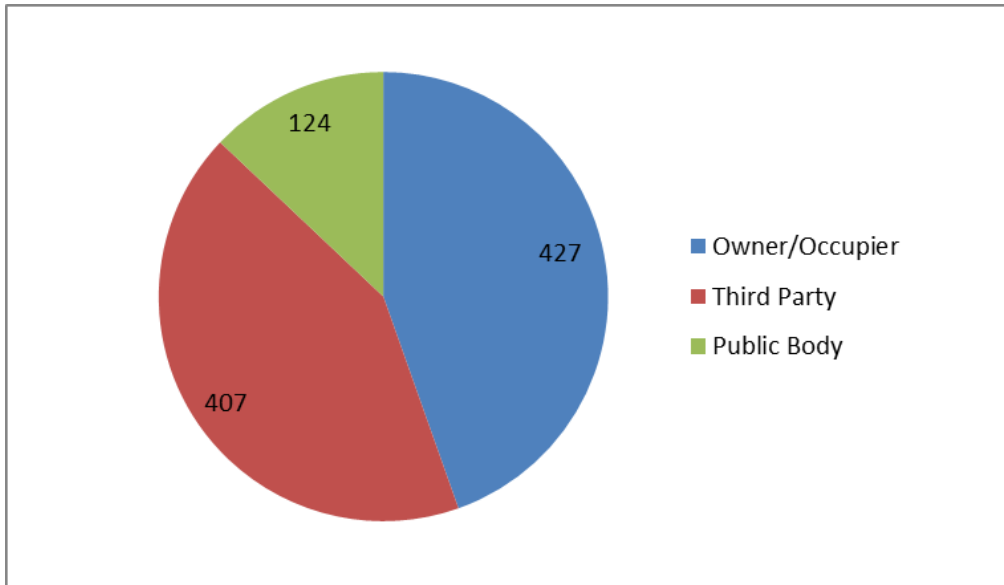


Figure 1.2. Criminal activity on SSSIs by responsible party. Data from 1 April 2008 - 31 March 2018

