

Non-Financial Scheme of Delegation

Approved by Marian Spain, Chief Executive

With effect from 1 April 2019

Introduction

The Non-Financial Scheme of Delegations does not deal with any matter that has a financial implication or spend attached to it. For the delegated authorities relating to financial matters please refer to the Financial Scheme of Delegations.

The Board has delegated certain functions to the Chief Executive. The Chief Executive has, in turn, delegated some of those functions to officers of Natural England as set out in this Scheme of Delegation. The Scheme of Delegation provides authority for officers to operate. The Board expect us to adhere to these delegations. The delegations may be reviewed and changed by the Board at any time.

Many of the decisions highlighted in the non-financial scheme of delegations are focused on regulatory activities. It is important that the decisions are taken at the right level, following appropriate consultation, in order to safeguard Natural England's position in the event of a challenge, appeal or prosecution. The decision-maker will be accountable for the decision and it is therefore extremely important that before committing Natural England they are comfortable with the decision they are making and are satisfied that it is reasonable in all the circumstances. Decision-makers need to bear in mind that when they make a decision they are doing so on behalf of Natural England and that the Board has ultimate responsibility for all decisions made by officers of Natural England.

Where a decision relates to a novel, contentious or politically sensitive issue that carries significant legal or reputational risk for Natural England the matter must be escalated via the management chain to the Board.

Before using the scheme please ensure that you have read and understood the principles in the guidance to Natural England's Scheme of Delegation. We expect to achieve a high standard of compliance with our governance arrangements in Natural England and it is important that you understand these principles and apply them consistently.

The list of specified officers (see annex 1) for the Non-Financial Scheme of Delegations is found in Annex 1 of this document

Julie Lunt

Chief Officer Legal & Governance

List of revisions since first publication

Part	Section	Revisions - August 2018
Various	Various	Multiple amendments to Regulation dates and section numbers where legislation has been updated.
7 Habitats Regulations	Regulation 117	Amendment to delegation level.
10 Land use Planning and Marine Planning & Licensing	Table, 2nd row, begins <i>Planning Act 1990 (as amended)</i>	Amendment to delegation level for <i>National land use planning / marine planning or licensing consultations (non-case specific)</i> <i>b) all other consultations.</i>
	Table, 6th row, begins <i>Town & Country Planning Act 1990 (as amended)</i>	Amendment to delegation level for <i>Medium and Low risk casework (land or marine project specific, not NSIPs)</i> <i>b) objections to planning applications for local development, and marine license applications</i> <i>ii) where there is insufficient environmental information.</i>
	Nationally Strategic Infrastructure Projects (NSIPs), table, 2nd row relating to <i>Section 56 Planning Act 2008</i>	Amendment to delegation level for <i>Statements of common ground.</i>
11 National Parks	Table, 3rd row relating to <i>Sections 5 and 7 National Parks and Access to the Countryside Act 1949 and Section 45 Wildlife and Countryside Act 1981</i>	Revised and extended text relating to <i>Approval of the assessments of whether Natural England should designate a new National Park or vary the boundary of an existing National Park.</i>
14 Rural Development Programme for England (RDPE), England Rural Development Programme (ERDP) and Section 7 Management Agreements	Table, 5th row, relating to <i>Section 7 NERC Act 2006</i>	Amendment to delegation levels.
19 Environmental Impact Assessment (Agriculture)	Table 19.1	New (3rd) row added relating to <i>Assessment of whether a project is likely to have a significant effect on a European site.</i>
	Table 19.4, 4th row	Amendment to delegation level.
	Table 19.4, 5th row	Addition of <i>including powers of entry</i> to Function text and amendment to delegation level.
27 Governance	Table	Deletion of a duplicated row.

List of revisions since first publication

Part	Section	Revisions - May 2018
13 Access	13.3 Coastal Access Provisions Part One	New line G
	13.3 Coastal Access Provisions Part Two	Amendments to delegated level on lines B, C and D New lines E and F
Part	Section	Revisions - April 2018
6 NNRs	Wildlife and Countryside Act 1981	Selected lines added, removed and/or amended including changes to delegation level, in line with operational practices.
Part	Revisions - April 2019	
Various	<p>We have changed the owner of the NFSoD from James Cross to Marian Spain CEO</p> <p>There was an inconsistency throughout the NFSoD in relation to the role of 'Senior Adviser Protected Sites'. Therefore all references to 'Protected Sites Senior Specialist' or 'Protected Sites Senior Specialist / Senior Adviser Protected Sites' have been changed to 'Senior Adviser Protected Sites'.</p> <p>All references to the Habitats Regulations have been changed to: 'The Conservation of Habitats and Species Regulations 2017 (as amended)'.</p> <p>Part 7 – The Habitats Regulations</p> <ul style="list-style-type: none"> We have removed reference '* = New schemes required to address gaps in delegation and to align with scope of NE's HRA Operational Standard published in April 2013' as this is no longer relevant. <p>Part 15 – Species and other licensing</p> <ul style="list-style-type: none"> 15.1 'The Wildlife Licence Charges (England) Regulations 2018 (S.I. 2018/771)' regulation has been added along with additional text for each entry in the first box <p>Part 19 – EIA (Agriculture) regulations</p> <ul style="list-style-type: none"> Reg 8(2) and Reg 17 – We have made amendments to the description of the duty in relation to these regulations <p>Part 20 – Environmental liability –</p> <ul style="list-style-type: none"> Amendment to the title of the Regulations – 'Environmental Damage (Prevention & Remediation)' by adding '(England) Regulations 2015 (as amended)'. The delegation levels have also changed in relation to regulation 13(2), 14(2) and 15 to 'Appropriate Area Manager in consultation with appropriate Senior Adviser and Principal Adviser Legal' to ensure consistency throughout the NFSoD. 	

Part 1 External Reports and Consultations

1.1 External reports

Legislation	Function	Delegated Level
	1. Approval of Natural England's external reports on issues of national importance, or of a significant or contentious nature	Chief Executive
	2. Approval of Natural England's external reports on issues which are not of national importance in England	Appropriate Chief Officer in consultation with appropriate Director
	3. Approval for publication of technical reports, annual performance reports etc.	Appropriate Director

1.2 Consultations (For responses to planning consultations see Part 10)

Legislation	Function	Delegated Level
S24(1) Wildlife and Countryside Act 1981	Advice to Secretary of State on Schedules for animals and plants	Board
	Advice to Secretary of State on planning/development and other issues affecting the accomplishment of National park and AONB purposes	Board
	Response to consultation from Secretary of State on order for AONB Conservation Board	Board
	Sign off any other advice or correspondence to Secretary of State	Chairman
	Response to national consultations of national significance	Appropriate Director,
	Response Formal written advice including consultation responses to statutory bodies of local significance	Appropriate Area Manager
	Response to statutory consultations - regional or local significance	Appropriate Adviser
	Natural England run External Consultation projects	Board

Part 2 MOUs etc.

Where this term is used it includes service level agreements, concordats, and other similar style documents that are intended to reflect a partnering/working arrangement rather than a contractual obligation which is enforceable. In the majority of cases there will be no monetary consideration when an MoU is created.

If the MoU has financial implications then the limits in Part D of the Financial Scheme of Delegation will apply.

2.1 Non-legally binding agreements e.g. MoUs, Concordats

Subject	Delegated Level
1. Approval of written high level, non-legally binding arrangements with public sector bodies or not for profit organisations which relate to the whole of Natural England involving significant impact on Natural England's reputation:	
(a) for more than 3 years	Chief Executive in consultation with Chairman
(b) for 3 Years or less	Chief Executive
(c) for 1 year or less	Appropriate Chief Officer
2. Approval of MOUs that are cross boundary in geographical or functional terms.	Appropriate Chief Officer
3. Approval of MOUs of regional or local importance or less significant impact:	
a) MoUs for 3 years or less	Appropriate Director or Area Manager
b) MoUs for 1 year or less	Appropriate Area Manager
4. Approval of MOUs which relate only to a specific project:	
a) National Implications	Appropriate Principal Adviser
b) Area Implications	Appropriate Principal Adviser
5. Approval of MoU to define a Heritage Coast	
a) Approval of a recommendation to proceed with assessing a proposal for the definition of a new, or extension of an existing, Heritage Coast	Appropriate Chief Officer
b) Approval of a recommendation to define a new or extended Heritage Coast including detailed boundary	Appropriate Chief Officer
c) Approval and Signature of a Memorandum of Agreement between Natural England and Local Authorities to define a new or extend an existing defined Heritage Coast	Appropriate Chief Officer

2.2 Legally binding agreements e.g. Service Level Agreements, some Partnership Agreements, etc. where there is no financial commitment

Subject	Delegated Level
1. Approval of written high level legally binding agreements with public sector bodies or not for profit organisations which relate to the whole of Natural England involving significant impact on Natural England's reputation:	
(a) for more than 3 years	Board
(b) for 3 years or less	Chief Executive in consultation with Chairman
(c) for 1 year or less	Appropriate Chief Officer in consultation with Chief Officer Legal & Governance
2. Approval of Agreements that are cross boundary in geographical or functional terms.	Appropriate Chief Officer in consultation with Chief Officer Legal & Governance
3. Approval of Agreements of regional or local importance or less significant impact:	
(a) Agreements for more than one year	Appropriate Director or Area Manager in consultation with Chief Officer Legal & Governance
(b) Agreements for one year or less	Appropriate Area Manager in consultation with Principal Adviser, Legal
4. Approval of Agreements which relate only to a specific project	Appropriate Area Manager / Principal Adviser in consultation with Principal Adviser, Legal

2.3 Licences (where there is no financial consideration)

For these purposes:

- i) Commercial means: where there is a direct or indirect generation of income by a third party resulting from their use of licensed intellectual property (IP)
- ii) Commercial organisations means: any party that is not a public sector body or a not for profit organisation

Note: The supply or acquisition of data when part of a contract with a financial consideration is dealt with under Part E of the FSoD

