

Report on Natural England's enforcement activity

1 April 2022 – 31 March 2023

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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 addressing the intricate challenges facing wildlife and the natural environment and ensuring that ecosystems can flourish in adverse conditions. This work is integral to reaching our organisational vision of thriving nature for people and planet. Our ongoing collaboration with partners, landowners, and the public reinforces our shared commitment to advise, educate, and promote the value of safeguarding nature.

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 possess a range of tools and sanctions within our regulatory framework to address incidents of non-compliance. Where sanctions are imposed, they will comply with the established principles of good regulation, being: proportionate, transparent, targeted and accountable. 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

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

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 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 2022 until 2023. 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.

Advice and Guidance

Natural England is committed to facilitating compliance with legal requirements among those under our regulatory purview. We consider it essential to provide comprehensive advice and guidance, not only to ensure compliance but also to foster a deeper comprehension of the regulations and the rationale behind their necessity. Our advisory efforts extend far and wide, as we collaborate closely with a multitude of partners, landowners, and the general public. The overarching objective of our advisory initiatives is to educate, inform, and cultivate a shared understanding of the importance of preserving nature.

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

At the core of our advice work lies the fundamental belief that collaboration, education, and informed decision-making are the keys to effective nature conservation. By working together to achieve a shared understanding of the value of protecting our natural world, we can ensure that our natural heritage is preserved for current and future generations to enjoy and cherish. The following efforts demonstrate the practical applications of our advisory initiatives, emphasizing the tangible benefits they yield for nature conservation and our stakeholders.

August 2022 - Natural England received a report concerning potential damage to Napps, Cave SSSI in North Devon. The owner-occupier of the site had reported that the cave's entrance was unrestricted, leading to the unregulated visitation of cavers and crystal collectors who had discovered the location through online sources. Consequently, aragonite crystals were being extracted from the cave, resulting in a 40% loss of rare habitat. Further, these activities were also causing disturbances to several bat species in the cave including the greater and lesser horseshoe bats (*Rhinolophus ferrumequinum* and *R. hipposideros*) on the site. Natural England made contact with the owner-occupier, highlighting the ecological importance of the SSSI and proposing a collaborative effort. The initiative involved the installation of a padlock to the cave entrance to restrict visitor access and the installation of signage detailing the notified features of the SSSI and its legal protections.



April 2023 - Natural England received a report concerning a group of paramotor enthusiasts engaging in low-altitude flights over a designated bird sanctuary at Blakeney Point, along the North Norfolk coast. A group of five individuals engaged in low-level flights over the harbour and along the coastal point, which led to disruption of the local wildlife. The identity of the paramotorists involved were unidentified. Natural England initiated contact with a local paramotorist club to seek their assistance in raising awareness within their membership about the protected bird sanctuary areas. This effort emphasized that responsible flying provides a unique opportunity to experience the coastal beauty while underscoring the

critical importance of maintaining a minimum altitude of 500 feet in these areas to safeguard local wildlife.



In a previous version of this report, reference was made to a case relating to advice provided to an operator relating to the Environmental Damage (Prevention and Remediation) (England) Regulations 2015. Following representations made by the operator in question, a decision has been taken to remove the detail relating to this case.

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.

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.

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 10 offences were recorded on SSSIs in 2022-23, a continued decline from a peak which occurred in the financial year 2013/14 (Figure 1.1). Two 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, **7 civil sanctions were served**, including:

- 2 restoration notices (requires the offender to take specified steps within a stated period to ensure that the position is restored, so far as possible, to what it would have been if no offence had been committed).
- 5 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).
- 1 criminal proceeding was brought in 2022-23

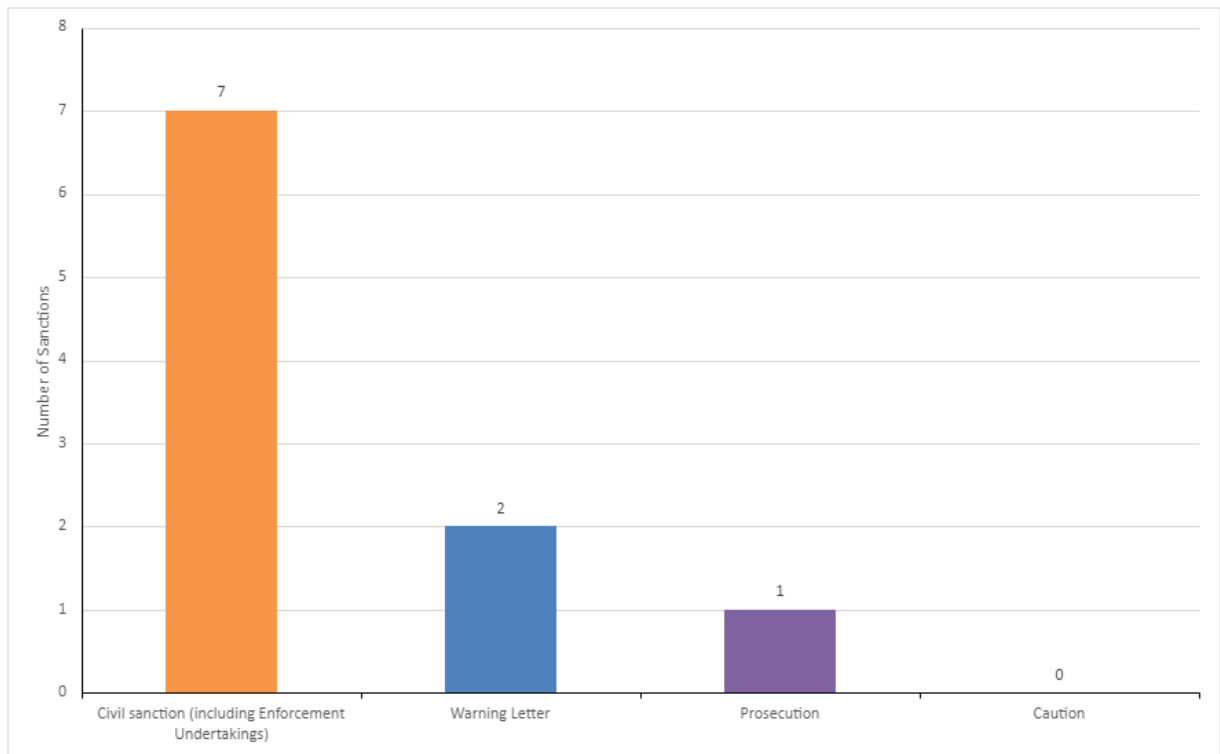


Figure 1.1 Criminal activity on SSSIs by sanction during 2022-2023

Our data shows a decline in the number of warning letters issued in 2022/23, with only 2 warning letters issued compared to 9 in the previous reporting year. The number of civil sanctions during this time decreased to 7 civil sanctions served.