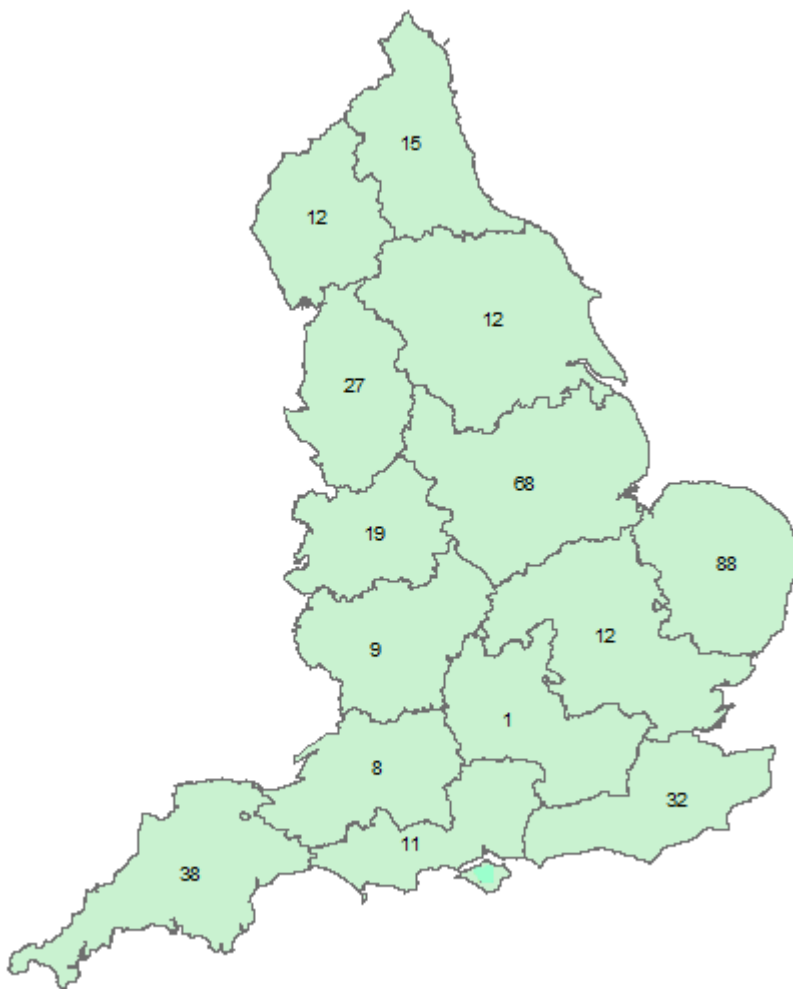


Figure 1.3. Spatial variability in criminal activity on SSSIs by Natural England Area Team. Data from 1 April 2014 – 31 March 2018.

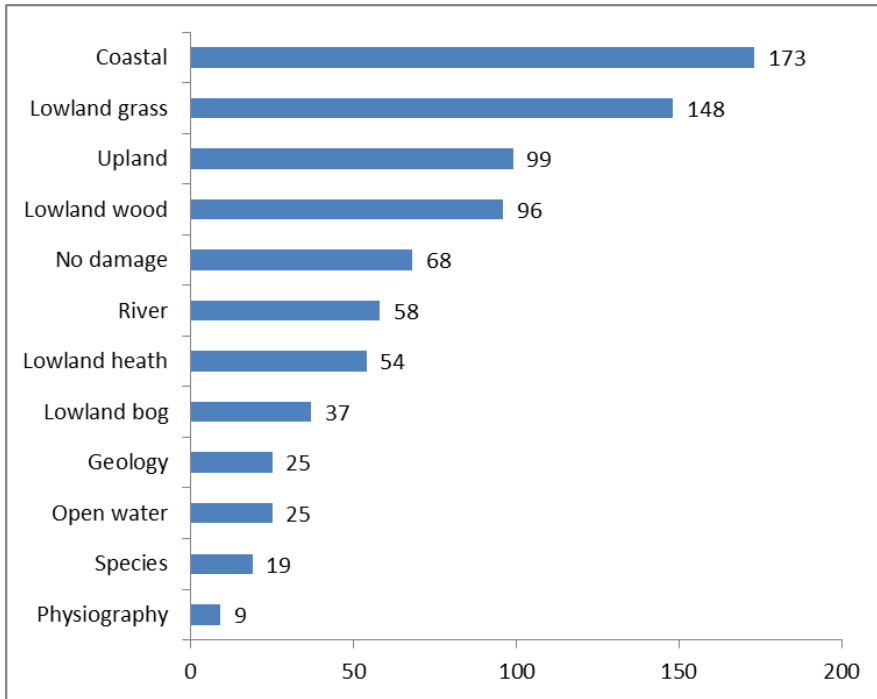


Figure 1.4. Criminal activity on SSSIs by affected habitat. Data from 1 April 2008 – 31 March 2018.

