

Report on Natural England's enforcement activity

1 April 2018 to 31 March 2022

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Natural England's Compliance and Enforcement Position

Our ambition at Natural England is not just to improve nature, but to see it thriving. Over recent decades, many ecosystems have become fragile and vulnerable to damage from a changing world. Natural England's compliance and enforcement work plays a vital role in ensuring that ecosystems can flourish in challenging conditions. This work is integral to reaching our organisational vision of thriving nature for people and planet.

Preventing harm to nature is central to our work and we often work alongside other regulators and partners to achieve this. We have responsibility for enforcing a number of laws that protect wildlife and the natural environment and we can and do take enforcement action when these laws are broken. Natural England is responsible for:

- [sites of special scientific interest](#)
- [environmental damage regulations](#)
- [heather and grass burning](#)
- [agricultural work that affects uncultivated land or semi-natural areas](#)
- [breaches of wildlife licences and notices](#)
- [pesticide poisoning to animals](#)
- [complaints relating to weeds](#)

We work with partners, landowners and the public to advise, educate and inform, to reach a shared understanding of the value of protecting nature. Through this preventative work we can build partnerships around a shared recognition of nature as a vital element of the economic and social needs of society, not just a 'nice-to-have'.

We have a range of tools and sanctions available to address incidents of non-compliance with the legal framework we are responsible for in relation to these areas. Where sanctions are imposed, they will comply with the established principles of good regulation, being: proportionate, transparent, targeted and accountable. Specifically, we will always aim to deter future non-compliance, restore any harm and eliminate any financial gain caused by non-compliance.

Natural England is firmly committed to helping those we regulate to comply with the law, and we will always offer advice and guidance to support understanding of regulations and why they are needed. When it comes to our role as a regulator however, if offences are committed, we will take action to ensure compliance and protect nature. We set out our approach to this work in our Compliance and Enforcement Position.¹

In addition to advice and guidance and prosecutions, a range of flexible civil sanctions to use as alternatives to prosecution were introduced by The Regulatory Enforcement and

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/389634/compliance-enforcement-position.pdf

Sanctions (RES) Act 2008.² Civil sanctions can be used by regulators as a proportionate alternative to prosecution in certain discretionary circumstances. Through the Environmental Civil Sanctions (England) Order 2010 and the Environmental Civil Sanctions (Miscellaneous Amendments) Regulations 2010 Natural England have been granted powers to use them for a wide range of offences relating to SSSI's and species licensing.

Aims of this report

This report captures data from Natural England's enforcement activity relating to Sites of Special Scientific Interest (SSSIs), Species Licensing, Animal Poisoning, Environmental Impact Assessment (EIA) (Agriculture) Regulations, and Injurious Weeds offences, including Prosecutions, Civil Sanctions, and Cautions. Data is recorded by financial year (1st April to 31st March).

Information gathered in this report is being used to inform decision-making regarding compliance and enforcement, by identifying priorities and allocating resources to key issues.

The report covers the period from 2018 until 2022. Our priority is to monitor and evaluate the impact of our compliance and enforcement work and we are committed to transparency, sharing how we do this and what we learn. Going forward we will publish a report on this work annually.

Sites of Special Scientific Interest

A Site of Special Scientific Interest (SSSI) is a site designated as being of special interest due to the flora or fauna present or the geological make-up or physiography of the area under section 28(1) of the Wildlife and Countryside Act 1981 (WCA 1981). SSSIs are a key nature conservation designation.

4,100 SSSIs in England cover around 8% of the land area

SSSI land is protected by the provisions of the WCA 1981. The Act gives legal protection to SSSIs against damaging activities undertaken by owners, occupiers, public bodies and any persons.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/389642/annexes2-4-enforcement-guidance.pdf

Natural England is the enforcement body responsible for enforcing SSSI protections. We use our enforcement tools to prevent or restore damage resulting from offences, ensure future compliance and act as a deterrent to future offending. NE becomes aware of potential offences affecting SSSIs through our own condition assessment monitoring of sites as well as information from members of the public, conservation partners and stakeholders and as a result of reports from other regulators and enforcement bodies.

A total of 21 offences were recorded on SSSIs in **2021-22**, a continued significant decline from a peak which occurred in the financial year 2013/14 (Figure 1.1). **9 incidents were minor** and were concluded using warning letters (considered to be a sanction and are used in situations where the provision of compliance advice is a proportionate response to the offence that has taken place).

In addition, **12 civil sanctions were served**, including:

- 3 stop notices (a written notice that prohibits a person from continuing an activity either completely, or until specific steps have been taken),
- 1 enforcement cost recovery notice (used to recover costs from the offender that are associated with serving civil sanction notices),
- 8 enforcement undertakings agreed (a proposal to take steps that would make amends for non-compliance and its effects. If we accept the proposals, it will be a voluntary agreement between us and the person who made the proposal).
- No criminal proceedings were brought in 2021-22.