Figure 1.2 illustrates the breakdown of criminal activity by the responsible party in the 2022/23 period, revealing that the majority of offences are perpetrated by individuals who either own or occupy sites, such as farmers and land managers, as well as third parties who lack a direct association with the land in question, such as recreational off-roaders. This pattern aligns with trends from earlier reports, indicating a need to continue to focus our engagement and awareness-raising activities across both members of the public and landowners, using existing partnerships with public bodies and ENGOs to help reach necessary audiences.

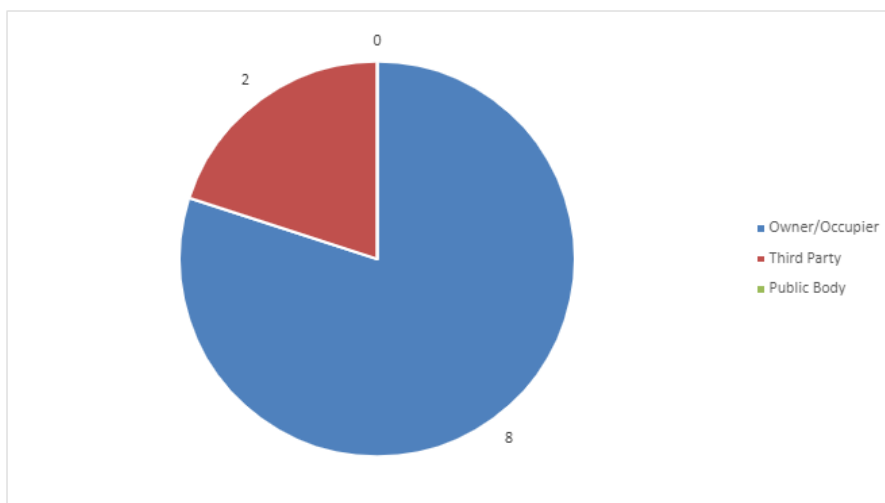


Figure 1.2 Criminal activity recorded during 22/23 on SSSIs by responsible party.

Offences recorded during the financial year 2023/23, were concentrated in Devon, Cornwall and Isles of Scilly as well as Wessex. a shift from previous reports where offences were concentrated in the East.

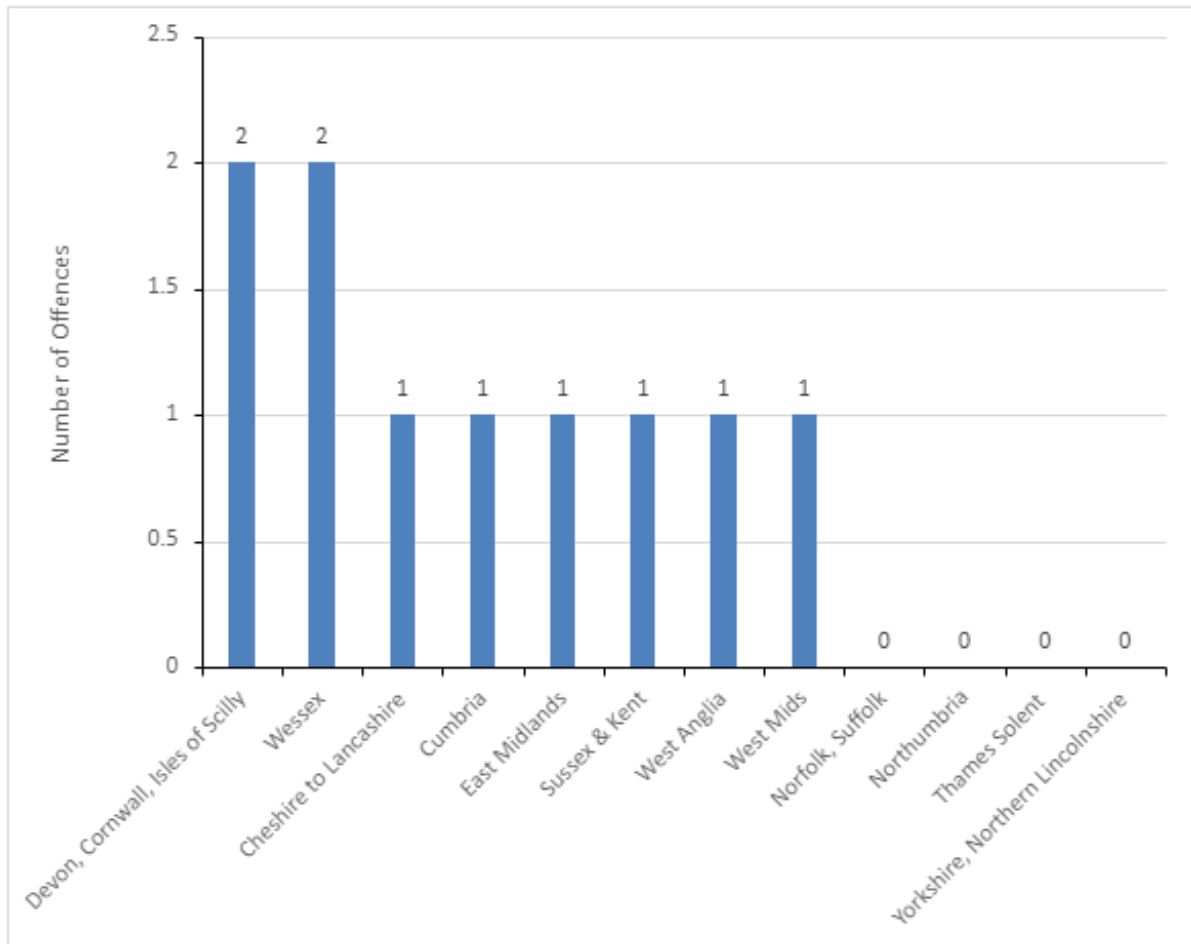


Figure 1.3 Criminal activity recorded in 22/23 on SSSIs by Natural England Area Team geography