Activity	Delegated Level
1) Licences with third parties for the acquisition of data	Specified Officer (see annex 1) in consultation with Principal Adviser Legal
2) Granting licences for the use of Natural England data	
a) Non-royalty bearing standard Natural England IP Licences	Specified Officer (see annex 1)
b) Royalty bearing standard Natural England IP licences	Specified Officer (see annex 1) in consultation with appropriate Team Manager and Principal Adviser Legal
Non-standard Licenses (whether bearing royalties or not)	Principal Adviser Legal
3) Approval of IP licences that enable the use of a Natural England logo, brand or trademark	
a) for commercial organisations or for commercial use by any party	Appropriate Director in consultation with Head of Legal Services
b) for non-commercial use by public sector bodies or not for profit organisations	Appropriate Senior Adviser
4) Disputes	
Approving the handling, and terms, of any settlement arising from a) the infringement, or alleged infringement, of Natural England's intellectual property rights, or b) the infringement, or alleged infringement, of a third party's intellectual property rights by natural England.	Appropriate Director in consultation with Head of Legal Services

Part 3 SSSIs

3.1 Notification and confirmation

3.1.1 Notification and confirmation of new SSSI

To notify land by special interest by reason of its flora, fauna geological or physiographical features

Legislation: Section 28 of the Wildlife & Countryside Act 1981 as substituted by Schedule 9 to the Countryside & Rights of Way Act 2000

	Section of legislation	Function	Delegated level
A	s.28(1)	Approval to notify land of special interest by reason of its flora, fauna, geological or physiographical features	Chief Executive in consultation with appropriate Chief Officer, appropriate Director and the Chief Scientist
B	s.28(1)	Approval, in emergency circumstances, to notify land of special interest by reason of its flora, fauna, geological or physiographical features	Chairman in consultation with Chief Executive
C	s.28(1)(a) (b) & (c)	Give notice to local planning authority, every owner or occupier of that land and Secretary of State subject to approval in s.3.1.1A or B	Appropriate Adviser
D	s.28(2)	Publish notification in at least one local newspaper circulating in the area in which the land is situated, subject to approval in s.3.1.1A or B	Appropriate Adviser
E	s.28(5)(a)	Approval to withdraw the notification	Board
F	s.28(5)(a)	Give notice withdrawing the notification, subject to approval in s. 3.1.1E	Appropriate Adviser
G	s.28(5)(b)	Approval to confirm the notification with or without modifications where there are no outstanding objections or representations (i.e. where no representations or objections made, where representations or objections withdrawn or resolved)	Appropriate Director
H	s.28(5)(b)	Approval to confirm the notification with or without modifications where representations or objections are unresolved	Board
I	s.28(5)(b)	Give notice confirming the notification with or without modification to all those notified, subject to approval in s.3.1.1G or H (see s.3.1.6 for subtidal land)	Appropriate Adviser
J		Serving notice of SSSI Notifications on EA, IDBs & Water companies under relevant Acts	Appropriate advisor
K	s.28(9)	Notification of a local land charge for the purposes of registering SSSI as a local land charge. Subject to approval in s.3.1.1A,B,E,G or H	Appropriate Adviser

3.1.2 Variation of existing SSSI notification

To vary an SSSI notification

Legislation: Section 28A of the Wildlife and Countryside Act inserted by Schedule 9 of the Countryside & Rights of Way Act 2000

	Section of legislation	Function	Delegated level
A	s.28A(1)	Approval to vary an existing SSSI notification	Chief Executive in consultation with appropriate Chief Officer, appropriate Director and the Chief Scientist
B	s.28A(1)	Approval, in emergency circumstances, to vary an existing SSSI notification	Chairman in consultation with Chief Executive
C	s.28A(3)(a), (b), (c)	Give notice of variation to local planning authority, every owner or occupier of any of the land affected by the variation & Secretary of State subject to approval in 3.1.2A or B	Appropriate Adviser
D	s.28A(5)(a)	Approval to withdraw the variation	Board
E	s.28A(5)(a)	Give notice withdrawing the variation subject to approval in s.3.1.2D	Appropriate Adviser
F	s.28A(5)(b)	Approval to confirm the variation notification with or without modifications where there are no outstanding objections or representations (i.e. where no representations or objections made, where representations or objections withdrawn or resolved)	Appropriate Director
G	s.28A(5)(b)	Approval to confirm the variation with or without modifications where representations or objections are unresolved	Board
H	s.28A(5)(b)	Give notice confirming the variation with or without modifications subject to approval in s.3.1.2F or G	Appropriate Adviser
I	s.28A(8)	Notification to local land charge office for purposes of varying existing local land charge, subject to approval in s. 3.1.2A,B,D,F or G	Appropriate Adviser

3.1.3 Notification & confirmation of additional land

To add land to an existing SSSI

Legislation: Section 28B of the Wildlife and Countryside Act inserted by Schedule 9 of the Countryside & Rights of Way Act 2000

	Section of legislation	Function	Delegated level
A	s.28B(1)	Approval to notify extra land adjacent to an existing SSSI notification	Chief Executive in consultation with appropriate Chief Officer, appropriate Director and the Chief Scientist
B	s.28B(1)	Approval, in emergency circumstances, to notify extra land adjacent to an existing SSSI Notification	Chairman in consultation with Chief Executive
C	s.28B(2)(a), (b), (c)	Give notice of notification to local planning authority, every owner or occupier of any of the extra land and Secretary of State subject to approval in s.3.1.3 A or B	Appropriate Adviser
D	s.28B(4)	Publish notification in at least one local newspaper circulating in the area in which the land is situated, subject to approval in s. 3.1.3A or B	Appropriate Adviser
E	s.28B(7)	Approval to withdraw the notification of the extra land	Board
F	s.28B(7)	Give notice withdrawing the notification of the extra land, subject to approval in s.3.1.3E	Appropriate Adviser
G	s.28B(7)	Approval to confirm the notification of the extra land with or without modifications where there are no outstanding objections or representations (i.e. where no representations or objections made, where representations or objections withdrawn or resolved)	Appropriate Director
H	s.28B(7)	Approval to confirm the notification of the extra land with or without modifications where representations or objections are unresolved	Board
I	s.28B(7)	Give notice confirming the notification of the extra land with or without modifications, subject to approval in s.3.1.3G or H (see s.3.1.6 for subtidal land)	Appropriate Adviser
J	s.28B(10)	Notification to local land charge office for purposes of registering additional land as a local land charge, subject to approval in s. 3.1.3A,B,E,G or H	Appropriate Adviser

3.1.4 Notification & confirmation of enlargement of SSSI

To enlarge an existing SSSI

Legislation: Section 28C of the Wildlife and Countryside Act inserted by Schedule 9 of the Countryside & Rights of Way Act 2000

	Section of legislation	Function	Delegated level
A	s.28C(1)	Approval to notify enlargement of an existing SSSI notification	Chief Executive in consultation with appropriate Chief Officer, appropriate Director and the Chief Scientist
B	s.28C(1)	Approval, in emergency circumstances, to notify an enlargement to an existing SSSI notification	Chairman in consultation with Chief Executive
C	s.28C(2)	Give notice to local planning authority, every owner or occupier of the enlarged SSSI and Secretary of State subject to approval in s.3.1.4A or B	Appropriate Adviser
D	s.28C(3)	Publish notification in at least one local newspaper circulating in the area in which the land is situated, subject to approval in s. 3.1.4A or B	Appropriate Adviser
E	s.28C(3)	Approval to withdraw the notification of the enlarged SSSI	Board
F	s.28C(3)	Give notice withdrawing the notification of the enlarged SSSI, subject to the approval in s. 3.1.4E	Appropriate Adviser
G	s.28C(3)	Approval to confirm the notification of the enlarged SSSI with or without modifications where there are no outstanding objections or representations (i.e. where no representations or objections made, where representations or objections withdrawn or resolved)	Appropriate Director
H	s.28C(3)	Approval to confirm the notification of the enlarged SSSI with or without modifications where representations or objections are unresolved	Board
I	s.28C(3)	Give notice confirming the notification of the enlarged SSSI with or without modifications, subject to the approval in s.3.1.4 G or H (see s.3.1.6 for subtidal land)	Appropriate Adviser
J	s.28C(6)	Notification to local land charge office for purposes of registering SSSI as a local land charge and discharging local land charge that existed by virtue of s.28(9), subject to approval in s.3.1.4 A,B,E,G or H	Appropriate Adviser

3.1.5 Denotification

To denotify all or part of an SSSI

Legislation: Section 28D of the Wildlife and Countryside Act inserted by Schedule 9 of the Countryside & Rights of Way Act 2000

	Section of legislation	Function	Delegated level
A	s.28D(1)	Approval to propose denotification of all or part of a SSSI	Chief Executive in consultation with appropriate Chief Officer, appropriate Director and the Chief Scientist
B	s.28D(2)(a), (b), (c), (d), (e)	Give notice of proposed denotification to local planning authority, every owner or occupier of the land, the Secretary of State, the Environment Agency, every relevant undertaker (within the meaning of section 4(1) of the Water Industry Act 1991) and internal drainage board (within the meaning of s. 61C of the Land Drainage Act 1991) subject to approval in s.3.1.5A	Appropriate Adviser
C	s.28D(3)	Publish denotification proposal in at least one local newspaper circulating in the area in which the land is situated, subject to approval in s.3.1.5A	Appropriate Adviser
D	s.28D(5)(a)	Approval to withdraw the denotification proposal	Board
E	s.28D(5)(a)	Give notice withdrawing the denotification proposal, subject to approval in Sec 3.1.5D	Appropriate Adviser
F	s.28D(5)(b)	Approval to confirm the denotification with or without modifications where there are no outstanding objections or representations (i.e. where no representations or objections made, where representations or objections withdrawn or resolved)	Appropriate Director
G	s.28D(5)(b)	Approval to confirm the denotification with or without modifications where representations or objections are unresolved	Board
H	s.28D(5)(b)	Give notice confirming denotification, subject to approval in s.3.1.5F or G	Appropriate Adviser
I	s.28D(7)	Notification to local land charge office for the purpose of discharging a local land charge that existed by virtue of s.28(9), subject to approval in s.3.1.5F or G	Appropriate Adviser

3.1.6 Subtidal SSSI notification

Confirmation of SSSI notification of subtidal land

Legislation: Section 28CB of the Wildlife and Countryside Act inserted by Schedule 13 of the Marine & Coastal Access Act 2009