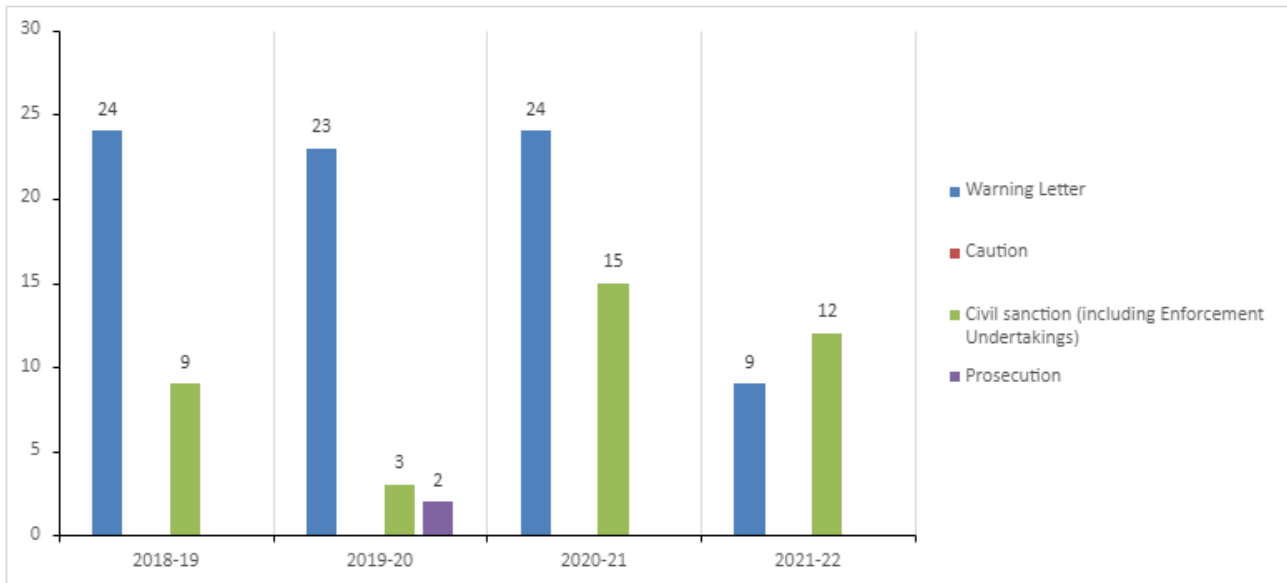


Figure 1.1 Criminal activity on SSSIs by financial year and sanction.

Our data shows a slight decline in the number of warning letters issued in 2021/22 compared to previous years, with only 9 warning letters issued compared to over 20 in each of the previous 3 years. The number of civil sanctions during this time however has increased, with peaks of 15 and 12 in 2020/21 and 2021/22, indicating an overall decline in enforcement action in relation to SSSI's but a small rise in the severity of offences and resulting use of civil sanctions.

Figure 1.2 shows criminal activity by responsible party, demonstrating that the majority of offences are committed by those who own or occupy sites (for example, farmers and land managers) and third parties (those who have no direct connection with the land concerned, for example, recreational off-roaders) with a relatively even split between those 2 groups. The number of offences committed by public bodies has been much lower. This indicates a need to focus our engagement and awareness raising activity across both members of the public and landowners, using existing partnerships with public bodies and ENGO's to help reach necessary audiences.

Offences are concentrated in the East of England, a shift from previous reports where offences have been concentrated in the South. The cause for this shift is uncertain, however our improved analysis and reporting functions will help to gain insight into these trends in future.

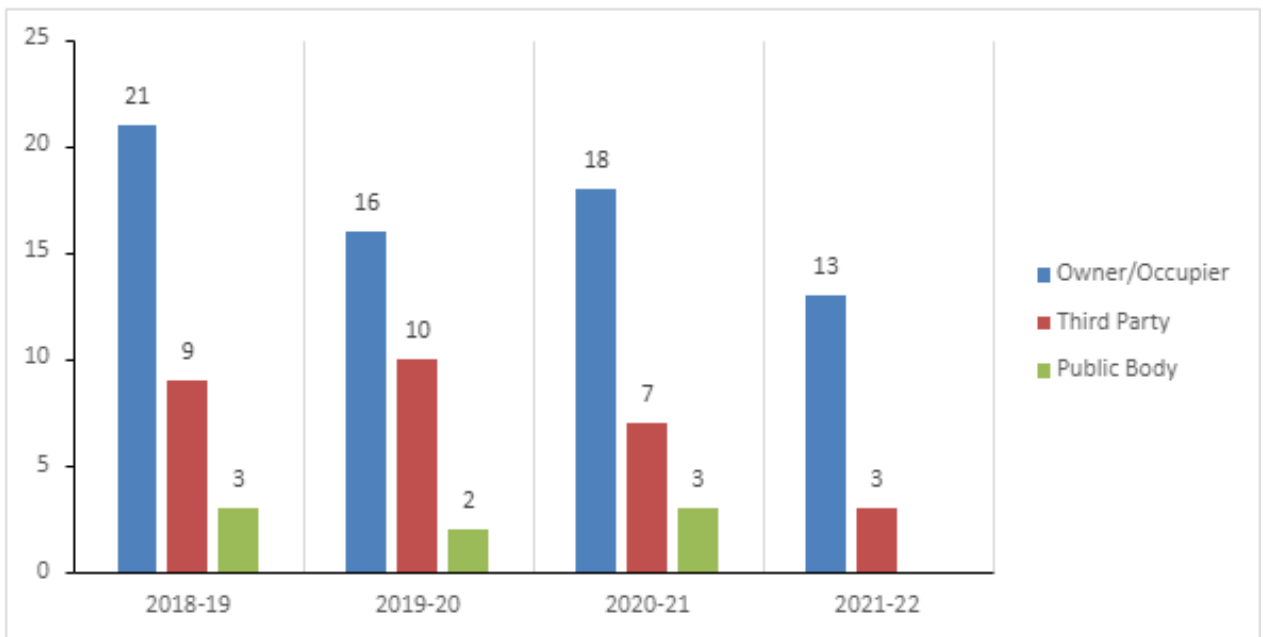


Figure 1.2 Criminal activity on SSSIs by responsible party.