Lowland grass appears to be most frequently affected protected feature during 22/23, aligning with trends observed in previous reports. (Figure 1.4)

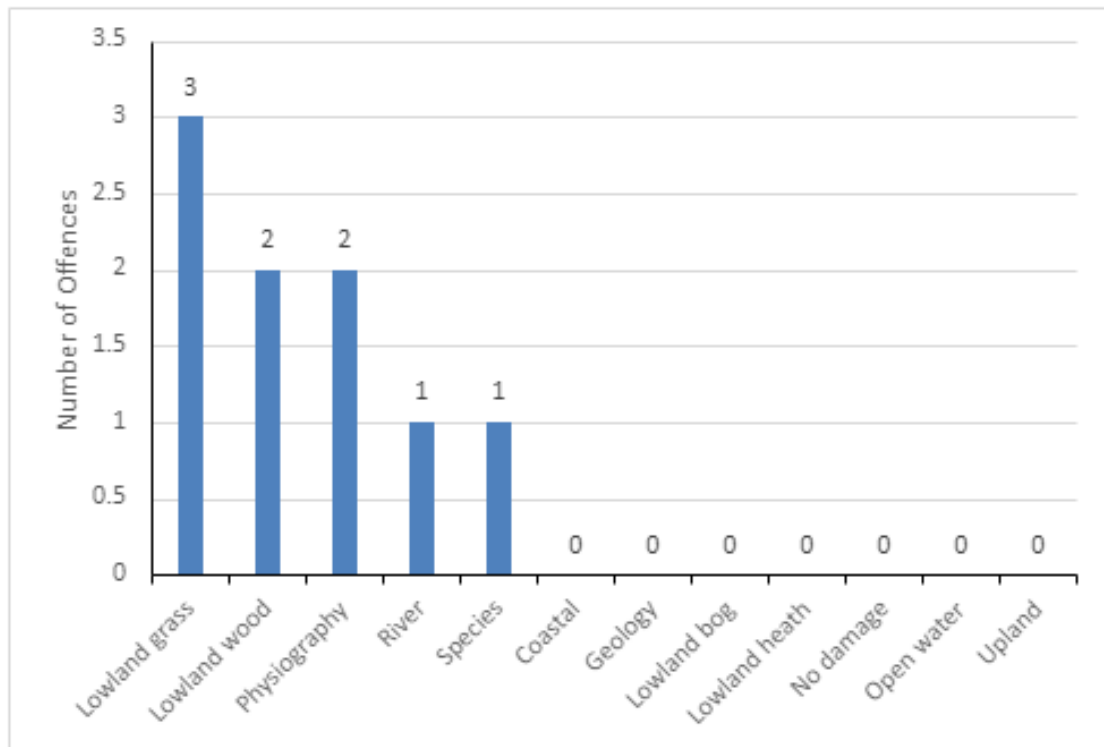


Fig 1.4 Criminal activity on SSSIs by affected protected feature.

As in previous years, the variety of illegal activities carried out continued to be wide during 22/23, but this period was dominated by dumping, with 3 recorded incidents compared to 10 in the previous year (Figure 1.5). Historically, other activities have also played significant roles, including vehicle use, tree management, and the direct loss of habitat through construction-related activities.