	Section of legislation	Function	Delegated level
A	s.28CB(2)	Approval to give notice to the Secretary of State of the intention to confirm the notification of subtidal land as a SSSI under S.28(5)(b), where there are no outstanding objections or representations (i.e. where no representations or objections made, where representations or objections withdrawn or resolved)	Appropriate Director
B	s.28CB(2)	Approval to give notice to the Secretary of State of the intention to confirm the notification of subtidal land as a SSSI under S.28(5)(b), where representations or objections are unresolved	Board
C	s.28CB(2)	Give notice to the Secretary of State of the intention to confirm the notification of subtidal land, subject to approval in s.3.1.6A or B	Appropriate Adviser
D	s.28CB(2), (3), (4), (5), (6)	Give notice confirming (with or without modification) or withdrawing the notification of subtidal land, subject to the relevant approval in s.3.1.1, 3.1.3 or 3.1.4; and either: i) no notice having been received under S.28CB(3) from the Secretary of State within 21 days of the notice referred to in s.3.1.6C; or ii) in accordance with a direction given under S.28CB(5) by the Secretary of State	Appropriate Adviser

3.2 Notice, consent, appeals & payments

3.2.1 Notice & consent

In response to a notice given under s.28E from an owner or occupier

Legislation: Section 28E of the Wildlife and Countryside Act 1981 as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000

	Section of legislation	Function	Delegated level
A	s.28E(3)(a)	Approval and issue consent without conditions	Appropriate Adviser
B	s.28E(4)	Approval and issue consent with conditions	Appropriate Team Leader in consultation with appropriate Senior Adviser Protected Sites and Principal Adviser Legal
C	s.28E(5)	Approval and issue of refusal of consent	Appropriate Team Leader in consultation with appropriate Senior Adviser Protected Sites and Principal Adviser Legal
D	s.28E(6)(a)	Approval of withdrawal of consent and payment of compensation	Appropriate Area Manager in consultation with appropriate Director and Principal Adviser Legal
E	s.28E(6)(b)	Approval of modification of consent and payment of compensation	Appropriate Area Manager in consultation with appropriate Director and Principal adviser Legal

3.2.2 Appeals in connection to consents related to SSSIs

A person may appeal to the Secretary of State against Natural England's decision

Legislation: Section 28F of the Wildlife and Countryside Act 1981 as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000

	Section of legislation	Function	Delegated level
A	s.28F(3)	Approval to extend appeal deadline	Appropriate Senior Adviser Protected Sites in consultation with Principal Adviser Legal
B	-	Approval of Statement of Case	Appropriate Senior Adviser Protected Sites in consultation with Principal Adviser Legal

3.2.3 Payments

Make payment to any owner or occupier who suffers loss as a result of modification or withdrawal of consent under s.28E (6)

Legislation: Section 28M of the Wildlife and Countryside Act 1981 as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000

	Section of legislation	Function	Delegated level
A	s.28M(1)	Approval to make payment to any owner or occupier of the land who suffers loss because of the modification or withdrawal of a consent (In accordance with Ministerial Guidance 'Guidelines on Management Agreement Payments and Other Related Matters' DETR 2001). For Approval of any amount of compensation please see the FSoD.	Board
B	s.28M(1)	Offer payment	Appropriate Adviser after sign off by the Board

3.3 Notice, assent & advice to statutory undertakers, public bodies etc

3.3.1 Notice & assent to statutory undertakers, public bodies etc

In response to a notice given by a statutory undertaker, public bodies etc under s.28H (1)

Legislation: Section 28H of the Wildlife and Countryside Act 1981 as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000

		Function	Delegated level
A	s.28H(3)(a)	Approval to not assent and to give notice to not assent	Appropriate Team Leader in consultation with appropriate Senior Adviser Protected Sites
B	s.28H(3)(b)	Approval to assent with or without conditions and give notice of assent	Appropriate Adviser

3.3.2 Notice & advice to statutory undertakers, local authorities and other public bodies, etc.

In response to a notice given by a statutory undertaker or public body in relation to authorising operations under s.281

Legislation: Section 281 of the Wildlife and Countryside Act 1981 as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000 and as amended by section 55 of the Natural Environment and Rural Communities Act 2006

		Function	Delegated level
A	s.281(5)	Advise of certain conditions	Appropriate Adviser
B	s.281(5)	Advise against permitting operations	Appropriate Team Leader in consultation with appropriate Senior Adviser Protected Sites

3.4 Section 28J Management schemes

Legislation: Section 28J of the Wildlife and Countryside Act 1981 as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000

	Section of legislation	Function	Delegated level
A	s.28J(3)	Approval to serve a management scheme	Appropriate Area Manager
B	s.28J(3)	Serve notice of management scheme on relevant owners and occupiers	Appropriate Adviser
C	s.28J(8)(a)	Approval to withdraw a management scheme	Appropriate Area Manager
D	s.28J(8)(a)	Give notice to relevant owners and occupiers withdrawing the management scheme	Appropriate Adviser
E	s.28J(8)(b)	Approval to confirm the management scheme with or without modifications where there are no outstanding objections or representations (i.e. where no representations or objections made, where representations or objections withdrawn or resolved)	Appropriate Area Manager
F	s.28J(8)(b)	Approval to confirm the notification with or without modifications where representations or objections are unresolved	Appropriate Area Manager
G	s.28J(8)(b)	Give notice to relevant owners and occupiers confirming management scheme with or without modifications	Appropriate Adviser
H	s.28J(11)	Approval to cancel or modify a management scheme	Appropriate Area Manager
I	s.28J(11)	Give notice to relevant owners and occupiers cancelling or modifying a management scheme	Appropriate Adviser

3.5 Management Notices

To serve a management notice (requiring works) if the owner or occupier is not giving effect to a management scheme and SSSI features are being inadequately restored

Legislation: Section 28K of the Wildlife and Countryside Act 1981 as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000

	Section of legislation	Function	Delegated level
A	s.28K(1)	Approval to serve a management notice	Appropriate Area Manager
B	s.28K(1)	Serve notice of a management notice on relevant owner or occupier	Appropriate Adviser
C	s.28K(6)	Serve notice of a management notice on every other or occupier of that land	Appropriate Adviser
D	s.28K(7)(a)	Approval to enter land, and any other land, and carry out the work.	Appropriate Area Manager in consultation with Principal Adviser, Legal
E	s.28K(7)(b)	Approval to recover from the owner or occupier upon whom the notice was served any expenses reasonably incurred in carrying out the work.	Appropriate Area Manager in consultation with Principal Adviser, Legal

Legislation: Section 28L of the Wildlife and Countryside Act 1981 as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000

	Section of legislation	Function	Delegated level
A		Approval to extend appeal deadline to Secretary of State	Appropriate Team Leader in consultation with Principal Adviser Legal and appropriate Senior Adviser Protected Sites
B		Approval of Statement of Case	Appropriate Senior Adviser Protected Sites in consultation with Principal Adviser Legal

3.6 Enforcement

Commence criminal proceedings for an offence

Legislation: Section 28P of the Wildlife and Countryside Act 1981 as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000 and as amended by section 55 of the Natural Environment and Rural Communities Act 2006 and section 51 of the Environmental Civil Sanctions (England) Order 2010

	Section of legislation	Function	Delegated level
A	s.28P, s.28S & s.51(4)	Issue warning letters	Appropriate adviser
B	s.28P, s.28S & s.51(4)	Approval to accept an Enforcement Undertaking	Appropriate Area Manager in consultation with Chief Officer Legal & Governance and appropriate Senior Adviser Protected Sites
C	s.28P, s.28S & s.51(4)	Approval to serve a civil sanction: Fixed Monetary Penalty, Variable Monetary Penalty, Restoration Notice, Compliance Notice or Stop Notice	Appropriate Area Manager in consultation with Chief Officer Legal & Governance and appropriate Senior Adviser Protected Sites
D	s.28P, s.28S & s.51(4)	Approval to serve a Non-Compliance Penalty Notice where a civil sanction has not been complied with	Appropriate Area Manager in consultation with Head of Legal Services and appropriate Senior Adviser Protected Sites
E	s.28P, s.28S & s.51(4)	Approval to recover costs of imposing a civil sanction via a cost recovery notice	Appropriate Area Manager in consultation with Head of Legal Services and appropriate Senior Adviser Protected Sites
F	s.28P, s.28S & s.51(4)	Approval to proceed with a prosecution or caution	Appropriate Area Manager in consultation with Chief Officer Legal & Governance
G	s.28P, s.28S & s.51(4)	Approval to serve an injunction or possession order	Appropriate Area Manager in consultation with Chief Officer Legal & Governance

3.7 Notices and signs

To put up and maintain notices and signs within an SSSI and take them down

Legislation: Section 28S of the Wildlife and Countryside Act 1981 as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000 and as amended by section 58 of the Natural Environment and Rural Communities Act 2006

	Section of legislation	Function	Delegated level
A	s.28S(1)	Approval to put up and maintain a notice or sign	Appropriate Adviser
B	s.28S(2)	Approval to remove any notice or sign put up under s.28S(1)	Appropriate Adviser

3.8 Restoration Order

Restoration order following offence under section 28P of the Wildlife and Countryside Act 1981 as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000 and as amended by section 55 of the Natural Environment and Rural Communities Act 2006

Legislation: Section 31 of the Wildlife and Countryside Act 1981 as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000 and as amended by section 55 of the Natural Environment and Rural Communities Act 2006

	Section of legislation	Function	Delegated level
A	s.31	Approval to apply for a Restoration Order	Appropriate Area Manager in consultation with Ecological Specialist and Head of Legal Services
B	s.31	Approval to enter land and carry out operations and recover money where non-compliance with a restoration order under s.31	Appropriate Area Manager in consultation with Head of Legal Services

3.9 Powers of entry

Powers of entry for authorised persons in connection with various SSSI matters

Legislation: Section 51 of the Wildlife & Countryside Act 1981 as substituted by Section 80 to the Countryside & Rights of Way Act 2000 and section 58 of the Natural Environment and Rural Communities Act 2006