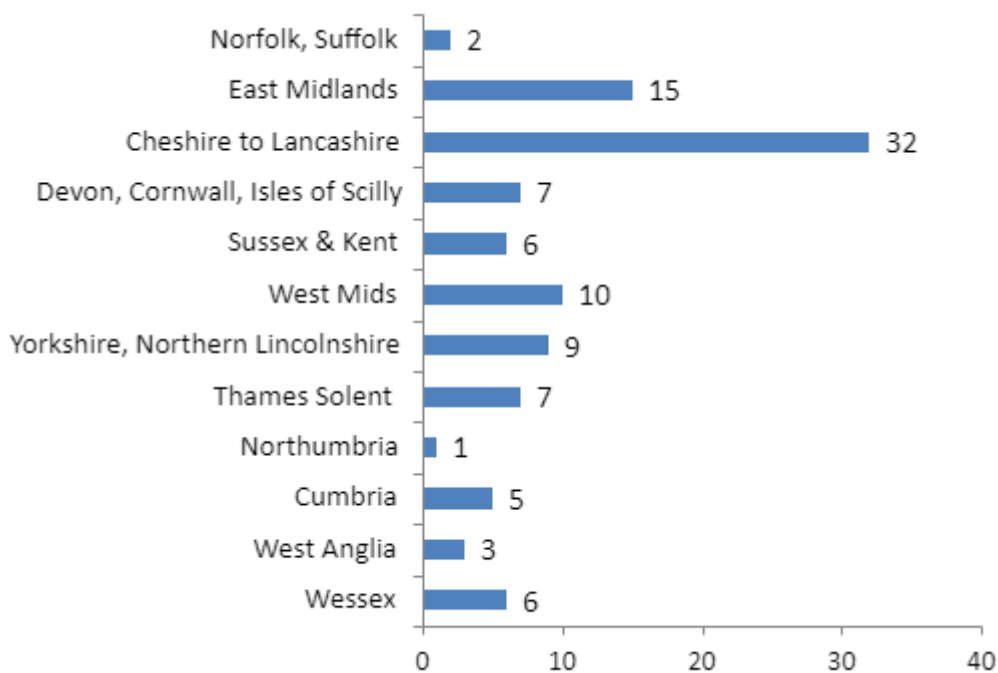


Figure 1.3 Criminal activity on SSSIs by Natural England Area Team geography. Data is cumulative from 1st April 2018 to 31st March 2022.

Coastal, lowland grassland and lowland wood habitats continue to be most frequently damaged (Figure 1.4)

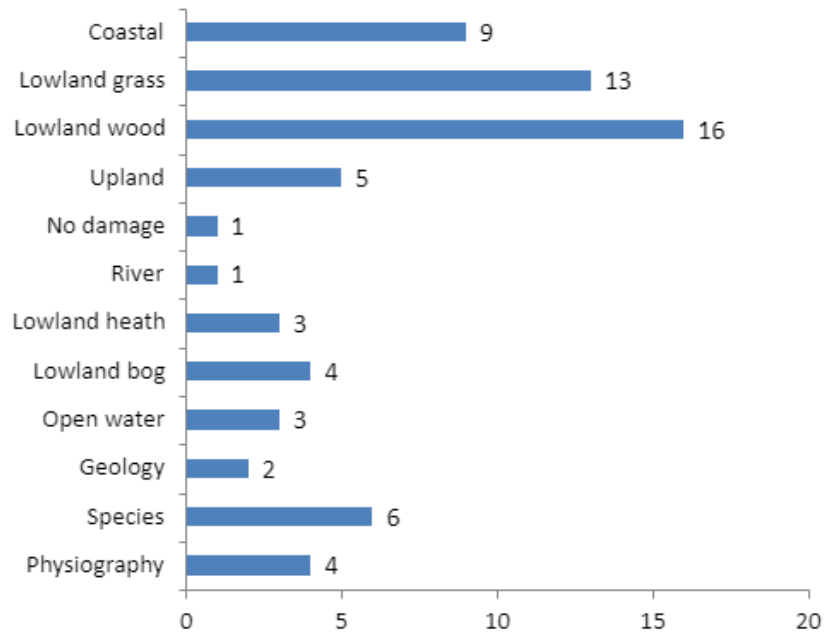


Fig 1.4 Criminal activity on SSSIs by affected habitat. Data is cumulative from 1st April 2018 to 31st March 2022.

The variety of illegal activities continues to be wide, but dominated by vehicle use, dumping, tree management, and the direct loss of habitat through construction related activities (Figure 1.5).

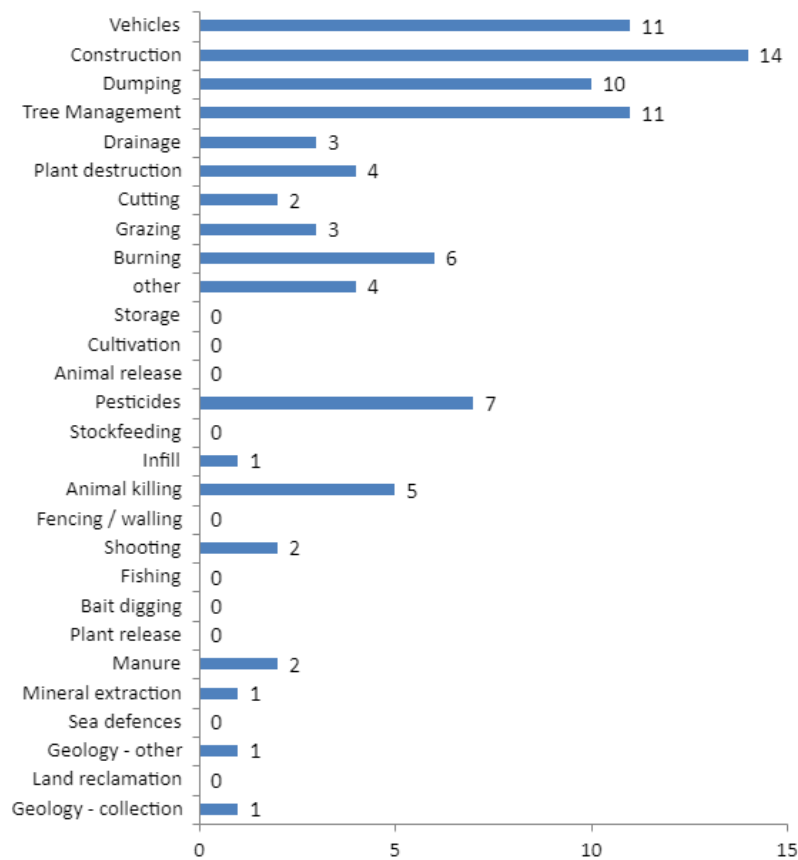


Figure 1.5 Criminal activity on SSSIs by activity. Data is cumulative from 1st April 2018 to 31st March 2022.

Species Licensing

Our species licensing work involves the enforcement of vital wildlife protection laws. These laws protect certain species and their habitats from harm whether it is intentional or inadvertent. Landowners, developers and public bodies require a wildlife licence to remove or disturb species as well as to kill or cull (in rare instances when they are attacking crops or causing a public health problem).