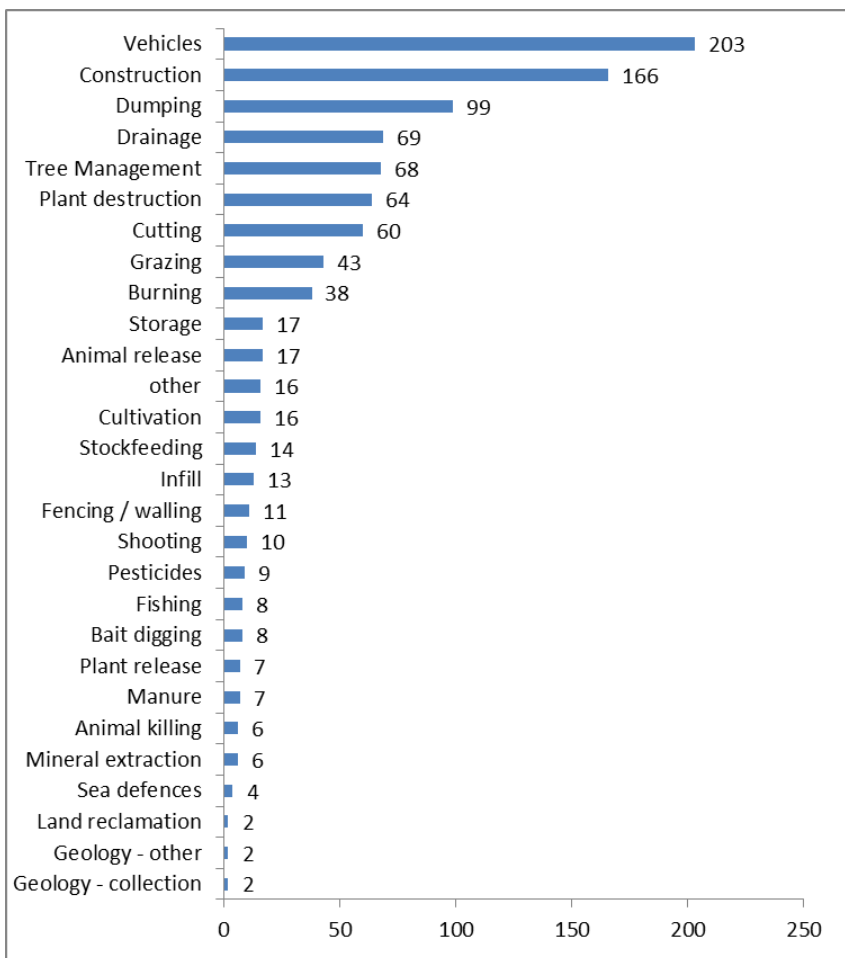


Figure 1.5. Criminal activity on SSSIs by activity. Data from 1 April 2008 – 31 March 2018

2. Species Licensing – Data not currently available

3. Animal poisonings

The total number of reports of animal deaths under the Wildlife Incident Investigations Scheme rose in 2017-18 to 348 reports from 304 in 16/17. Of these reports 268 cases were rejected on the basis that pesticides were not thought to be involved, and 80 cases were accepted into the scheme (Figure 3.1).

During 2017-18, vertebrate poisonings accepted into the scheme increased but remain significantly lower than at the peak in 2008-09 (Figure 3.2). The number of incidents of deliberate abuse of pesticides remains low after a peak in 2015/16 (Figure 3.3). Cases remain unevenly spread throughout England with the highest number of incidents in the East Midlands and Yorkshire and Northern Lincolnshire Area Teams (Figure 3.4).