	Section of legislation	Function	Delegated level
A	s.51	Authorisation to enter land for purposes set out in subsections (a)-(d) and (f)-(m)	Appropriate Team Leader
B	s.51(e)	Authorisation to enter land to ascertain whether an offence has been committed	Appropriate Adviser
C	s.51(4)	Commence proceedings for an offence of obstruction	Appropriate Area Manager in consultation with Chief Officer Legal & Governance
D	s.51(5)	Approval to compensate in certain circumstances in respect of the use of s.51 powers	Appropriate Area Manager in consultation with Chief Officer Legal & Governance

3.10 Service of certain notices

Effect of failure to serve certain notices in connection with SSSIs

Legislation: Section 70B of the Wildlife & Countryside Act 1981 as substituted by Section 80 to the Countryside & Rights of Way Act 2000 and section 57 & 58 of the Natural Environment and Rural Communities Act 2006

	Section of legislation	Function	Delegated level
A	s.70B(5)	Approval to service notice on an owner or occupier	Appropriate Adviser
B	s.70B(5)	Serve copy of SSSI notification on relevant owner or occupier	Appropriate Adviser

3.11 Stop Notice and Payments

Notice to protect SSSI from operation given under section 28(5)(a) of Wildlife and Countryside Act 1981 (as amended)(pre-Countryside and Rights of Way Act 2000)

Legislation: Wildlife and Countryside Act 1981 as substituted by Schedule 11 to the Countryside and Rights of Way Act 2000

	Section of legislation	Function	Delegated level
A	Sch11 Para.9(3)	Approval to serve a Stop Notice	Appropriate Area Manager in consultation with Chief Officer Legal & Governance
B	Para.9(8)	Approval to make payment to any owner or occupier of the land who suffers loss because of the Stop Notice (In accordance with Ministerial Guidance 'Guidelines on Management Agreement Payments and Other Related Matters' DETR 2001)	Appropriate Area Manager in consultation with Chief Officer Legal & Governance
C	Para.9(12)(1)	Approval to vary a Stop Notice	Appropriate Area Manager in consultation with Chief Officer Legal & Governance

3.12 Byelaws on SSSIs

Legislation: Countryside and Rights of Way Act 2000

	Section of legislation	Function	Delegated level
	Sch 9	Making byelaws to protect SSSIs	Board

Part 4 Signing of all deeds and agreements under seal

Signing deeds (agreements under Seal) for any management agreement or associated documents, including reviews, after authorisation

Activity	Delegated level
Signing deeds and any other agreements, or documents e.g. EU funding bids, under seal	Chief Officer Legal & Governance
If novel or contentious	Chairman in consultation with Chief Officer Legal & Governance

Part 5 Signing Novation agreements

For signing novation agreements see Part E of the Financial Scheme of Delegation.

If any novation agreement requires the signature to be under seal then Part 4 of the NFSoD above will apply.

Part 6 NNRs

Section of legislation	Function	Delegated level
s35(1) Wildlife & Countryside Act 1981	Acquisition and declaration of a whole new Natural England NNR;	Board
	Declaration of a new Approved Body NNR	Board
	De-declaration of a whole NNR on a permanent basis	Board
	Acquisition and declaration of an extension to, or permanent de-declaration of part of, an existing NNR	Appropriate Director in consultation with Director of Operations
	De-declaration of whole or part NNR where followed by re-declaration (for instance to enable the transfer of management between NE and an existing Approved Body)	Appropriate Director in consultation with Director of Operations
	Approval of a body to hold an existing NNR	Chief Executive
	Approval of a body to hold a new NNR	Board
s35(3) Wildlife & Countryside Act 1981	Making or revoking byelaws	Appropriate Director in consultation with Head of Legal Services
S35(5) Wildlife & Countryside Act 1981	Approval of a body to hold a NNR	Chief Executive
	Submit applications and representations seeking to restrict access by direction on held CROW access land (subject to the same processes and consideration by Relevant Authorities as all non-application directions) – See Part 13	Appropriate Manager
	Injunction to secure access/prevent illegal access	Appropriate Director in consultation with Chief Officer Legal & Governance
	(Exceptionally) Use of discretionary restrictions under CROW s.22 or s.23 on open access land that we own or occupy	Appropriate Manager in consultation with Access Principal Specialist

Part 7 Habitats Regulations

Legislation: The Conservation of Habitats and Species Regulations 2017 (as amended)

Section of legislation	Function	Delegated level
Reg.18(3)	Keep copies of the register of European sites for public inspection.	Appropriate Team Manager
Reg.19	Notification that a European site has been added to, or removed from, the register	Appropriate Adviser
Reg.20	Entering management agreements with owners and occupiers in respect of European sites	Follow authority levels as for s7 agreements see Part 16
Reg.23(2)	Power to change SSSI notifications (citation and use of operations likely to damage) to meet the requirements of the Habitats Directive and Wild Birds Directive	As Part 3.1.2 (Variation of existing SSSI notification)
Reg.24	Screening for and making appropriate assessment of s28E SSSI notices	Appropriate Advisor
	Approve appropriate assessment of SSSI notices where the case is assessed as high risk	Appropriate Team Leader in consultation with the appropriate Principal specialist / Adviser and Senior Specialist protected areas
Reg.25	Duty to review existing consents (i.e. affirm, modify or withdraw consents as a result of Habitats Regulation Assessment)	Appropriate Director in consultation with Principal Specialists Protected Area and Principal Adviser Legal Chairman
Reg.27	Power to request Secretary of State to make special nature conservation order (SNCO)	
Reg.28(1)	Power to serve a stop notice relating to SNCO	Appropriate Director
Reg.28(8)	Authority to commence prosecution proceedings for breach of an SNCO	As per Part 3.6.1
Reg.30	Compensation for effect of order	Appropriate Director

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Section of legislation	Function	Delegated level
Reg.31	Commencing proceedings for failing to comply with a restoration order.	As Part 3.8 (Restoration Order)
Reg. 32	Power to make European Site byelaw i.e. to approve a recommendation of byelaw confirmation to the Secretary of State	Board
Reg.34	Compensation for effect of byelaws	Appropriate Director
Reg.35/37 (3)	Advising the relevant authority as to the conservation objectives of a European Marine Site and any operation that may cause deterioration or disturbance to the habitats or species therein.	Appropriate Manager / National Marine Principal Specialist / Principal Adviser
Reg.37	Approval of installation of markers.	Appropriate Senior Specialist+/ Senior Adviser
Reg.38	Management schemes for European marine site	Appropriate Team Leader / Senior Adviser Marine
Reg. 63 (1)	Advising on screening Likely Significant Effect (LSE) and necessity for management tests from another Competent Authority	Appropriate Adviser
	Screening for and making an appropriate assessment of plans or projects where Natural England is the competent authority	Appropriate Adviser
	Approve appropriate assessment of plans or projects where Natural England is the competent authority and the case is assessed as high risk.	Appropriate Team Leader / Senior Adviser / Casework Manager in conjunction with the appropriate Principal Specialist/ Advisor and Senior Specialist Protected Areas
Reg.63 (3†)	Advising on an Appropriate Assessment of a plan or project from another Competent Authority where the case is assessed as high risk.	Appropriate Team Leader / Senior Adviser / Casework Manager in conjunction with the appropriate Principal Specialist/Advisor
Reg. 65	Decision to review Natural England's existing consents	Appropriate Director/Area Manager as appropriate
Reg.76	GDO: opinion of appropriate nature conservation body on relevant effect (i.e. Likely Significant Effect)	Appropriate Adviser

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Section of legislation	Function	Delegated level
Reg.117/123	Powers to authorise entry (SNCO etc)	Appropriate Director in consultation with appropriate Senior Specialist
Reg. 117/123	Powers of entry (surveying land for value etc)	Appropriate Director or Area Manager
Reg.117	Powers of entry (surveying land in connection with compulsory acquisition etc.)	Appropriate Director or Area Manager
Reg 105 (1)	Advising on screening likely significant effect (LSE)	Appropriate Adviser
Reg 105 (2)	Advising on an appropriate assessment from another competent authority	Appropriate Adviser
Reg 106 (2)	Advising on an appropriate assessment from another competent authority where Natural England's advice is contrary to that of the authority's	Appropriate Team Leader / Senior Adviser / Casework Manager in conjunction with the appropriate Principal Specialist / Advisor
Not set out in Acts but adopted as an appropriate response to technical and minor breaches	Warning letters following technical and minor breaches of regulations	Appropriate Adviser

Part 8 Compulsory purchase

Section of legislation	Function	Delegated level
s103 National Parks and Access to the Countryside Act 1949	Approval for compulsory purchase	Board
s108 National Parks and Access to the Countryside Act 1949	Authorisation of Power of Entry for survey in connection with a Compulsory Purchase Order	Appropriate Director or Area Manager

Part 9 Commons

S46 Powers relating to unauthorised agricultural activities

The Secretary of State delegated these powers to Natural England in 2009. Defra has published guidance (PDF, 65.3KB, 2 pages) to Natural England on the appropriate use of its powers. These are powers of last resort, where Natural England has other powers, such as for the protection of SSSIs these would be used in preference to powers under s46 Commons Act.

Section of legislation	Function	Delegated level
S46 (2) of the Commons Act 2006	Decision to serve notice	Appropriate Director or Area manager in consultation with Head of Legal Services
S46 (7) a of the Commons Act 2006	Application to the county court	Appropriate Director or Area manager in consultation with Chief Officer legal & Governance

S41 Enforcement

These are powers available to any person, and currently no national agency or local authority has a specific responsibility regarding enforcement. It is proposed that we should consider using these powers in 2 specific situations:

- a) Where the land concerned is registered for payments and where Natural England has supported improvements to land management practices but these are not being carried out with consent or in accordance with consent obtained. An example of this is where a landowner with an HLS agreement locks gates onto a common, or erects fencing incorrectly, and ignores our requests to rectify matters.
- b) Where the common is of high recreational value to a local community but where local community leaders are involved in the illegal works

Section of legislation	Function	Delegated level
S41 (1) of the Commons Act 2006	Application to the county court	Appropriate Director or Area manager in consultation with Chief Officer legal & Governance

Part 10 Land use Planning and Marine Planning & Licensing

- The level of casework risk is defined within the following documents: Risk escalation procedure in Natural England, and casework Quality assurance documents.
- Where individual cases involve the Conservation of Habitats and Species Regulations 2017 (as amended) (specifically Regulations 63, 65 & 76) or notice and advice on SSSI reference must be made to the appropriate delegations shown the Conservation of Habitats and Species Regulations 2017 (as amended) (part 7) or SSSI (Part 3) pages. Where the levels of delegations differ, the higher of the two must be adhered to.