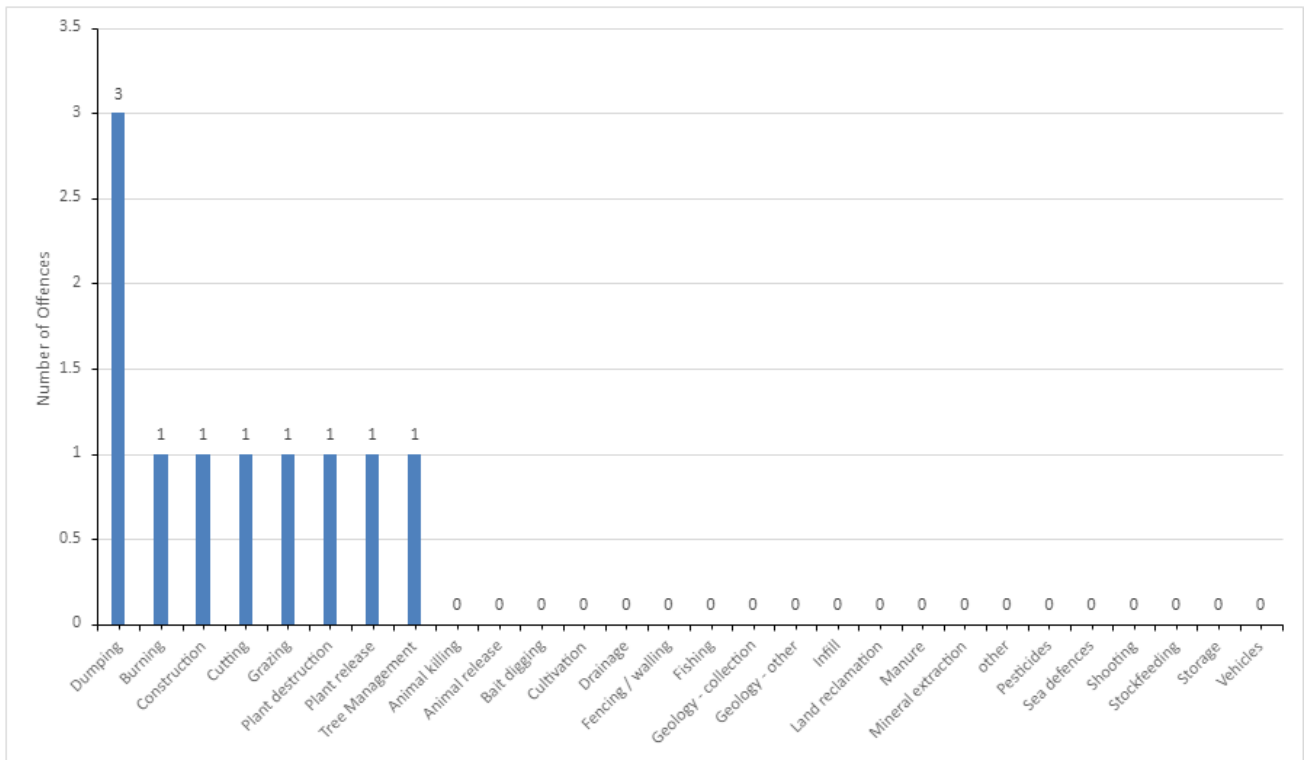


Figure 1.5 Criminal activity recorded during 2022/23 on SSSIs by activity.

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– this 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, and conditional warning letters. No civil sanctions or prosecutions were taken forward in 2022-23.

In 2022-2023, 108 breaches were reported. The breakdown, by severity of incident, is shown in Figure 2.1. How we assess severity, and make decisions on the likely enforcement response, is set out in our Enforcement Guidance⁴.

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

⁴ <https://assets.publishing.service.gov.uk/media/5a759948e5274a545822cc0e/enforcement-guidance.pdf>

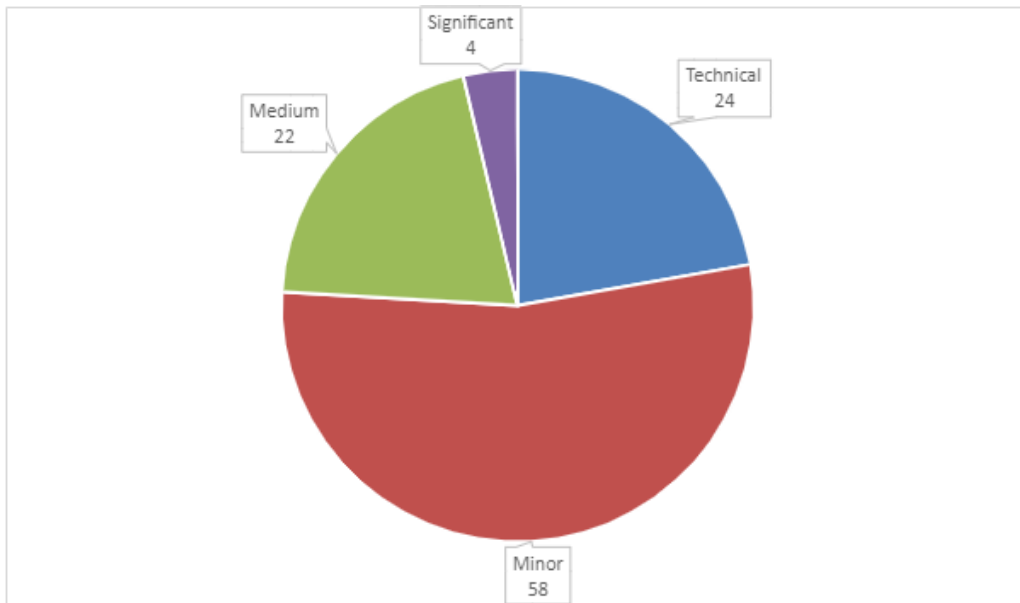


Figure 2.1 Breaches of species licence recorded in 2022/23 by severity.

The majority of license breaches recorded affected bats with 36 license breaches recorded during 2022/23 (Fig 2.2).

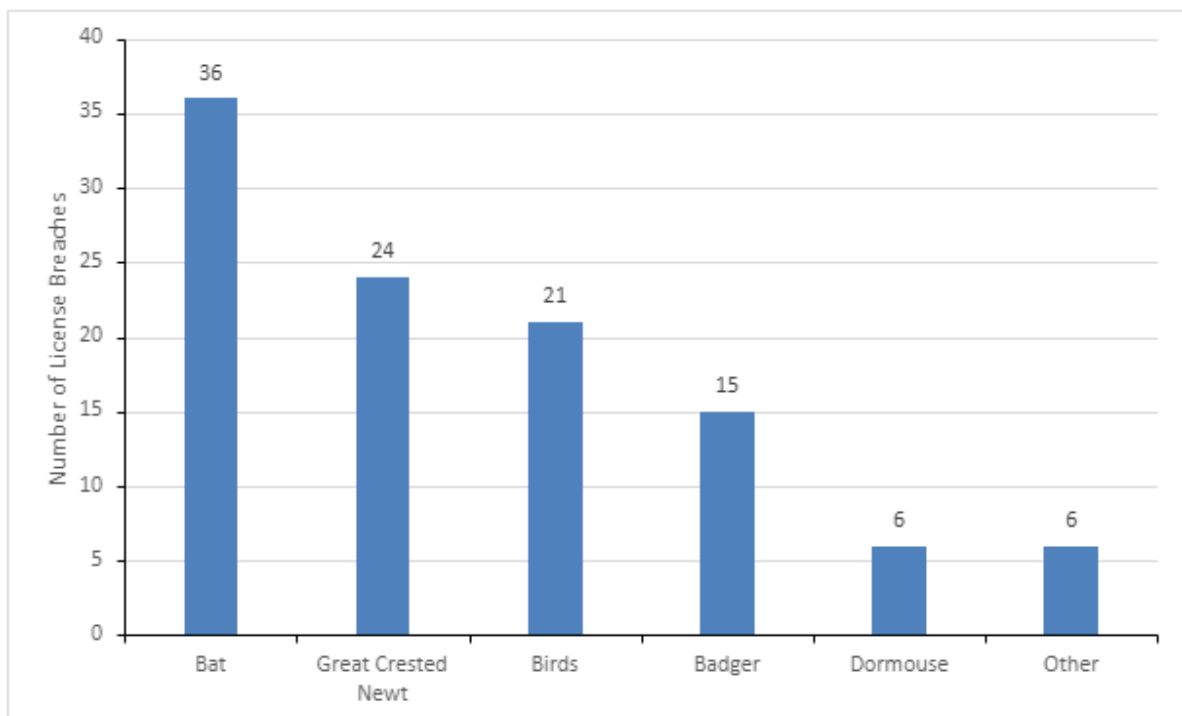


Fig 2.2 Breaches of species licence recorded during 22/23 by affected species

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.