Natural England is responsible for enforcing compliance with the Species Licences that we issue. Where offences take place that involve protected species, but no NE licence is in place, this is considered to be a Wildlife Crime and the investigation and enforcement sits with the Police and Crown Prosecution Service.

The roles and responsibilities relating to the investigation and enforcement of incidents involving protected species is set out in the memorandum of understanding on the prevention, investigation and enforcement of Wildlife Crime between Natural England, Natural Resources Body for Wales, The Crown Prosecution Service and the National Police Chiefs' Council.³

We have a range of tools available to address breaches of species licence, including warning letters, conditional warning letters (a warning letter issued with a list of conditions that must be adhered to within set timeframes for the benefit of the species impacted), some civil sanctions (these do not apply to European Protected Species), cautions (a formal warning to an offender about an offence that they have committed. It is not a criminal conviction or a form of sentence although it will be recorded by Natural England and can be considered if offences continue) and prosecutions.

During the period covered in this report, our enforcement action in relation to species licensing breaches was confined to warning letters, conditional warning letters and in one case, a formal caution. No civil sanctions or prosecutions were taken forward in 2020/21.

The formal caution was accepted by a company in Warwickshire following their failure to correctly install and maintain amphibian exclusion fencing to protect the Great Crested Newt habitat and a failure to deliver mitigation habitat as required by their licence in 2019/20.

³ [MoU Signed Final Document.pdf \(nwcu.police.uk\)](#)

Animal Poisonings

The Wildlife Incident Investigation Scheme (WIIS) makes enquiries into the death or illness of wildlife, pets and beneficial invertebrates that may have resulted from pesticide poisoning. The scheme has two objectives:

- To provide information to the regulator on hazards to wildlife and companion animals and beneficial invertebrates from pesticides; and
- To enforce the correct use of pesticides, identifying and penalising those who deliberately or recklessly misuse and abuse pesticides.

Natural England carries out the investigation of WIIS incidents, on behalf of the Health and Safety Executive (HSE). Enforcement action in relation to pesticide offences sits with the HSE in situations classified as “misuse” and with Police in situations classified as “abuse”. For this reason, we only hold data on numbers of reported poisonings, not on any resulting enforcement action.

441 reports of animal deaths were received under WIIS in 2021-22.

Of these reports:

- **258 cases were rejected** on the basis that pesticides were not thought to be involved,
- **183 cases were accepted** into the scheme (Figure 3.1).

Peaks across total notifications and cases accepted were observed during the financial year 2020/21. This finding mirrors increases highlighted by the Wildlink Wildlife Crime Report⁴ and the RSPBs Bird Crime Reports⁵ for the same period. It is thought likely that this peak is a result of an increase in reports from members of the public, linked to changes in the use of natural environment during the global pandemic.

⁴ <https://www.wcl.org.uk/wildlife-crime.asp>

⁵ <https://www.rspb.org.uk/birds-and-wildlife/advice/wildlife-and-the-law/wild-bird-crime/#:~:text=The%20RSPB's%20Birdcrime%202021%20report,future%20for%20birds%20of%20prey>

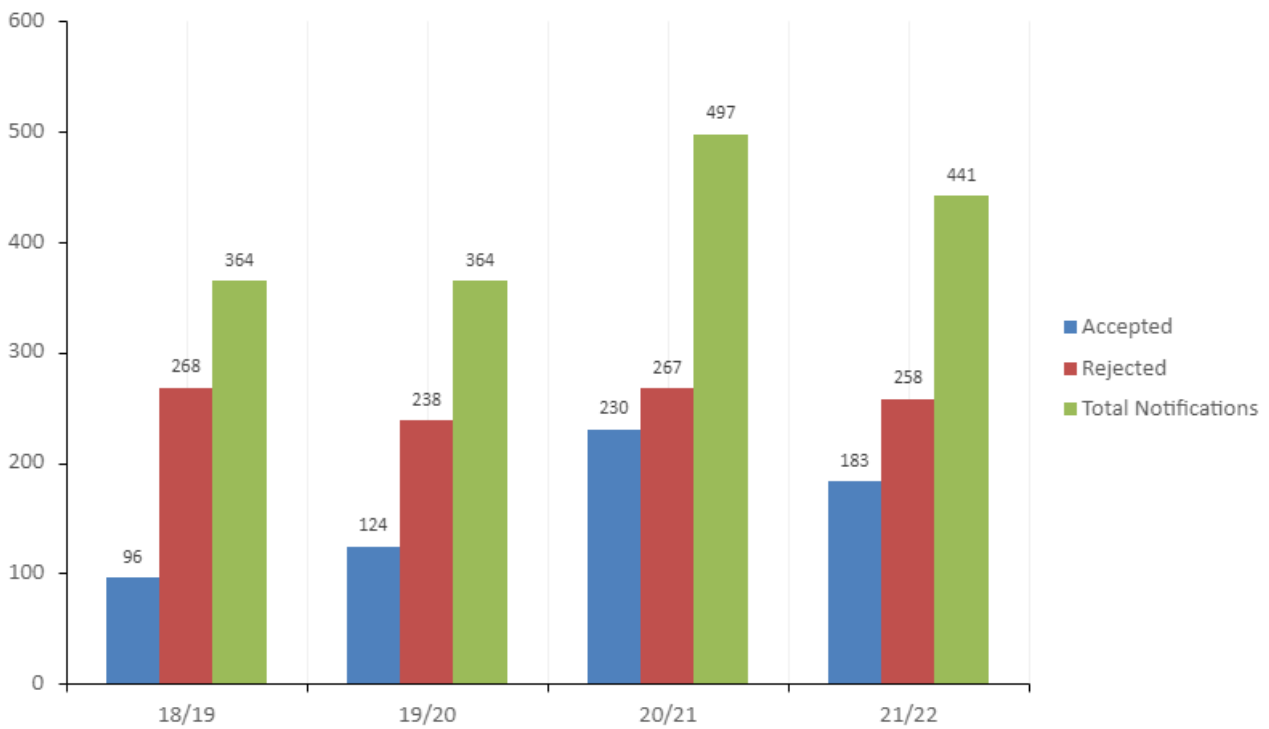


Figure 3.1. Reports of injury or death of animals to WIIS cases are accepted if pesticides are suspected of being involved

During 2021-22, vertebrate poisonings accepted into the scheme decreased from the previous year which saw a peak of cases accepted (Figure 3.2).