Section of legislation	Function	Delegated level
General provisions - (land use planning) s – Town and Country Planning Act 1990 (as amended), Planning and Compulsory Purchase Act (2004), Planning Act 2008	Approval of input to development of Government policy e.g. NPPF or Government led proposals e.g. High Speed 2 where positioning of the organisation has significant reputational/organisational risks	Board
Planning Act 1990 (as amended), Planning and Compulsory Purchase Act (2004), Marine and Coastal Access Act 2009, Section 281, Wildlife and Countryside Act 1981 (as amended), Regulation 63 of Conservation of Habitats and Species Regulations 2017 (as amended), Environmental Assessment of Plans and Programmes Regulations 2004, Town and Country Planning (Environment Impact Assessment) Regulations 2017.	National land use planning / marine planning or licensing consultations (non-case specific)	
	a) consultations involving government policy approaches or with significant reputational/organisational risks	Appropriate Director
	b) all other consultations, including those with technical / implementation content	Appropriate Manager / Principal Adviser/Principal Specialist
Marine and Coastal Access Act 2009	Marine (spatial) planning consultations (marine plans)	
	a) statutory consultations on the statement of public participation and draft marine plans	a) Appropriate Principal Specialist / Principal Adviser
	b) technical consultations on marine plans	b) Appropriate Senior Specialist / Senior Adviser

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Section of legislation	Function	Delegated level
Call in decisions in relation to land use planning casework		Chief Executive in consultation with relevant Chief Officer, Director and Area Manager
Town and Country Planning Act 1990 (as amended) Planning and Compulsory Purchase Act 2004, Planning Act 2008, Marine and Coastal Access Act 2009 , Environmental Assessment of Plans and Programmes Regulations 2004, Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Town and Country Planning (Local Planning) Regulations 2012, The Neighborhood Planning (General) Regulations 2012 (as amended), National Parks and Access to the Countryside Act 1949 (s9), Countryside and Rights of Way Act 2000 (as amended) s84	High risk casework (land use plans , land/ marine project specific cases and NSIPs)	Area Manager
Town & Country Planning (Development Management) Procedure (England) Order 2015		
Wildlife and Countryside Act 1981 (as amended)		
Marine and Coastal Access Act 2009		
Regulation 63 or 105 of Conservation of Habitats and Species Regulations 2017 (as amended)		

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Section of legislation	Function	Delegated level
Town & Country Planning Act 1990 (as amended), Planning and Compulsory Purchase Act 2004, National Parks and Access to the Countryside Act 1949 (s9), Countryside and Rights of Way Act 2000 (s84)	Medium and Low risk case (land use plans)	
	a) Where we advise that a local plan is unsound or a development plan does not meet legal requirements or have significant concerns on other land use plans	Appropriate Senior Adviser/Team leader/ Senior Specialist
	b) Where our response includes a position which is different from past positions on the same development plan or other land use plan	Appropriate Senior Adviser/Team Leader/ Senior Specialist
Town and Country Planning (Local Planning) Regulations 2012	c) Where we provide advice and guidance on development plans or other land use plans	Appropriate Adviser
The Neighborhood Planning (General) Regulations 2012 (as amended)	Medium and Low risk casework (land or marine project specific, not NSIPs)	
	a) where our response includes a position which is different from past positions in the same or equivalent case	Appropriate Senior Adviser/Team Leader/ Senior Specialist
	b) objections to planning applications for local development, and marine license applications.	
Environmental Assessment of Plans and Programmes 2004, Conservation of Habitats and Species Regulations 2017 (as amended), Wildlife and Countryside Act 1981 (as amended)	i) which cannot be overcome with conditions	Appropriate Senior Adviser/Team Leader/ Senior Specialist
	ii) where there is insufficient environmental information	Appropriate Adviser
	c) advice and guidance on other casework	
Town and Country Planning Act 1990 (as amended), Town and Country Planning (Development Management) Procedure (England) Order 2015, Marine and Coastal Access Act 2009, Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Conservation of Habitats and Species Regulations 2017 (as amended), Environmental Assessment of Plans and Programmes 2004, Wildlife and Countryside Act 1981 (as amended), Neighborhood Planning General Regulations 2012.	i) where we provide bespoke advice	Appropriate Adviser
	ii) where we provide generic advice, no comment or no response	Appropriate Support Adviser
Marine and Coastal Access Act 2009		

Section of legislation	Function	Delegated level
Marine and Coastal Access Act 2009 (consultations under section 128: Failure to comply with duties etc.)	Request to a public authority for an explanation as to why it failed its duties under section 125 and 126.	Area Manager
S.106 Town and Country Planning Act 1990	Entering a S.106 agreement when Natural England is co- signatory	Appropriate Area Manager in consultation with appropriate Principal Adviser Legal
Section 156 - Water Industry Act 1991	s156 Water Industry Act disposals	Appropriate Lead Adviser
	IFCA byelaw review response	
	a: Contentious	a: Appropriate Area Manager
	b: non – contentious	b: Appropriate Lead Adviser

Nationally Strategic Infrastructure Projects (NSIPs)

Legislation: Planning Act 2008 and associated Regulations

Section of legislation	Function	Delegated level
Section 42 Planning Act 2008	Advice on any Section 42 Consultation	Appropriate Lead Adviser
	EIA Scoping opinions	Appropriate Lead Adviser
Section 56 Planning Act 2008	Section 56 response (Relevant Representations)	Appropriate Senior Adviser or Team Leader
	Statements of common ground	Appropriate Senior Adviser or Team Leader
Section 150 Planning Act 2008	Section 150, hand over Natural England's powers to a development consent order	Appropriate Area Manager in consultation with Principal Adviser legal
	Request a special hearing	Appropriate Area Manager
	Attend the hearing and give oral evidence	Appropriate Area Manager

Part 11 National Parks

Section of legislation	Function	Delegated level
S 6 (1) National Parks and Access to the Countryside Act 1949	Approval to initially assess and prioritise suggested proposals for designation or boundary variation	Board
Sections 5 and 7 National Parks and Access to the Countryside Act 1949 and Section 45 Wildlife and Countryside Act 1981	Approval of a recommendation to assess whether an area qualifies for designation either as a new National Park, or as a variation to an existing National Park.	Board
Sections 5 and 7 National Parks and Access to the Countryside Act 1949 and Section 45 Wildlife and Countryside Act 1981	Approval of the assessments of whether Natural England should designate a new National Park or vary the boundary of an existing National Park and approval to undertake a statutory consultation on areas proposed as a new National Park or a variation of the boundary of an existing National Park	Chief Executive
Section 7 National Parks and Access to the Countryside Act 1949 and Section 45	Approval of making and submission of Order to SoS	Board
Sch 7, para 4(1) Environment Act 1995	Recommendation to Ministers of candidates for specific National Park Authorities	Board
Sch 7 para 14(3) Environment Act 1995	Recommend candidates for Chief Officer of National Parks	Board
S66 Environment Act 1995	Response to Management Plans	Appropriate Adviser or Senior Specialist

Part 12 Areas of Outstanding Natural Beauty

Section of legislation	Function	Delegated level
Part IV Sections 82-83 Countryside and Rights of Way Act 2000	Approval to initially assess and prioritise suggested proposals for designation or boundary variation	Appropriate Director
	Approval of a recommendation to assess whether an area qualifies for designation either as a new AONB, or as a variation to an existing AONB	Board
	Approval of the assessments of whether Natural England should designate a new AONB or vary the boundary of an existing AONB and approval to undertake a statutory consultation on areas proposed as a new AONB or a variation of the boundary of an existing AONB	Board
	Approval of a draft Order with regard to the designation of a new AONB or of amending the boundary of an existing AONB and approval to proceed to a formal period of Notice.	Board
	Approval for the making and submission of an Order to SoS	Board

Part 13 Access (including NNR Access)

13.1 Open Access

Legislation: Countryside and Rights of Way Act 2000

	Section of legislation	Function	Delegated level
A	s10 Countryside and Rights of Way Act 2000	Approve methodology for statutory review of CROW access maps of open country and registered common land	Chairman
B	s10 Countryside and Rights of Way Act 2000	Quality assure specific revisions to CROW maps in accordance with approved methodology	Nominated Board Member
	s33(1) Countryside and Rights of Way Act 2000	Agree proposed amendments to CROW s33 statutory restrictions guidance for submission to Secretary of State for approval	Chairman
C	(Relates to fire prevention powers under CROW s 25)	Approve recalibration of Fire Severity Index, following review	Appropriate Director
D	s24, s25 and s26 Countryside and Rights of Way Act 2000	Give, vary or revoke these directions other than for the Coastal Margin.	
E	(Note: Decisions on need for s26 directions involve documented separation of duties between access officer and responsible officer, and where necessary separate escalation procedures.)	a. approval needed and direction in contentious or legally complex cases	a. Appropriate Principal Specialist
		b. approval needed in other cases	b. Appropriate Senior Adviser / Senior Specialist
		c. finalise direction in accordance with approval under b.	c. Appropriate Lead Adviser
F		Approve statements of case in respect of mapping or restriction appeals	Appropriate Principal Specialist
G	s15 Countryside and Rights of Way Act 2000	Approve changes to map of CROW section 15 land	Appropriate Principal Specialist
H	Schedule 2 to the Countryside and Rights of Way Act 2000	Give a direction under paragraph 7 to remove or relax with landowner consent specific general restrictions on CROW rights set out in Schedule 2	Appropriate Lead Adviser

Note: for approval to make grants relating to National Trails please refer to Part D of the FSoD.