267 reports were received under WIIS in 2022-2023.

Of these reports:

- **147 cases were rejected** on the basis that the requirements of the scheme were not met (e.g. pesticides were not thought to be involved)
- **120 cases were accepted** into the scheme (Figure 3.1).

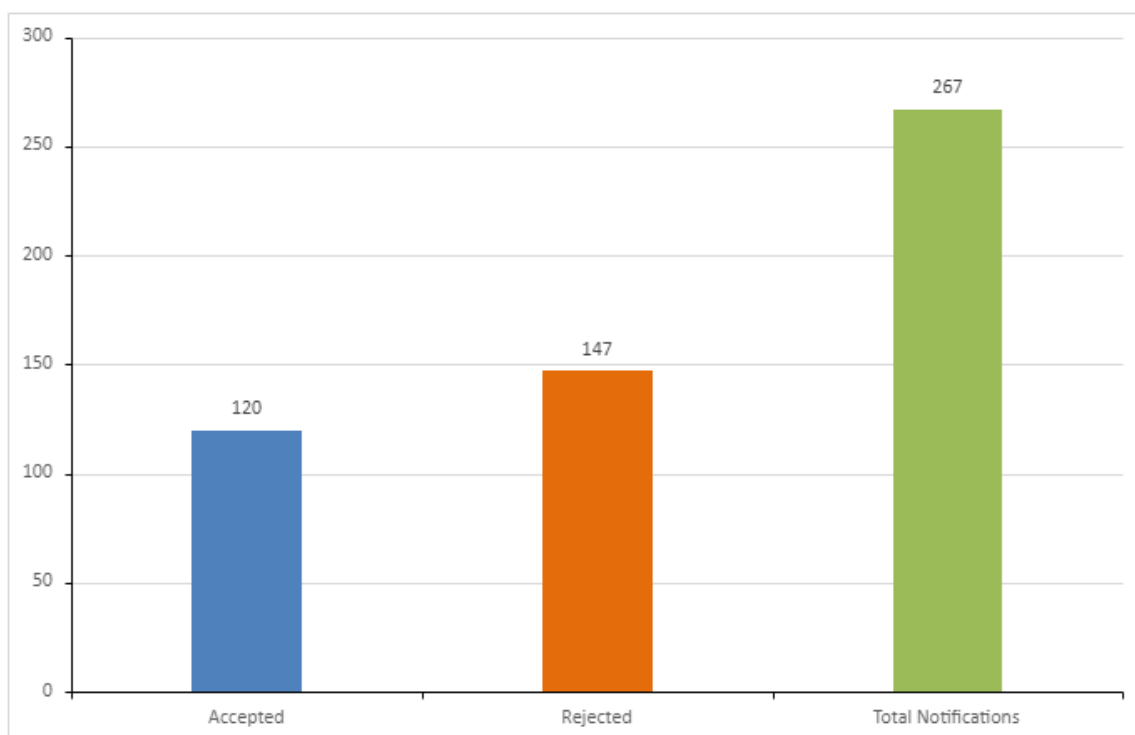


Figure 3.1. Number of reports to WIIS and number of these reports accepted or rejected.

During 2022-23, vertebrate poisonings accepted into the scheme decreased from the previous year, with 110 vertebrate poisonings reported. The number of invertebrate poisonings slightly increased, with 22 invertebrate poisonings reported (Figure 3.2).

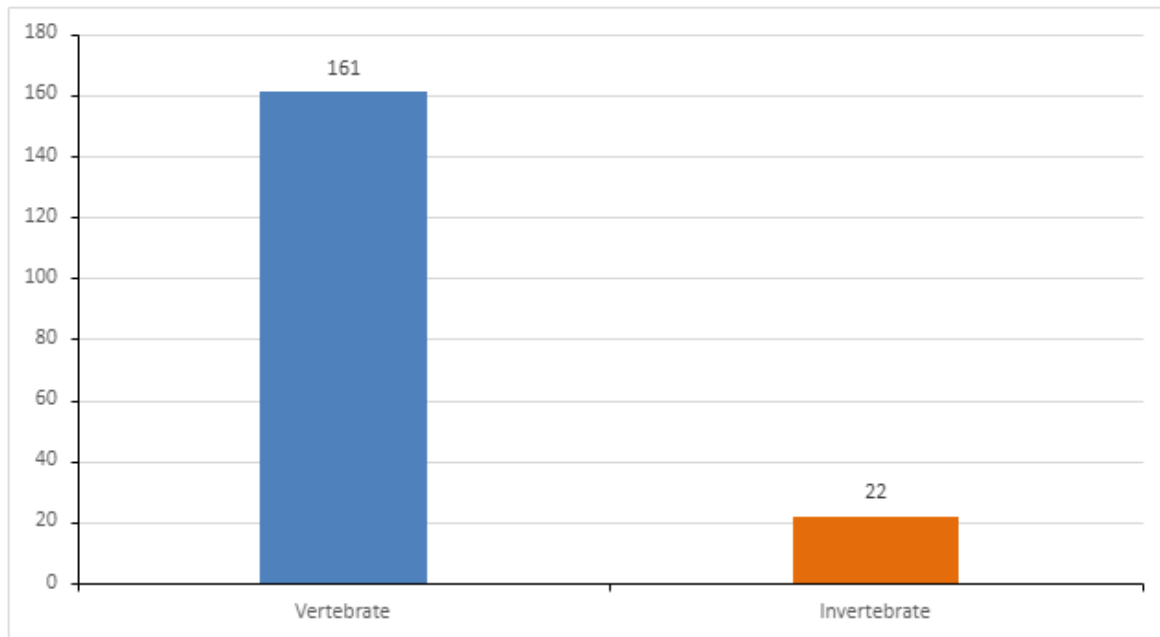


Figure 3.2 Vertebrate and invertebrate cases accepted into the WIIS scheme

The number of incidents considered to be a result of the deliberate abuse of pesticides decreased from the previous year with 11 cases reported. 2 incidents classified as misuse of pesticides were reported, with 5 cases reported that were classified as unspecified use. There were no cases classed as approved use or veterinary use (Figure 3.3).