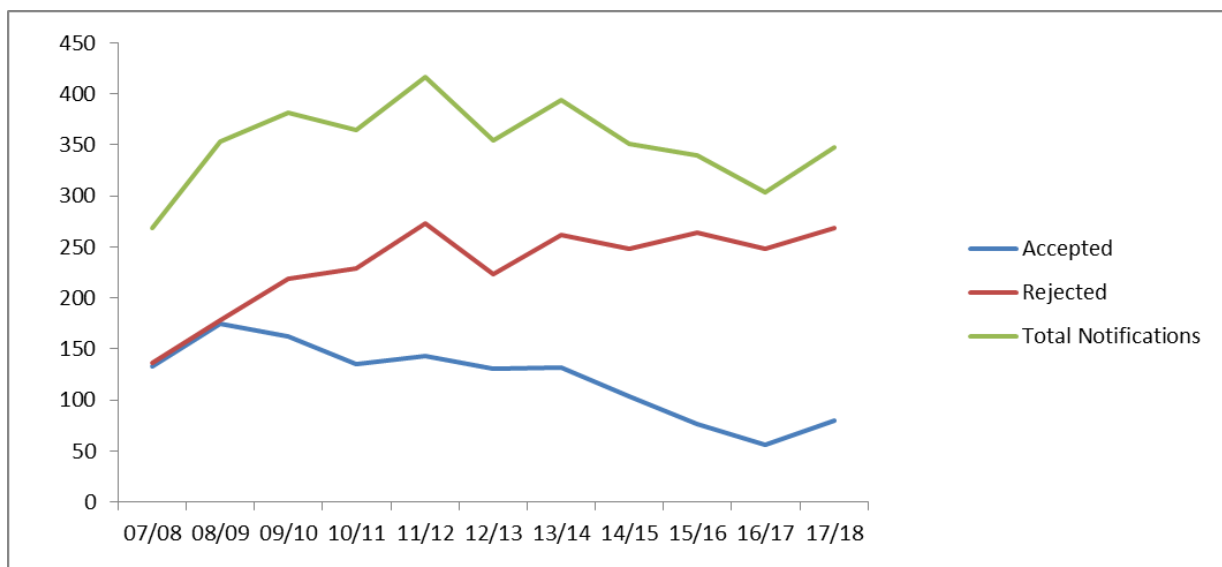


Figure 3.1. Reports of injury or death of animals to the Wildlife Incident Investigation Scheme. Cases are accepted if pesticides are suspected of being involved.