13.2 National Nature Reserve Dedication

	Section of legislation	Function	Delegated level
	s16 Countryside and Rights of Way Act 2000	Approve proposals to dedicate (or not to dedicate) suitably held land for open access in accordance with the Board's policy.	Chief Executive
		Sign individual open access dedication instruments in accordance with proposals approved by Chief Executive	Appropriate Principal Specialist

13.3 Coastal Access Provisions Part One

Legislation: Marine and Coastal Access Act 2009

	Section of legislation	Function	Delegated level
A	s.298 (4)	Approve revision of Coastal Access Scheme for submission to Secretary of State	Chairman
B	s.299	Approve published reports of reviews of Scheme	Chairman
C	Schedule 20 para 2	Enter into agreement with owner/occupier for carrying out works within the scope of para 2(3)	Appropriate Adviser
D	Schedule 20 para 3	Approve notice to owner/occupier to carry out such works without the agreement of the owner/occupier	Appropriate Director or Area Manager
E	Schedule 20 paras 6 & 8	Authorise erection or removal of information signs etc	Appropriate Adviser
F	Schedule 20 para 9	Authorise any person to exercise powers of entry for the stated purposes	Appropriate Senior Adviser
G	Schedule 20 para 4	Approve statements of case for appeals made by owner/occupier against a notice to establish or maintain the route in absence of an agreement	Appropriate Principal Specialist

13.3 Coastal Access Provisions Part TWO

Legislation: National Parks and Access to the Countryside Act

	Section of legislation	Function	Delegated level
A	Section 55A(1)	Approval to submit a report to Secretary of State, including any proposals it contains for related CROW directions (See FSoD Part U for relevant financial provisions)	Appropriate Director
	Section 55A(4)	Approve agreement with an access authority for it to carry out any appropriate preliminary activity to facilitate preparation of a report	Appropriate Principal Adviser in consultation with Area Manager
B	Schedule 1A paras 6(1) and 8(1)(c)	Approve NE comments to Secretary of State on objections and representations and summary of representations not required to be sent in full to Secretary of State	
		a. Significant, complex or contentious	Appropriate Principal Adviser/ Principal Specialist
		b. Routine	Appropriate Senior Adviser/ Senior Specialist
C	Section 55H	Approve a variation report re coastal access for submission to the Secretary of State	
		a. Significant, complex or contentious	Appropriate Principal Adviser/ Principal Specialist in consultation with the Area Team
		b. Routine	Appropriate Senior Adviser/ Senior Specialist in consultation with the Area Team

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	Section of legislation	Function	Delegated level
D	Section 55F	1. Give, revoke or vary directions given to implement proposals for restrictions approved by Secretary of State as part of Natural England's report on a stretch of coast :	
		a. contentious or legally complex circumstances, including where Secretary of State-approved restrictions are changed later	Appropriate Principal Specialist in consultation with Area Manager
		b. other cases (eg giving straightforward direction in accordance with approved proposals)	Appropriate Lead Advisor
		2. Give, revoke or vary directions for the Coastal Margin for which the need is first considered after approval of Natural England's original report:	
		a. approval needed and direction in contentious or legally complex circumstances.	Appropriate Principal Specialist in consultation with Area Manager
		b. approval needed in other cases.	Appropriate Senior Specialist/ Senior Adviser
		c. finalise direction in accordance with b	Appropriate Lead Adviser
E	Section 55B	Approve a proposal for implementing roll back	
		a. Significant, complex or contentious (complex roll back)	Appropriate Principal Adviser/Principal Specialist in consultation with the Area Team
		b. Routine (normal/predictable roll back)	Appropriate Senior Adviser/ Senior Specialist in consultation with the Area Team
F	Schedule 2 to the CROW Act 2000	Give a direction to remove or relax with landowner consent specific general restrictions on coastal access rights	Appropriate Lead Adviser in consultation with the Area Team

13.4 National Trails

Legislation: National Parks and Access to the Countryside Act

	Section of legislation	Function	Delegated level
A	Section 51(1)	Proposal to Secretary of State for a new National Trail	Board
		Proposal to Secretary of State to vary existing National Trail	
		a. Significant, complex or contentious	Appropriate Principal Adviser/ Principal Specialist in consultation with the Area Team as necessary
		a. Routine	Appropriate Senior Adviser/Senior Specialist in consultation with the Area Team as necessary

Part 14 Rural Development Programme for England (RDPE), England Rural Development Programme (ERDP) and Section 7 Management Agreements

Section of legislation	Function	Delegated level
	Agree National Scheme Priorities	Appropriate Director
	Application of proportional penalties and claim rejection as a result of breaches in scheme rules	Appropriate Adviser
	Agreement termination or commencement of formal investigation and legal action as a result of scheme rule breaches	Appropriate Advisor in consultation with Principal Adviser Legal
	Exclusion of a customer from a scheme or schemes as a consequence of breaches	Appropriate Advisor in consultation with Advisors in other relevant teams (peer review) and Principal Adviser Legal
Section 7 NERC Act 2006	Power to enter a management agreement (if financial implications see FSoD part D)	
	a) of national significance or contentious	Appropriate Chief Officer In consultation with Legal
	b) of local significance	Appropriate Chief Officer In consultation with Legal

Part 15 Species and other licensing

15.1 Licensing functions

For the purpose of issuing, refusing, modifying and revoking licences

Legislation (All as amended): Section 10 of the Conservation of Seals Act 1970; Regulation 55 of the Conservation of Habitats and Species Regulations 2017 (as amended); Section 8 of the Deer Act 1991; Section 8 of the Destructive Imported Animals Act 1932; Section 10 of the Protection of Badgers Act 1992; Section 16 of the Wildlife and Countryside Act 1981; The Wildlife Licence Charges (England) Regulations 2018 (S.I. 2018/771)

Section of legislation	Function	Delegated level
As above	Issue, refuse and modify outline licenses (including determination of appropriate charges or charge exemptions)	Appropriate Adviser
	Issue, refuse and modify sensitive or novel licenses Revoke licences (including determination of appropriate)	Appropriate Adviser in consultation with Team Leader, Senior Adviser or Senior Specialist
	Issue, refuse, modify or revoke contentious and high degree sensitivity license (including determination of appropriate charges or charge exemptions)	Appropriate Principal Specialist or Area Manager in consultation Director Team Leader, Senior Adviser or Senior Specialist
	Issue, refuse, modify or revoke licenses of national significance on behalf of the Secretary of State (including determination of appropriate charges or charge exemptions)	Appropriate Principal Specialist, Manager or Director, in consultation with Director, Chief Scientist and Defra Policy guidance

Advising in support of regulatory functions above

Section of legislation	Function	Delegated level
	Bat line advice letters	
	i. Low risk letters (as defined in contract)	(i) Bat line Contractors
	ii. All others	(ii) Appropriate Adviser

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Exemption certificates for Caravanning and Camping

Legislation: Public Health Act 1936 (Sec. 269); Caravan Sites and Control Development Act 1960 (Sch 1)

Section of legislation	Function	Delegated level
As above	Issue exemption certificates for camping and caravanning	Appropriate Adviser
	Issue renewal certificates for camping and caravanning	
	Withdrawal of exemption certificates	

15.2 Enforcement

Legislation: (All as amended) Wildlife and Countryside Act 1981; Conservation of Habitats and Species Regulations 2017 (as amended); Deer Act 1991; Destructive Imported Animals Act 1932; Protection of Badgers Act 1992; Conservation of Seals Act 1970, The Environmental Civil Sanctions (England) Order 2010

Section of legislation	Function	Delegated level
Relevant section of the regulation listed	Investigate and issue advisory and warning letters for technical and minor breaches	Appropriate Adviser
	Investigate and issue warning letters and conditional warning letters for medium breaches	Appropriate Adviser
	Investigate significant breaches	Appropriate Adviser in consultation with appropriate Senior Specialist/Senior Adviser in consultation with Chief Officer Legal & Governance
	Approval to accept an Enforcement Undertaking (EU)	Appropriate Senior Specialist/Senior Adviser in consultation with Chief Officer Legal & Governance
	Approval to serve a civil sanction: Fixed Monetary Penalty, Variable Monetary Penalty, Restoration Notice, Compliance Notice or Stop Notice	Appropriate Area Manager in consultation with Chief Officer Legal & Governance
	Approval to serve a non-compliance penalty following non- compliance notice with a civil sanction	Appropriate Senior Specialist/Senior Adviser in consultation with Head of Legal Services
	Approval to recover the costs of imposing a civil sanction via cost recovery notice	Appropriate Senior Specialist/Senior Adviser in consultation with Head of Legal Services
	Approval to proceed with a prosecution or caution	Appropriate Area Manager in consultation with Chief Officer Legal & Governance
	Approval to serve an injunction	Appropriate Area Manager in consultation with Chief Officer Legal & Governance

15.2.2 Service of notices**Regarding the improper storage and use of pesticides**

Legislation (all as amended): Food and Environment Protection Act 1985; Control of Pesticides Regulations 1986; Plant Protection Products Regulations 2011; Plant Protection Products (Sustainable Use) Regulations 2012; Health and Safety at Work Act 1974

Section of legislation	Function	Delegated level
FEPA s 19 (5) COPR Reg 4 (4) (a) PPPR s.7 sch 1 art 8 PPP(SU) Rs.20(1) sch 3 art 7 HSWA s.22 and 23	Serve Notices in relation to: A person who contravenes any provision of regulations or any condition of approval of a pesticide HSWA Prohibition and Improvement Notice	Appropriate Adviser

Relating to damage

Legislation: Agriculture Act 1947; Pests Act 1954

Section of legislation	Function	Delegated level
Agriculture Act 1947		
S.98 (1)	Power to serve notices to take action to manage the specified animals or birds	Appropriate Adviser
S.98 (7)	Power to serve notices to take action to manage the specified animals or birds or to prevent the specified animals or birds living in any place on the land from spreading to or doing damage in any other place.	Appropriate Adviser

15.2.3 Take Default Action**In relation to damage complaints**

Legislation: Pests Act 1954

Section of legislation	Function	Delegated level
s.4	Power to require an occupier of land to state his interest in the land	Appropriate Adviser

Issue clearance notices*Legislation: Weeds Act 1959*

Section of legislation	Function	Delegated level
s.1 (1)	Power to serve notice to prevent weeds spreading.	Appropriate Adviser
s.2(1) & s.4(2)	Power to serve a variable Monetary Penalty, recover the costs of serving a Variable Monetary Penalty, and serve a non-compliance penalty notice should the Variable Monetary Penalty not be paid	Appropriate Area Manager in consultation with Head of Legal Services
s.3 (1)	Power to take default action to prevent weeds spreading where a notice served under s.1 (1) has not been complied with	Appropriate Team Leader