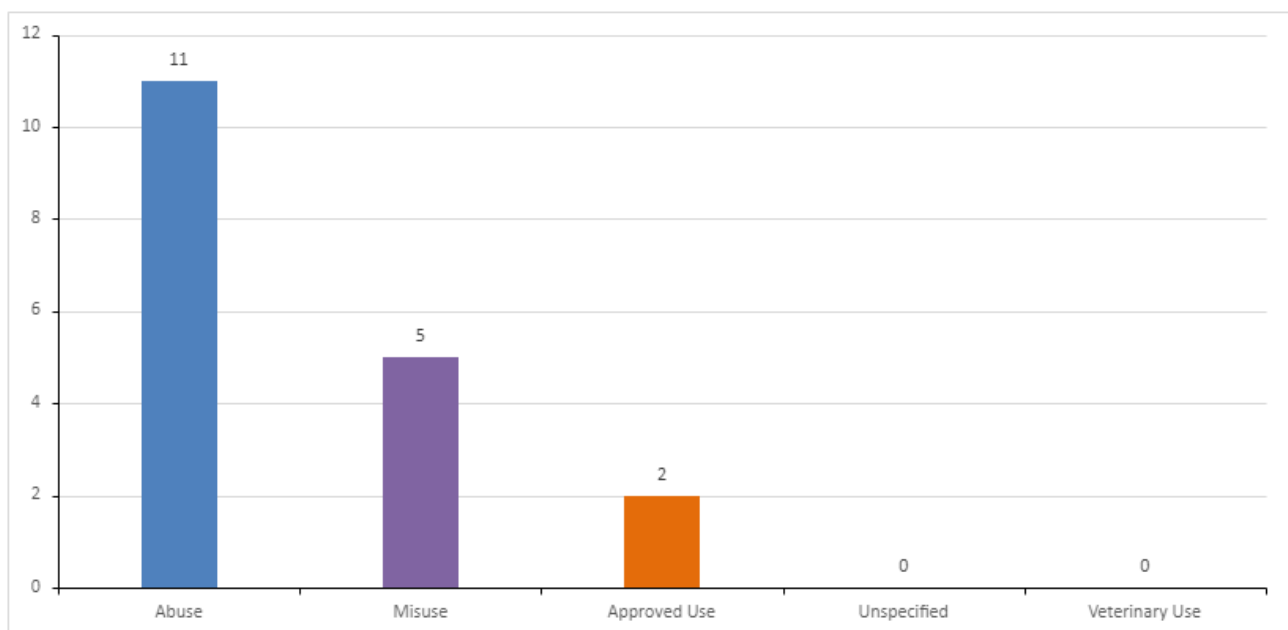


Figure 3.3. Classification of poisoning incidents by suspected use of pesticide

Cases remain unevenly spread throughout England with the highest number of incidents reported in Yorkshire and Northern Lincolnshire, with 26 cases reported (Fig 3.4).