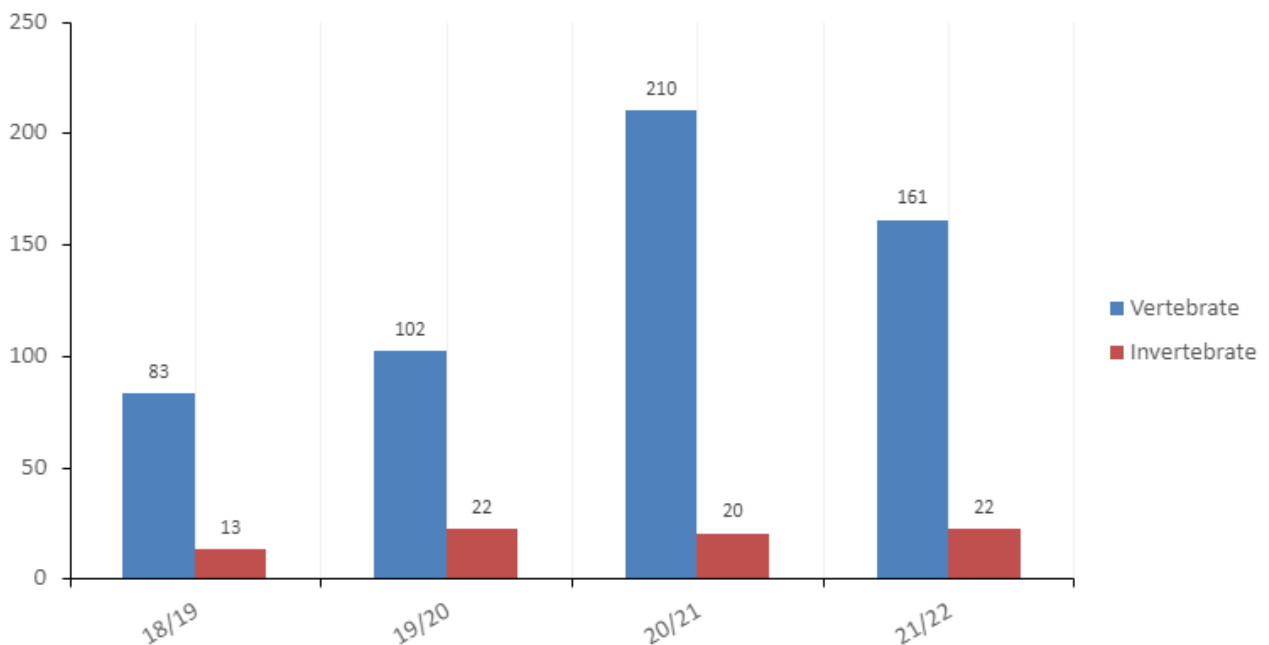


Figure 3.2 Vertebrate and invertebrate cases accepted into the WIIS scheme

The number of incidents considered to be as a result of deliberate abuse of pesticides decreased (Figure 3.3).

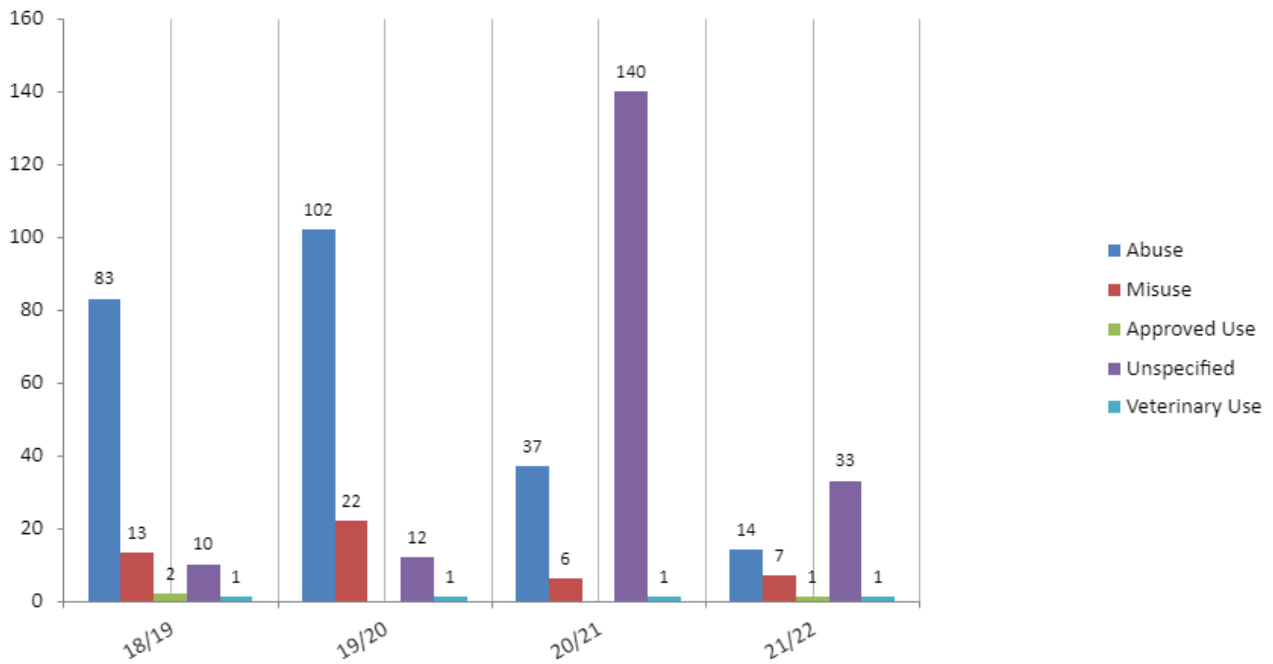


Figure 3.3. Classification of poisoning incidents by suspected use of pesticide

Cases remain unevenly spread throughout England with the highest number of incidents in Yorkshire and Northern Lincolnshire (Fig 3.4)