15.3 Powers of entry*Legislation: Weeds Act 1959*

Section of legislation	Function	Delegated level
s.4 (1)	Power to enter and inspect land	Appropriate Adviser
s.4 (2)	Power to issue proceedings for obstruction.	Appropriate Area Manager in consultation with Chief Officer Legal & Governance

Powers of authorised officers*Legislation: : Food and Environment Protection Act 1985; Plant Protection Products Regulations 2011; Plant Protection Products (Sustainable Use) Regulations 2012; Health and Safety at Work Act 1974*

Section of legislation	Function	Delegated level
FEPA s.19 (2) and (3): PPPR s.7; PPP(SU)R s.20 HSWA s.20	Power to enter land or vehicle etc	Appropriate Adviser
FEPA s.19 (7) Schedule 2: PPPR s.7; PPP(SU)R s.20 HSWA s.20	Powers of Authorised Officers	Appropriate Adviser

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Powers of Wildlife Inspectors

Legislation: Wildlife and Countryside Act 1981

Section of legislation	Function	Delegated level
18B (1) Group 1	Power to enter and inspect any premise	Appropriate Adviser
s.18C Group 1	Power to examine specimens and take samples	Appropriate Adviser
18D (1) Group 2	Power to enter and inspect any premise	Appropriate Adviser
s.18E Group 2	Power to examine specimens and take samples	Appropriate Adviser

Powers of Wildlife Inspectors extended to certain other acts

Legislation: Natural Environment and Rural Communities Act 2006

Section of legislation	Function	Delegated level
s.52 Schedule 5 part 2 Destructive Imported Animals Act 1932 Conservation of Seals Act 1970 Deer Act 1991 Protection of Badgers Act 1992	Power of Wildlife Inspector to enter premises	Appropriate Adviser

Powers of Wildlife Inspectors

Legislation: Conservation of Habitats and Species Regulations 2017 (as amended)

Section of legislation	Function	Delegated level
Reg 116 (1)	Power to enter and inspect any premise other than a dwelling	Appropriate Adviser
Reg 120 (2)	Powers in relation to specimens and samples	Appropriate Adviser

Legislation: Section 15 of the Environmental Civil Sanctions (England) Order 2010

Section of legislation	Function	Delegated level
s.15(1)	Power to enter land to ascertain whether a Compliance Notice/Restoration Notice/ Stop Notice or accepted undertaking has been fulfilled	Appropriate Adviser

15.4 To enter into species control agreements and make species control orders for invasive non-native species and animals that are no longer normally present in Great Britain together with associated powers

Legislation: Section 14(4A) and Schedule 9A to the Wildlife and Countryside Act 1981 as amended by the Infrastructure Act 2015

	Section of legislation	Function	Delegated level
A	Sch 9A Para. 6(1)	Approval to enter into a species control agreement with an appropriate owner	Chief Executive in consultation with Chief Officer Legal & Governance and Appropriate Director
B	Para. 8	Issue notice of compliance with species control agreement	Appropriate Adviser in consultation with Principal Adviser Invasive Non Native Species and Principal Adviser Legal
C	Para. 10(1)	Approval to make a species control order	Chief Executive in consultation with Chief Officer Legal & Governance and appropriate Director
D	Para. 10(2)(a)	Issue notice for failure to comply with a species control agreement	Principal Adviser Invasive Non Native Species in consultation with Principal Adviser Legal
E	Para. 10(2)(d)(i)	Approval to place a notice on premises of desire to enter into species control agreement where there is no identifiable owner	Appropriate Adviser in consultation with Principal Adviser Invasive Non Native Species and Principal Adviser Legal
F	Para. 14(1)	Issue notice of making of a species control order	Appropriate Adviser in consultation with Principal Adviser Invasive Non Native Species and Principal Adviser Legal
G	Para. 14(2)	Approval to place a notice on premises of the making of a species control order where there is no identifiable owner	Appropriate Adviser in consultation with Principal Adviser Invasive Non Native Species and Principal Adviser Legal
H	Para. 15(1)	Revoke a species control order	Principal Adviser Invasive Non Native Species in consultation with Principal Adviser Legal
I	Para. 16	Approval of Statement of Case on appeal	Principal Adviser Legal in consultation with Principal Adviser Invasive Non Native Species
J	Para. 17	Issue notice of compliance with species control order	Principal Adviser Invasive Non Native Species in consultation with Principal Adviser Legal
K	Para. 18(2)	Approval to issue notice that owner failed to comply with a species control order	Appropriate Director in consultation with Chief Officer Legal & Governance and Principal Adviser Invasive Non Native Species

	Section of legislation	Function	Delegated level
L	Para. 18(4)	Approval to proceed with species control operations and any further necessary work	Appropriate Director in consultation with Chief Officer Legal & Governance and Principal Adviser Invasive Non Native Species
M	Para. 18(5)	Approval to recover costs in carrying out species control operations and any further necessary work	Appropriate Director in consultation with Chief Officer Legal & Governance and Principal Adviser Invasive Non Native Species
N	Para. 19(1)(2)	Approval to proceed with prosecution	Appropriate Director in consultation with Chief Officer Legal & Governance and Principal Adviser Invasive Non Native Species
O	Para. 21(1), 23(1)	Authorisation to enter land for the purposes set out in subsections (a)-(f) (except for a dwelling and where a warrant is needed under paragraph 22(1))	Principal Adviser Invasive Non Native Species in consultation with Principal Adviser Legal
P	Para. 23(2)	Give notice of intention to enter land under authorisation	Appropriate Adviser in consultation with Principal Adviser Invasive Non Native Species and Principal Adviser Legal
Q	Para. 22(1)	Approval to apply for a warrant from a justice of the peace (except for a dwelling) and to enter land under warrant	Appropriate Director in consultation with Chief Officer Legal & Governance and Principal Adviser Invasive Non Native Species
R	Para. 22(2)(a)	Give notice of intention to apply for, and enter land, under warrant	Appropriate Adviser in consultation with Principal Adviser Invasive Non Native Species and Principal Adviser Legal

15.5 Signing of TBMA's

Function	Delegated levels held by
bTB A number of specified officers have the right to sign TBMA's on behalf of Natural England; this list is only held by the Chief Officer Legal & Governance to ensure anonymity.	Chief Officer Legal & Governance

Part 16 Issuing authorities for purchase and use of biocides

Function	Delegated level
Authorities issued under the following legislation: Poisons Rules 1982, Control of Pesticides Regulations 1986, Control of Pesticides (amendment) Regulations 1997, Food and Environment Protection Act 1985	Appropriate Adviser

Part 17 Heather and grass burning

Legislation: The Heather and Grass etc. Burning (England) Regulations 2007 and the Hill Farming Act 1946

17.1 Notice and licences

Provision as to issuing or refusal of licences

Legislation: Regulation 7 of The Heather and Grass etc. Burning (England) Regulations 2007

Section of legislation	Function	Delegated level
Reg 7(3)	Approval to grant licence and issue	Appropriate Adviser
Reg 4(b)	Approval to issue a licence in respect of only part of the land to which the application relates and notify decision	Appropriate Adviser
Reg 4(c)	Approval to issue a licence subject to any conditions and notify decision	Appropriate Adviser

17.2 Burning notices

Legislation: Regulation 8 of The Heather and Grass etc. Burning (England) Regulations 2007

Section of legislation	Function	Delegated level
Reg 8(1)	Approval to serve a burning notice	Appropriate Area Manager in consultation Head of Legal Services

17.3 Enforcement

Legislation: Section 20(2) & section 34(2) of the Hill Farming Act

Section of legislation	Function	Delegated level
s.20(2) & s.34 (2)	Issue warning letters	Appropriate Adviser
s.20(2) & s.34 (2)	Approval to commence formal investigation	Appropriate Senior Specialist/Senior Adviser in consultation with Head of Legal Services
s.20(2) & s.34 (2)	Approval to proceed with a prosecution or caution	Appropriate Area Manager in consultation with Chief Officer Legal & Governance Adviser
As per sections above	Approval to serve an injunction	Appropriate Area Manager in consultation with Chief Officer Legal & Governance

17.4 Powers of Entry

Legislation: Section 34 of the Hill Farming Act 1946

Section of legislation	Function	Delegated level
s.34	Enter on and inspect any land capable of being used for livestock rearing purposes	Appropriate Adviser

Legislation: Section 15 of the Environmental Civil Sanctions (England) Order 2010

Section of legislation	Function	Delegated level
s.15(1)	Enter land to ascertain compliance with Compliance Notice/Restoration	Appropriate Adviser

Part 18 Site assessments of under and over grazing

Section of legislation	Function	Delegated level
	Provide formal advice to RPA	Appropriate Adviser
	Issue prescriptions	Appropriate Adviser

Part 19 Environmental Impact Assessment (Agriculture)

Legislation: Environmental Impact Assessment (Agriculture) (England)(No.2)Regulations 2006 (as amended)

19.1 Determination of proposals

Section of legislation	Function	Delegated level
Reg 8	Determination of non-contentious screening applications e.g. proposals that are outside the scope of the Regulations or unlikely to have significant effect on the environment)	Appropriate Adviser
Reg 8	Determination of contentious screening applications (e.g. Environmental Statement is required)	Appropriate Team Leader in consultation with appropriate Senior Advisor Protected Sites and appropriate feature specialist.
Reg 8(2) and Reg.17	Screening assessment to check whether an EIA project is likely to have a significant effect on a European site (either alone or in combination with other projects, and the project is not directly connected with or necessary for the management of the site	Appropriate Adviser
Reg 16(1) and 18(1)	Grant consent, condition a consent, or refuse to grant consent for a significant project	Appropriate Team Leader in consultation with appropriate Senior Adviser Protected Sites/Principal Adviser Legal and appropriate feature specialist

19.2 Investigation

Section of legislation	Function	Delegated level
Not set out in Acts, but adopted as appropriate enforcement action to determine appropriate enforcement response	Approval to commence formal investigation	Appropriate Senior Adviser Protected Sites in consultation with Head of Legal Services and appropriate feature specialist