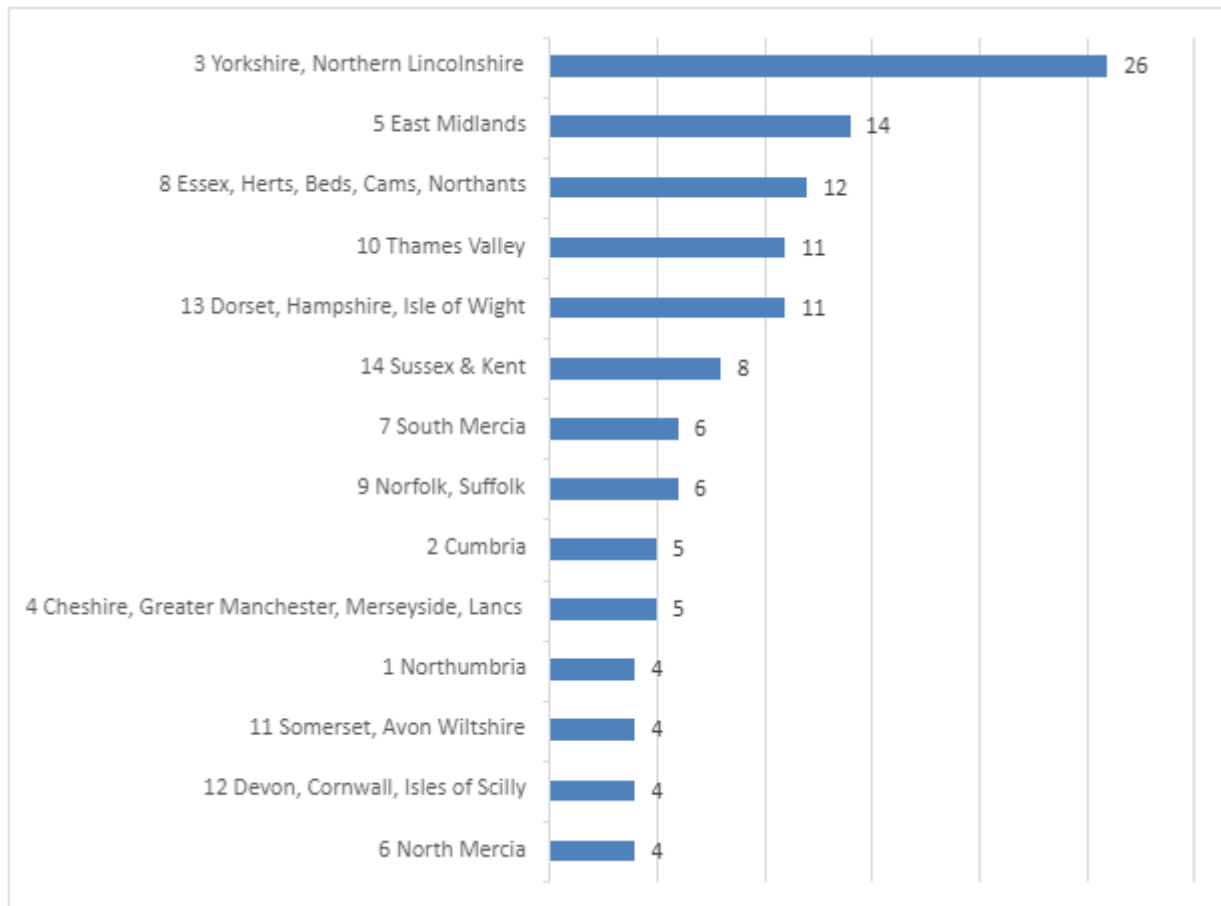


Fig. 3.4 Confirmed pesticide cases by Natural England Area Team between 1st April 2022 to 31st March 2023.

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 2022-23 we saw a slight decrease in the number of enquiries received by our EIA helpline from the previous year, with 1487 enquiries received. 87 investigations were carried out, with one stop notice served and no remediation notices served. There were no prosecutions taken forward. One enforcement undertaking was agreed (Table 4.1).

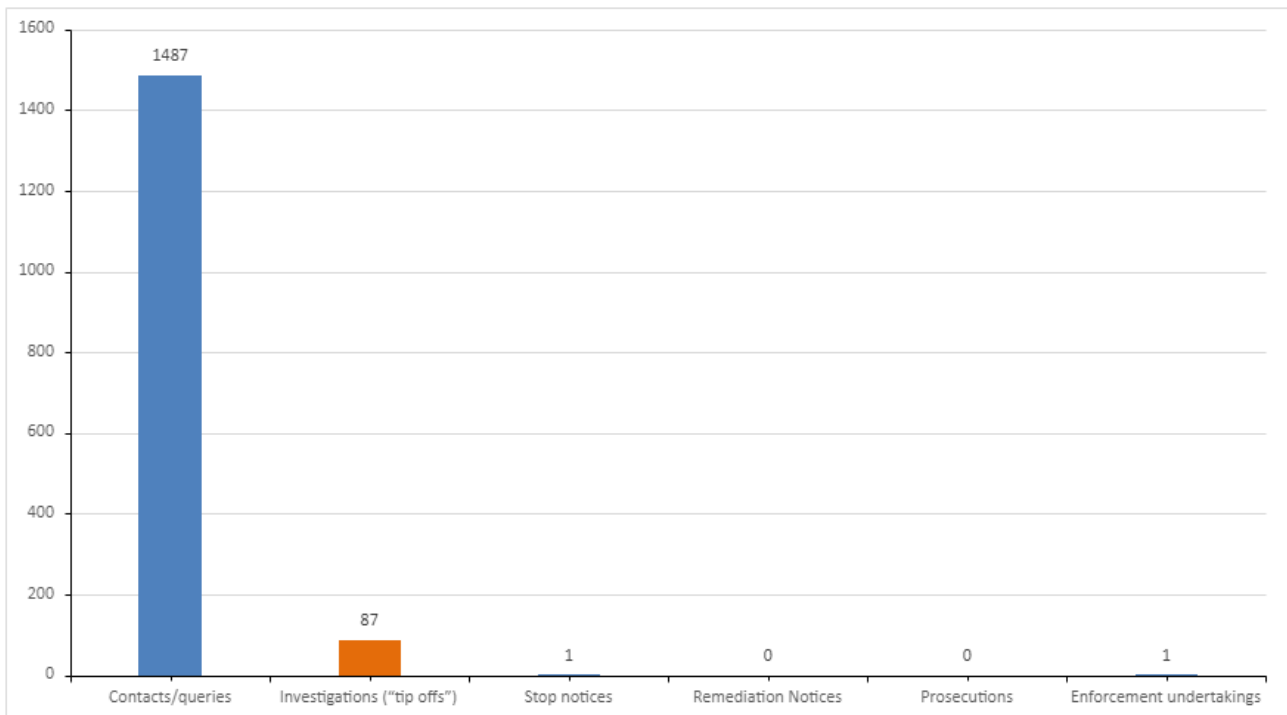


Figure 4.1 Enforcement Action relating to EIA Regulation breaches during 2022/23

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 decreased slightly from the previous year. In the 2022-2023 season, 49 complaints were received with 32 Inspections carried out. Eleven enforcement notices (a notice that requires the clearance of certain injurious weeds) were served and there was one clearance action required (requiring a contractor to be engaged to clear the weeds and the cost recovered from the Occupier).