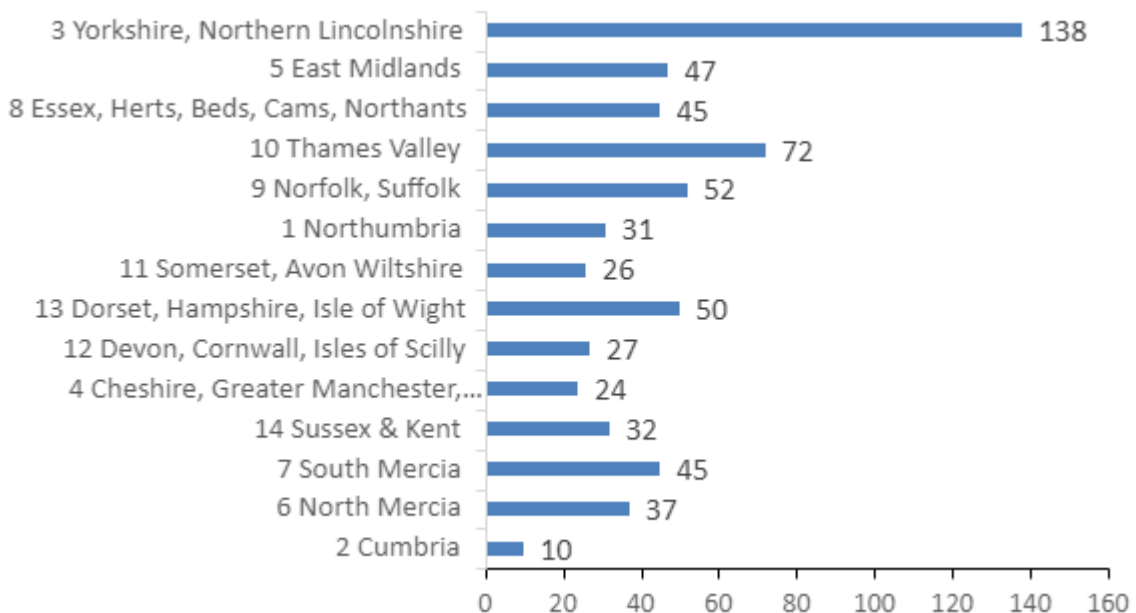


Fig. 3.4 Confirmed pesticide cases by Natural England Area Team. Data is cumulative from 1st April 2018 to 31st March 2022.

Environmental Impact Assessment (Agriculture) Regulations

The EIA Regulations protect rural land in England that’s uncultivated or semi-natural from changes in agricultural activities that might cause damage by:

- increasing productivity
- physically changing field boundaries

Natural England is the enforcement body in relation to breaches of the EIA (Agriculture) Regulations. The tools to address enforcement incidents include warning letters, regulation specific sanctions, such as stop notices and remediation notices (served when there is damage to be restored and aims to return damaged seminatural land to its former condition), civil sanctions (including enforcement undertakings) and prosecutions.

In 2021-22 we saw a decrease in the number of enquiries received by our EIA helpline from the previous year and we carried out fewer investigations (Table 4.1). There were no remediation notices or stop notices served, and one prosecution was taken forward. Four enforcement undertakings were agreed.

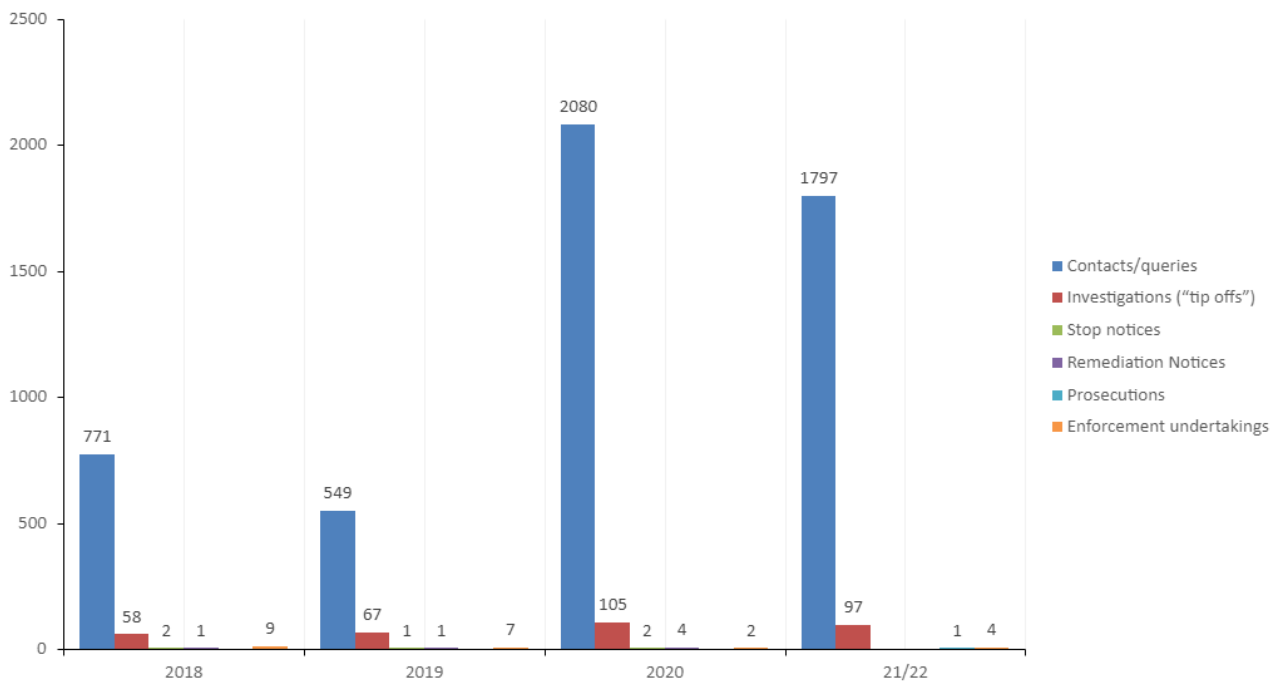


Figure 4.1 Enforcement Action relating to EIA Regulations

Injurious Weeds

Whilst responsibility for weed control rests primarily with the occupier of the land on which the weeds are growing, the Weeds Act 1959 allows Defra to take statutory action to control the spread of the five following injurious (harmful) weeds:

- Common ragwort – *Senecio jacobaea*
- Broad-leaved dock – *Rumex obtusifolius*
- Curled dock – *Rumex crispus*
- Creeping thistle – *Cirsium arvense*
- Spear Thistle (other common names: Scotch Thistle, Bell Thistle) – *Cirsium vulgare*

The Act does not make it illegal to allow the five weeds to grow on land but gives Defra powers to respond to complaints about the spread of injurious weeds. This work is administered on behalf of Defra by Natural England and we work closely with the Rural Payments Agency around inspections and the serving of notices, clearance actions and prosecutions.