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19.3 Appeals in connection with screening notices, remediation notices, stop notices or a notice under paragraph 5 of Schedule 4

A person may appeal to the Secretary of State against Natural England's decision

Legislation: Regulation 31 and 32 of The Environmental Impact Assessment (Agriculture)(England)(No 2) Regulations 2006

Section of legislation	Function	Delegated level
Under section of legislation Reg 31 & 32 (appeals)	Approval of Statement of Case	Appropriate Senior Adviser in consultation with Principal Adviser, Legal and appropriate feature specialist

19.4 Enforcement

Section of legislation	Function	Delegated level
Reg 6	Issue Screening Notice	Appropriate Team Leader / appropriate Senior Advisor Protected Sites in consultation with Principal Adviser Legal and appropriate feature specialist
Reg 25	Issue Stop Notice	Appropriate Team Leader / appropriate Senior Advisor Protected Sites in consultation with Principal Adviser Legal and appropriate feature specialist
Reg 27	Issue Remediation Notice	Appropriate Team Leader / appropriate Senior Advisor Protected Sites in consultation with Principal Adviser Legal and appropriate feature specialist
Reg 22, 23, 24, 26, 28	Authorise prosecution	Appropriate Area Manager in consultation with Head of Legal Services
Reg 30(3)	Authorise use of default powers including powers of entry	Appropriate Area Manager in consultation with Head of Legal Services
Reg 22 and 23	Approval to accept an enforcement undertaking	Appropriate Area Manager in consultation with Head of Legal Services and appropriate Senior Advisor Protected Sites
Reg 22, 23, 24, 26 and 30 (8)	Approval to serve a civil sanction: Fixed Monetary Penalty or Variable Monetary Penalty	Appropriate Area Manager in consultation with Head of Legal Services and appropriate Senior Advisor Protected Sites
Reg 22, 23, 24 and 30 (8)	Approval to recover costs of imposing a civil sanction via a cost recovery notice	Appropriate Area Manager in consultation with Head of Legal Services and Protected Sites Senior Specialist
Reg 22, 23, 24, 26, 28 and 30 (8)	Approval to serve an injunction	Appropriate Area Manager in consultation with Chief Officer Legal & Governance

19.5 Letters

Section of legislation	Function	Delegated level
Not set out in Acts, but adopted as an appropriate enforcement response	Decision to issue a warning letter	Appropriate Adviser
Not set out in Acts, but adopted as an appropriate enforcement response	Decisions to issue an advisory letter	Appropriate Adviser
Not set out in Act but adopted as an appropriate response to technical and minor breaches	Warning letters following minor and technical breaches	Appropriate adviser

Part 20 Environmental liability

Legislation : *Environmental Damage (Prevention & Remediation) Regulations 2009 (England) Regulations 2015 (as amended)*

Regulation	Function	Delegated level
13(2)	Where there are reasonable grounds to believe there is an imminent threat of environmental damage, serve a notice on the responsible operator that describes the threat, specifies the measures required to prevent the damage and requires the responsible operator to take those measures within a specific time period.	Appropriate Area Manager in consultation with appropriate Senior Adviser Protected Sites and Principal Adviser Legal
14(2)	Where there are reasonable grounds to believe there is environmental damage, serve a notice on the responsible operator that describes the damage, specifies the measures required to prevent further damage and requires the responsible operator to take those measures within a specific time period.	Appropriate Area Manager in consultation with appropriate Senior Adviser Protected Sites and Principal Adviser Legal
15	Carry out the prevention of imminent threats of environmental damage or further environmental damage on behalf of an operator	Appropriate Area Manager in consultation with appropriate Senior Adviser Protected Sites and Principal Adviser Legal
18(1)	Notify a responsible operator that the damage they have caused is environmental damage, and that they must submit proposals within a specific time period that will achieve remediation of the environmental damage.	Appropriate Area Manager in consultation with Head of Legal Services
18(2)	Withdraw the above notification	Appropriate Area Manager in consultation with Head of Legal Services
20(1)	Consult interested parties on the proposals submitted by the operator	Appropriate Adviser
20(2)	Serve a remediation notice	Appropriate Area Manager in consultation with Head of Legal Services
22	Serve further remediation notices	Appropriate Area Manager in consultation with Head of Legal Services
24 - 27	Recover costs from an operator	Head of Legal Services

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Regulation	Function	Delegated level
29(3)	Notify an interested party who has notified Natural England of environmental damage or an imminent threat of environmental damage of the action, if any, Natural England intends to take	Appropriate Adviser
29(4)	Notify the responsible operator of an activity which has been notified to Natural England and invite them to submit comments	Appropriate Adviser
31(1)	Exercise the powers of inspectors under Regulation 31(1).	Appropriate Adviser
32	Require an operator to provide relevant information to enable Natural England to carry out its functions under these Regulations	Appropriate Adviser

Part 21 International Site Designations

Legislation: Habitats directive / Wild Birds Directive

	Function	Delegated level
A	Approval to submit formal advice (Departmental Brief ¹ or Selection Assessment Document ²) to Secretary of State on the selection of a pSAC, pSPA or pRamsar site or proposed amendments to an existing cSAC, SCI, SPA, SAC or Ramsar site.	Chief Executive
B	Following the consultation, approval of final advice, with or without modifications, and report on the consultation, where:	
	a) objections or representations are unresolved	Board or Chairman on behalf of the Board
	b) there are no outstanding objections or representations (i.e. where no objections or representations were made, or where representations or objections were withdrawn or resolved)	Appropriate Director

¹ Departmental Briefs (for Special Protection Areas and Ramsar sites)

² Selection Assessment Documents (for Special Area of Conservation)

Part 22 Marine Conservation Zones

A	Approving advice to Ministers on the selection of Marine Conservation Zones	Chief Executive
B	Confirming alterations to existing Marine Conservation Zones prior to advising Ministers:	
	i) Cases with unresolved objections or representations	Board
	ii) Cases with no outstanding objections	Chairman

Part 23 Registration relating to local land charges and European Sites

Section of legislation	Function	Delegated level
(Local Land Charges Act 1975 (Sec 5(2)) and Local Land Charges Rules 1977 (Reg 8(2))	Application to registering authority for registration, amendment, or cancellation of a local land charge in the appropriate local land charges register following an entry in the register of European sites being made , amended or removed by the Secretary of State	Appropriate Adviser

Part 24 Staffing

Function	Delegated level
Appointment, removal and performance review of Chief Executive	Board
Recruitment, appointment, discipline or dismissal of Chief Officers Configuration of Senior Leadership Groupings	Chief Executive in consultation with the Remuneration Committee
Decision to recruit, appoint, discipline or dismiss Directors	Appropriate Chief Officer In consultation with the Remuneration Committee
Decision to recruit, appoint, discipline or dismiss Area Managers	Appropriate Director In consultation with the Remuneration Committee
Decision to recruit, appoint, discipline or dismiss staff below Area Manager level	Appropriate Area Manager
Decision to appoint and discipline staff below Manager level	Appropriated Team Manager
Decision to appoint and discipline staff below Team Leader level	Appropriate Team Leader

Notes:

Recruit: as overall salaries budget holder formally approve a recruitment request to commence recruitment to a vacancy.

Appoint: following an appropriate recruitment process appoint a successful candidate.

Part 25 Staff terms and conditions

Function	Delegated level
1. Approval of Chief Executive's Terms & Conditions	Secretary of State and Board
2. Approving changes to staff Terms & Conditions	Chief Executive in consultation with the Remuneration Committee
3. Approving staff severance packages (Director or Area Manager level and below)	Appropriate Chief Officer in consultation with the Remuneration Committee

Part 26 Complaints to Ombudsman

Function	Delegated level
Any response to request for information from the Ombudsman	Appropriate Director or Area Manager in consultation with Head of Legal Services
Reporting any investigation by the Ombudsman to Defra	Chief Executive

Part 27 Governance

Function	Delegated level
1. Governance framework for Board and its Committees including but not limited to: Establishment and appointment to Board Committees; Board Committee Terms of Reference; Assessment of Board's own performance	Board
2. Power to grant/revoke Non-Financial Delegations to the Chief Executive	Board
3. Approval and review of significant internal policies as determined from time to time which would include: Occupational Health and Safety; Equal Opportunity; Data Protection; Intellectual Property; Freedom of Information	Board
4. Approval of national strategies involving the potential significant impact on the environment, the organisation or Natural England's reputation	Board
Approval of Natural England's Standards	Appropriate Director in consultation with Chief Legal & Governance Officer
5. Authority to undertake, on behalf of the Board, all the Board's functions between formal Board Meetings (except SSSI confirmations)	Chairman
6. Approval of the internal control, risk, compliance and reporting frameworks	Board

Part 28 Guarantees and indemnities

Note: if you are considering giving a guarantee or indemnity please seek advice from the Chief Officer Legal & Governance. The Defra Finance Business Partner will need to be consulted before approaching Defra

Function	Delegated level
1. Natural England shall not, without Defra's prior written consent, lend money, charge any asset or security, give any guarantee or indemnities or letters of comfort, or incur any other contingent liability (as defined in Managing Public Money) whether or not in a legally binding form.	Defra

Annex 1 Specified Officers

Delegation	Name	Role
1) Granting licences for the use of Natural England data		
a) Non-royalty bearing standard Natural England IP licences (NE Terms of Use; Open Data licences; contractor licences; co-deliverer licences)	Andrew Lee	Senior Adviser, Data Management and Reporting Team
	Hannah Ross	Lead Adviser, Data Management and Reporting Team
b) Royalty bearing standard Natural England IP licences (royalty bearing contractor licences /co-deliverer licences)	Claire Edwards	Team Manager, Access to Evidence
	Tim Hill	Evidence Chief Scientist
	David Askew	Director of Evidence
2) Granting licences for the use of external data providers data		
a) Non-royalty bearing standard or non-standard IP licences	Andrew Lee	Senior Adviser, Data Management and Reporting Team
	Hannah Ross	Lead Adviser, Data Management and Reporting Team
b) Royalty bearing standard or non-standard IP licences	Claire Edwards	Team Manager, Access to Evidence
	Tim Hill	Evidence Chief Scientist
	David Askew	Director of Evidence



Natural England is here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

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