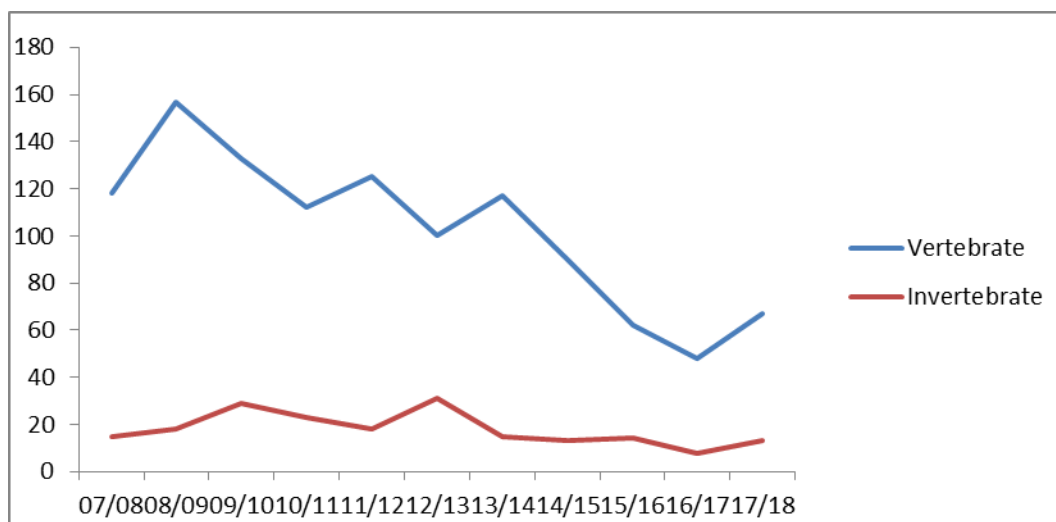


Figure 3.2. Vertebrate and invertebrate cases accepted into the WIIS scheme

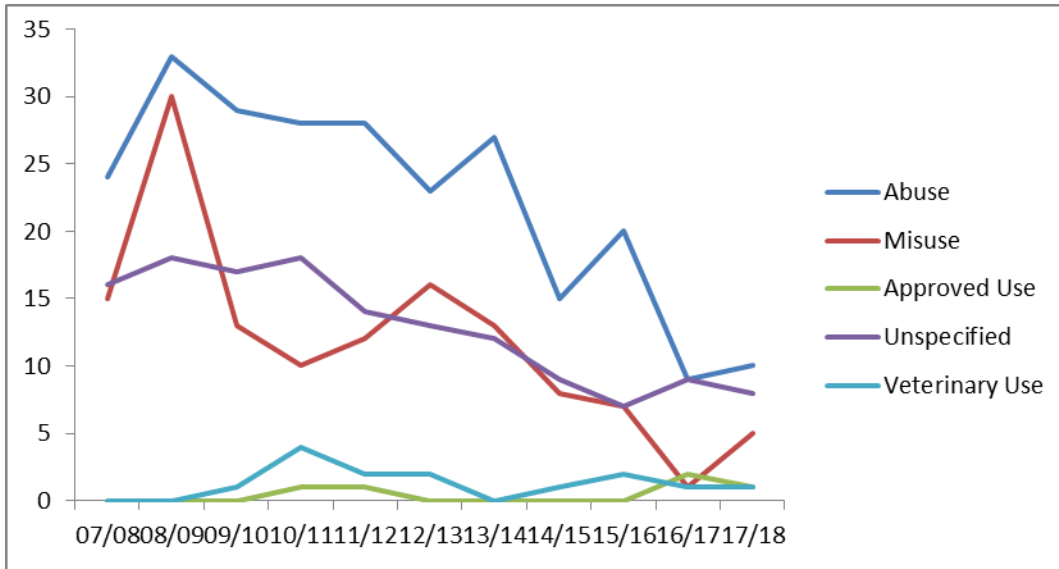


Figure 3.3. Classification of poisoning incidents by suspected use of pesticide

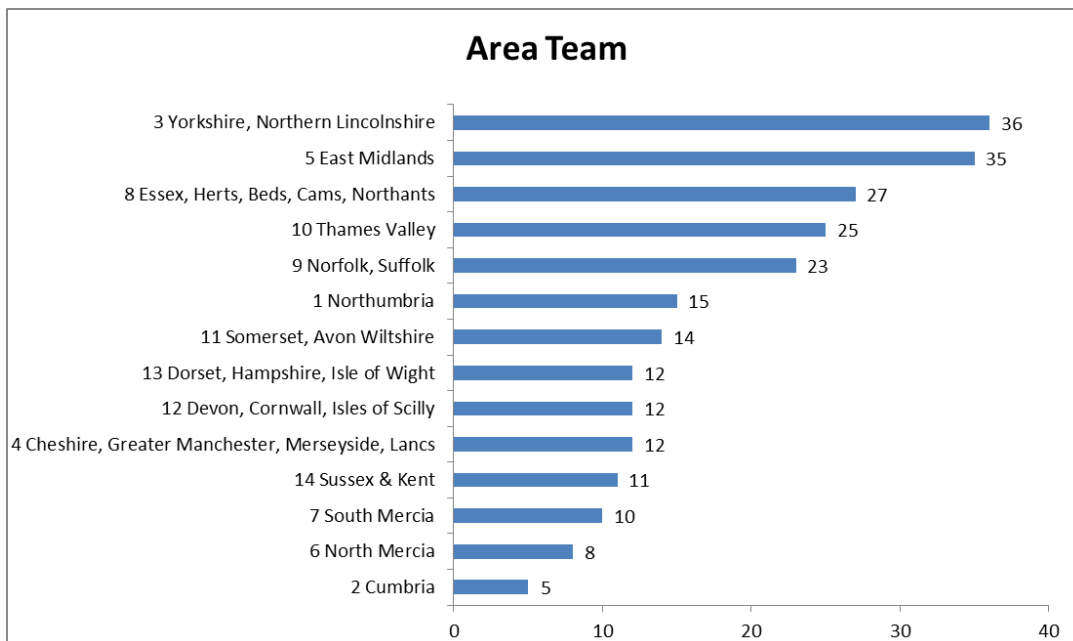


Figure 3.4. Confirmed pesticide cases by Natural England Area Team. Data from April 2014 – March 2018

4. Environmental Impact Assessment (Agriculture) Regulations

In 2017 there was a large increase in the number of queries received by our helpline and we recorded the greatest number of investigations of incidents since 2006 (Table 4.1). These increases are likely to be as a result of the changes made to the Regulations coming in to force (May 2017) and a greater awareness of the Regulations by members of the public. During 2017, 2 remediation notices and 1 Stop Notice was served (the Stop Notice and Remediation Notices served during 2017 are currently subject to appeal and as a result further detail regarding these Notices is not included within this report).