Complaints of damage caused by injurious weeds increased in 2021-22 returning to comparable levels to before the pandemic.

In the 2021-22 season 15 enforcement notices (a notice that requires the clearance of certain injurious weeds) were served and there was no clearance action required (requiring a contractor to be engaged to clear the weeds and the cost recovered from the Occupier).

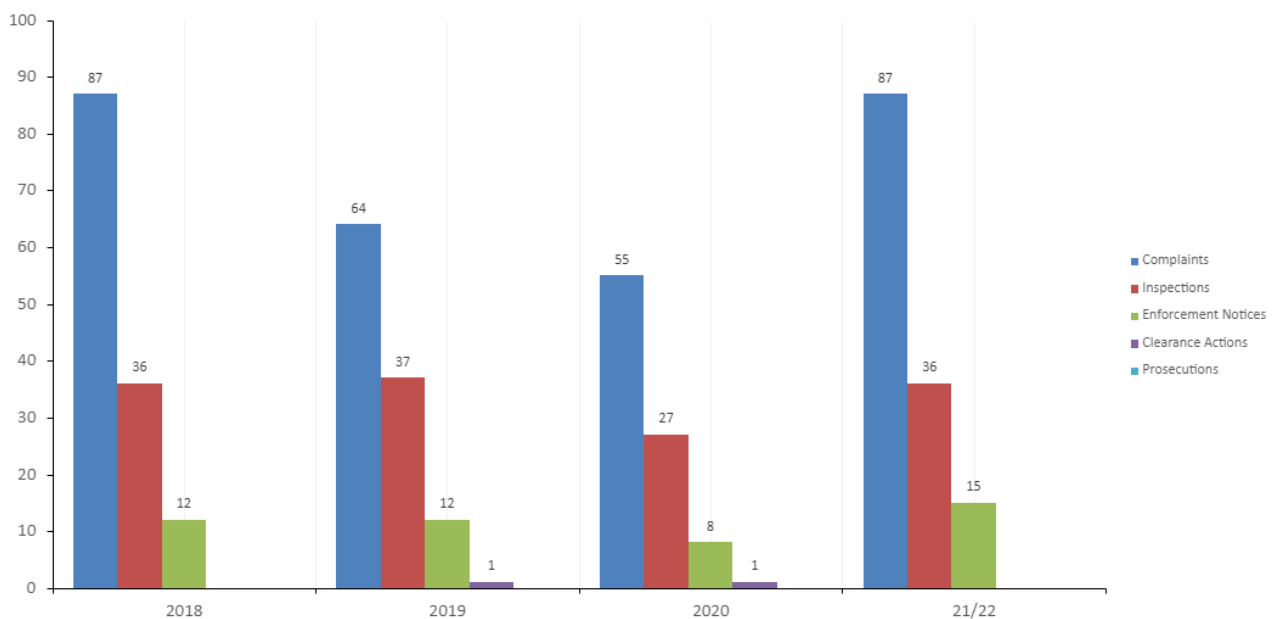


Figure 5.1 Enforcement Action relating to Injurious Weeds

Timeline of prosecutions, civil sanctions, and cautions

The following timeline demonstrates instances where civil sanction notices have been served or cautions and criminal prosecutions applied. For the purposes of this report, cases from the most recent financial year (2021/2022) have been included.

April

In April 2021 Natural England agreed an enforcement undertaking with a landowner at Wilmington



Wilmington Downs SSSI

Downs SSSI, East Sussex to rectify damage to chalk grassland caused by vehicle access.

Natural England also served a stop notice to landowners at Fivehead Meadows and Woods SSSI, Somerset following unconsented vehicle and earth movements within woodland.

May



Astley and Bedford Mosses SSSI

In May 2021 Natural England agreed an enforcement undertaking with a third party at Astley and Bedford Mosses SSSI, Greater Manchester. The enforcement undertaking involved restoration works related to the creation of ditch on the boundary of the SSSI likely to drain raised bog SSSI feature of interest.

Natural England served a cost recovery notice to a landowner at Whiteleigh Meadows SSSI, Devon. The cost recovery notice served to recover costs (£8,709.31) associated with serving stop notice (relating to unconsented works on SSSI).

June

In June 2021 Natural England agreed an enforcement undertaking with a landowner at Bodmin Moor, North SSSI, Cornwall. The enforcement undertaking involved remedial works to rectify damage caused by unconsented track works.



Bodmin Moor North SSSI

Natural England also agreed an enforcement undertaking with a landowner at Grenofen Wood and West Down SSSI, Devon. The enforcement undertaking involved the restoration of woodland and planting of trees to replace trees felled without consent.

A landowner was prosecuted for failing to comply with an EIA Regulations stop notice requiring the cessation of damaging works in Croyde Hoe, Devon. The landowner was ordered to pay more than £30,000 for ploughing historically important fields linked to prehistoric and Second World War periods.

August



River Mease SSSI

In August 2021 Natural England agreed an enforcement undertaking with a landowner at River Mease SSSI, Derbyshire. The enforcement undertaking involved remediation works to the river to restore and compensate for unconsented works.

September



Hovingham Farms

In September 2021, Natural England agreed an enforcement undertaking with a farm manager at Hovingham Farms, Home Farm, Hovingham. The enforcement undertaking, served under the EIA regulations, involved the restoration of semi-natural fen meadow sprayed with Glyphosate.

October

In October 2021, Natural England agreed an enforcement undertaking with a landowner at Tanpits Orchard near Halse, Taunton, Somerset. The enforcement undertaking, served under the EIA regulations, involved the restoration of the orchard by planting between 340 and 407 specific variety apple trees and reinstatement of the ground layer vegetation with specific variety grasses.

November

In November 2021 Natural England agreed an enforcement undertaking with a PLC at West Pennine Moors SSSI, Greater Manchester. The enforcement undertaking sought the removal of trees planted, reinstatement of SSSI boundary fence, instalment of buffer, and planting of sphagnum plugs.



Washers Farm

January

In January 2022, Natural England agreed an enforcement undertaking with a limited company at Washers Farm, Raddington, Somerset. The enforcement undertaking, served under the EIA Regulations, involved the restoration of grassland following uncultivated land project to increase agricultural productivity (ploughing and planting maize).

February

In February 2022 Natural England served a variable monetary penalty (used to remove illicit financial benefit, either through gain or cost avoidance and/or to deter future non-compliance. They can be used as an alternative to prosecution where there are strong mitigating factors) to a landowner at Orchard Manor School, Dawlish, Devon after exceeding the licensed numbers of nest and eggs to be destroyed.



Derval Farm

March

In March 2022 Natural England agreed an enforcement undertaking with a farm manager at Derval Farm, Cornwall. The enforcement undertaking, served under the EIA Regulations, sought for rutting to be levelled off and stock excluded from the area.

Internal Enforcement Review

In 2017/18 we carried out an internal review of our enforcement work, looking at our delivery model and practices alongside the trends in cases to help us identify areas to develop and invest in. Following this review we are now working to increase the resources for our enforcement work and continually improve the skills and knowledge of our team.

We took the decision to shift delivery of our enforcement work from local teams to a national model to allow us to build a central team of experts to lead this important work. The national team is supported through close partnership work with our area teams, who provide local knowledge and expertise to inform delivery and ensure good relationships are maintained with local stakeholders, this is helping us to build an improved dialogue and increased joint working with partners and stakeholders.

By bringing together a team of enforcement experts, Natural England is better able to respond to and address increases in reported incidents, such as the increases in tipoffs observed in the EIA and WIIS work areas over 2020 and 2021. The increases in notifications in these work areas mirror increases highlighted by the Wildlink Wildlife Crime Report and the RSPBs Bird Crime Reports for the same period. It is Natural England's view that this peak is as a result of an increase in reports from members of the public, linked to changes in the use of natural environment during the pandemic.

Alongside these changes we have put capacity and systems in place, including a casework management system, allowing us to capture a more granular level of detail on our enforcement work which will be reflected in future reports. We have also aligned our reporting calendar to record and report on data by financial year (historically EIA and injurious weeds have been reported on by calendar year). This will allow easier comparative analysis of data in the future.

Between the inception of the Enforcement Team (June 2020) and 31st March 2022 we commenced 54 formal investigations into incidents. Formal investigations aim to deliver the high standard of evidence required to support our enforcement action. These investigations can take many months to conclude and this can mean that enforcement action is not served until some time after an incident occurred. The enforcement action resulting from the formal investigations commenced since June 2020 will be reflected in future annual reports.

The future of Natural England's enforcement work

At Natural England we know that our regulatory and enforcement work is key to ensuring that the value nature provides is prioritised and protected as a vital element of building and sustaining a strong economy. Our enforcement review and the resulting changes to our approach was a first step in strengthening our enforcement work.

As part of the longer-term objectives of the Enforcement Team, Natural England aims to use information gathered through our ongoing enforcement monitoring, evaluation and reporting to identify new compliance and enforcement priorities and allocate resources to key issues. Our aim through this prioritisation is to address those incidents that result in the most significant environmental damage as well as ensuring that our advice and regulatory work is targeted to assist in preventing environmental damage from occurring in the first place.

Natural England is committed to building on the improvements we have already made in this area. As previously stated, our priority is to monitor and evaluate the impact of our compliance and enforcement work and we are committed to transparency, sharing how we do this and what we learn. Going forward we will publish a report on this work annually.

Our immediate plans for achieving improvements include publishing more detailed information relating to the outcomes from our enforcement tools, updating our Compliance and Enforcement Position and Guidance⁶ and refreshing our Compliance and Enforcement Stakeholders Group aimed at collaborating with stakeholders such as land manager representatives, other regulators and conservation groups. Through this work we will be able to keep stakeholders and partners up to date on the crucial enforcement work that Natural England undertakes as well as achieve feedback on how we continue to improve our delivery.

Report a suspected offence

Animal poisoning or other abuse of pesticides

Report a suspected animal poisoning or other abuse of pesticides by calling the Wildlife Incident Investigation Scheme on 0800 321 600.

Breach of the Environmental Impact Assessment (Agriculture) Regulations

Report a suspected breach of the Environmental Impact Assessment (EIA) (Agriculture) Regulations by calling the EIA helpline on 0800 028 2140 or email eia.England@naturalengland.org.uk.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/389649/enforcement-guidance.pdf

Breach of a species licence issued by Natural England

Breaches of general licences issued by Natural England are enforced by the police. Report these and any other offences against protected species to your local police service via 101 or call Crimestoppers on 0800 555 111.

If the incident is on-going, report it to the police on 999. In all cases, you should ask if the case can be referred to a police wildlife crime officer (PWCO) for investigation. You can ask for a police incident number to follow up on your report.

Report a suspected breach of a species licence issued by Natural England by email to enforcement@naturalengland.org.uk. Put the name of the county that the incident occurred in at the start of the subject line to help Natural England deal with your report.

Injurious Weeds

Report an Injurious weed complaint by completing the complaint form online.⁷

Other incidents

Report any other incidents to the Natural England enquiries team by calling 0300 060 3900 or email enquiries@naturalengland.org.uk.

Further information

Best practice guidance to help you comply with laws that protect wildlife and the natural environment and further details of the processes involved in taking enforcement action are available in our Enforcement Guidance.⁸

⁷ <https://www.gov.uk/government/publications/weeds-act-1959-complaint-form-and-leaflet>

⁸ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/389649/enforcement-guidance.pdf