Table 4.1. Enforcement action relating to the EIA (Agriculture) Regulations

Year	Queries	Investigations	Stop Notices	Remediation Notices	Prosecutions
2006	1795	21	0	0	0
2007	1462	20	2	0	0
2008	1105	23	1	0	0
2009	633	19	0	1	0
2010	575	23	0	0	0
2011	899	48	2	1	0
2012	1627	51	1	1	0
2013	1640	68	0	1	1
2014	1292	50	0	1	0
2015	1391	55	0	1	0
2016	1322	43	0	3	0
2017	2020	76	1	2	0

5. Injurious weeds

Complaints of damage caused by injurious weeds declined in 2017 and numbers remain low compared to the peak in 2006 (Table 5.1). In 2017 11 enforcement notices were served and no clearance actions were required.

Table 5.1. Enforcement action relating to injurious weeds

Year	Complaints	Inspections	Enforcement notices	Clearance actions	Prosecutions
2006	342	67	19	5	0
2007	234	117	52	2	0
2008	319	136	39	3	0
2009	202	73	40	0	0
2010	145	41	24	2	0
2011	230	86	46	0	0
2012	193	72	36	1	0
2013	127	59	37	0	0
2014	94	52	17	0	0
2015	113	49	18	0	0
2016	117	39	21	0	0
2017	107	37	11	0	0

6. Prosecutions, civil sanctions and cautions

April 2017

In April 2017, Natural England agreed an Enforcement Undertaking with the Muzzle Loaders Association – Cumbria Branch, following damage caused to the Cairnbridge Sandpit SSSI, Cumbria. Damage, considered to be an offence under S28P(1) of the Wildlife & Countryside Act (as amended), was caused to the lowland neutral grassland feature by the unconsented

removal of turves and sand substrate. Through the Enforcement Undertaking the Association agreed to replace the previously removed turves and ensure restoration of the SSSI grassland feature.

Also in April, Natural England agreed an Enforcement Undertaking with the Messrs Hardisty & Son, following damage caused to the River Ehen SSSI, Cumbria. Damage, considered to be an offence under S28P(1) of the Wildlife & Countryside Act (as amended), was caused by the unconsented creation of a boulder and timber revetment, excavation of the river bank and dumping of spoil within the SSSI. This work affected a 102m stretch of the SSSI River and was considered to be highly likely to cause damage or disturbance to populations of Fresh water pearl mussel and Atlantic salmon, SSSI features of interest, and their supporting habitat. Through the Enforcement Undertaking, various measures were agreed to reduce the potential for silt to enter the River (including improved stock access, fencing and tree planting) in addition to monitoring to ensure that all necessary measures have been put in place.

Again in April, Natural England agreed an Enforcement Undertaking with Mr S. Goodhead, Staffordshire, following the attempted extension of a private garden into the Chasewater and Southern Staffordshire Coalfields Heaths SSSI, Staffordshire, and the spreading of spoil and rubble within the same SSSI. This activity was considered to be an offence under S28P(6) of the Wildlife & Countryside Act (as amended). Through the Enforcement Undertaking Mr Goodhead agreed to reposition the boundary fence between his property and the SSSI and also remove spoil and rubble from the SSSI.

May 2017

In May, Natural England agreed an Enforcement Undertaking with the Burghley House Preservation Trust Ltd., Northamptonshire, following damage to the Racecourse Farm Fields SSSI. Damage to the SSSI grassland feature, considered to be an offence under S28P(1) of the Wildlife & Countryside Act (as amended), was caused by the unconsented supplementary stock feeding carried out by a tenant of the Trust. Through the Enforcement Undertaking the Trust agreed to remove ring feeders and any remaining feed, strip the topsoil and apply green hay to the areas of damage. Furthermore, a programme of monitoring was agreed to assist in evaluating the success of the restoration management.

June 2017

In June 2017, Natural England agreed an Enforcement Undertaking with Mr C. Coake, Leicestershire, following damage to the Lockington Marshes SSSI. Damage to the SSSI wet woodland feature (important as a notified feature in its own right but also of significance as supporting habitat for invertebrate features of the SSSI), considered to be an offence under S28P(1) of the Wildlife & Countryside Act (as amended), was caused by the

unconsented cutting and limbing of Willow, dumping of brash and burning or material on site. Through the Enforcement Undertaking the Mr Coake agreed to use some cut material to create invertebrate habitat, remove some material and carry out some replanting.

October 2017

In October, Natural England agreed an Enforcement Undertaking with Dale Farming Ltd., Cheshire, following the unconsented creation of a ford to facilitate cattle movement across the River Dane SSSI. This activity was considered to be an offence under S28P(1) of the Wildlife & Countryside Act (as amended). Through the Enforcement Undertaking the company agreed to various works to prevent river bank erosion including bank stabilisation around the ford entry/exit points, planting and fixing of willow along the river banks and alternative routes for cattle and vehicle access along the river bank.

Also in October, Natural England agreed an Enforcement Undertaking with Durham County Council following damage caused to the Upper Teesdale SSSI upland dry heath and blanket bog notified habitats. This damage included the direct digging up of vegetation, the smothering of vegetation as dug material was placed upon it and interference with the hydrology of blanket bog. Damage occurred following roadside ditch creation and clearance works undertaken by the County Council without Natural England's Assent and this is considered to be an offence under Section 28P(2) of the Wildlife & Countryside Act (as amended). The Enforcement Undertaking provided for the restoration of damaged habitats by the backfilling of dug areas and the replacement of vegetation turves.

November 2017

In November, an Enforcement Undertaking was agreed with Mill Race Farms Ltd., Northamptonshire as a result of an uncultivated land project being undertaken at Ashton Old Water Meadows Local Wildlife Site without first seeking consent of Natural England as required by Regulation 5 of the EIA (Agriculture) Regulations. The Enforcement Undertaking provided for the agreement of management plan for future sustainable management of land taking into account the biodiversity interest. It is considered that over time, this will allow for the restoration and enhancement of the lowland meadow and wetland habitats.

January 2018

In January, Natural England agreed an Enforcement Undertaking with Electricity North West following damage caused to the West Pennine Moors SSSI, Greater Manchester, blanket bog and wet heath notified habitats. Whilst in the process of replacing a cable to the Winter Hill transmitter the company failed to ensure machinery was correctly removed from site, which was ultimately dragged down the hill side causing serious damage to peatland habitats. These works were undertaken without Natural England's Assent and this is considered to be an offence under Section 28P(2) of the Wildlife & Countryside Act (as

amended). The Enforcement Undertaking provided for the bare peat restoration, landscaping and restoration of deep vehicle ruts, restoration of tracked areas, restoration of stream banks and a three year monitoring programme, including the commitment of necessary additional resource, to highlight and facilitate any further intervention required.

Also in January, Natural England served a Stop Notice (Regulatory Enforcement and Sanctions Act 2008) on Mr J Warren, Suffolk, in order to stop certain unconsented game bird releases and shooting activities from taking place on parts of the Minsmere – Walberswick Heaths and Marshes SSSI. The Stop Notice was served as Natural England reasonably believed that the aforementioned activities were causing, or presented a significant risk of causing, serious harm to the environment (in this case damage to the SSSI interest features) and was likely to involve the commission of an offence under S28P(1) of the Wildlife & Countryside Act (as amended).

February 2018

In February, Natural England served a Restoration Notice (Regulatory Enforcement and Sanctions Act 2008) on Mr P. Tolley, Worcestershire, to address damage caused to the lowland grassland notified feature of Yellow House Meadow SSSI. Damage was caused as a result of unconsented storage of water containers and toilet accessories, portable toilet trailers, brash/pallets and the creation of a soil bund and an extension to an existing hard-cored area. This activity was considered to be an offence under S28P(1) of the Wildlife & Countryside Act (as amended). The Restoration Notice required various works to be undertaken in order to restore the grassland feature including the removal of stored vehicles, materials, hard-core and bund materials, reseeding and strewing of green hay and aftermath grazing.