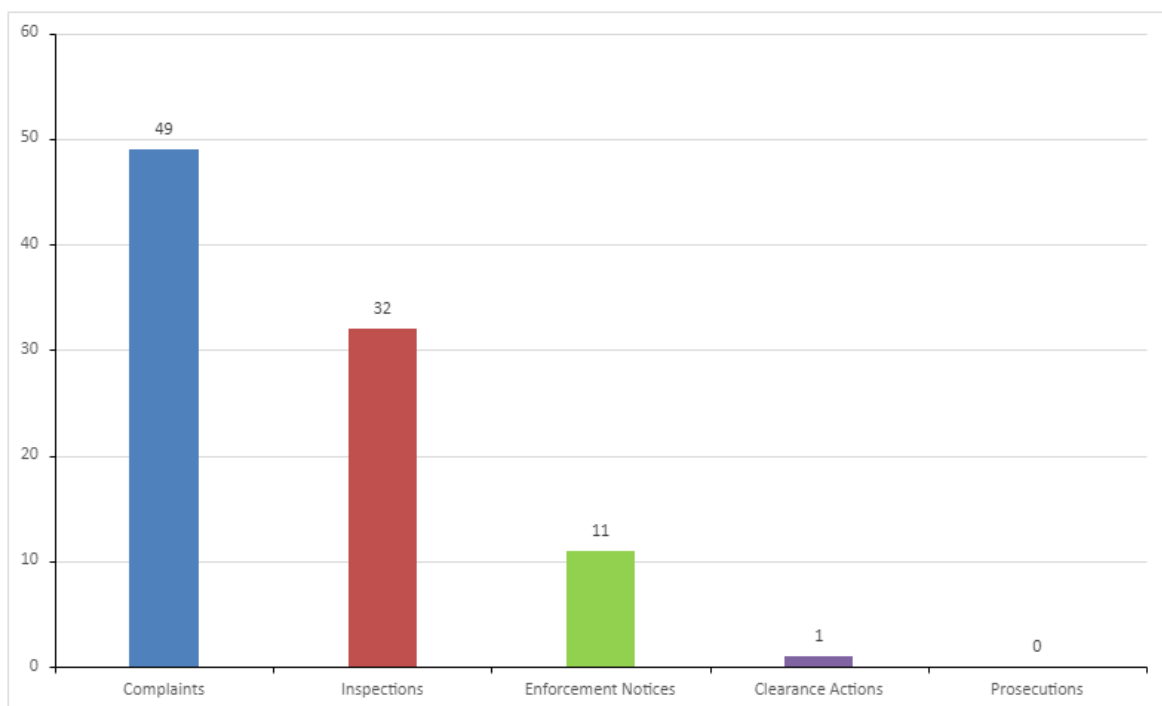


Figure 5.1 Enforcement Action relating to Injurious Weeds

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.



May

In May 2022 Natural England agreed an enforcement undertaking with a public body in Dark Peak, SSSI. The enforcement undertaking involved the replacement of vegetation and rutted areas to be reprofiled.



June

In June 2022 Natural England served a restoration notice (RES civil sanction) on a landowner in Westhay Moor SSSI, Somerset following unconsented works to erect semi-permanent structures including application of PVC sheeting to kill off vegetation and release of non-native plants and seeds into the site.



September

In September 2022, Natural England agreed an enforcement undertaking with a landowner in River Dee, SSSI. The enforcement undertaking required the removal of concrete and other man-made materials, planting of live willow poles, annual riverbank vegetation surveys (commencing 2023), for 5 years, or until Natural England confirm that the riverbank remediation works have been successful



October

In October 2022, Natural England agreed an enforcement undertaking with a landowner in Mid Cornwall Moors, SSSI following trees and scrub felled and material tipped on site and levelled with a digger. The enforcement undertaking involved allowing native trees (including willow and hazel) to regenerate.



November

In November 2022, Natural England agreed an enforcement undertaking with a landowner and occupier in Wyre Forest, SSSI following significant and extensive damage to the grassland feature and woodland.



December

In December 2022, Natural England agreed an enforcement undertaking with a landowner in Morecambe Bay, SSSI. The enforcement undertaking required waste materials to be removed, damaged ground to be levelled, and ground where materials were stored to be tilled and reseeded.



January

In January 2023 Natural England served another restoration notice (RES civil sanction) to supersede the June 2022 notice in Westhay Moor SSSI, Somerset following unconsented works to erect semi-permanent structures including application of PVC sheeting to kill off vegetation and release of non-native plants and seeds into the site.

A landowner received a suspended prison sentence and was ordered to pay £73,927.81 for illegally grazing cattle on Whiteleigh Meadows, SSSI.

Compliance and Monitoring

Where a sanction is served following an incident, Natural England will monitor compliance with the requirements of that sanction to ensure that the desired outcomes (for example, the restoration of harm) of that sanction are met. This monitoring might take the form of site based inspections, desk based analysis or a combination of the two.

For some sanctions, delivery of outcomes might be immediate or delivered over the short term (i.e. less than 12 months). For instance, this might be where the requirement of the sanction is simply the removal of temporary structures or a requirement to install replacement roosting or nesting sites. In these circumstances, Natural England is usually able to assess the success of the sanction through a small number of monitoring actions over the short term.

In other cases, where the outcomes are likely to take several years to achieve (for example, where significant restoration works are required or the habitat/species response to restoration works will take time to confirm) it is unlikely that Natural England will be unable to make a conclusion around success immediately, although we will aim to provide progress against shorter term milestones.

The information below sets out the compliance monitoring outcomes, recorded during 22/23, for a number of sanctions served where we have been able to confirm success against the sanction outcomes or specific milestones.

Astley and Bedford Mosses SSSI, Greater Manchester

Following the serving of an enforcement undertaking in May 2021 which involved restoration works related to the creation of ditch on the boundary of the SSSI likely to drain raised bog SSSI feature of interest, the third party offender installed steel sheet piles to retain the stone fill and ditch embankment, providing ground water cut-off. Following installation of the piles, the excavated section of the ditch was reinstated with similar excavated material and reshaped to its original profile.



Grenofen Wood and West Down SSSI, Devon

In June 2021, Natural England 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 that were felled without consent. The landowner has protected all living stumps with wooden timber guards and replaced dead stumps by replanting a live native broadleaf tree, with positive signs of growth reported.



River Mease, SSSI Derbyshire

In August 2021 Natural England agreed an enforcement undertaking with a landowner at River Mease SSSI, Derbyshire. The enforcement undertaking sought remediation works to the river to restore and compensate for unconsented works that involved the cutting of waterside trees and mechanical removal of in-channel woody material. The unconsented works exacerbated the impacts of previous channel modifications and resulted in a simplification of the habitat mosaic into a more homogeneous, silted environment which would negatively impact on bullhead, spined loach and the complete fish assemblage of the River Mease. Restoration works included allowing the coppiced willows to regrow in addition to reinstating washed river gravels to provide spawning habitat for fish and provide material to support natural processes.



Washers Farm, Raddington, Somerset

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).

An uncultivated land project to increase agricultural productivity (ploughing and planting maize) has taken place without a screening decision, affecting land exceeding 2 ha and supporting semi-natural habitat across parcels.



Westhay Moor, SSSI Somerset

Following the serving of a restoration notice to a landowner in Westhay Moor SSSI, Somerset in June 2022, the semi-permanent structures and PVC sheeting used to kill of vegetation were removed, allowing the regeneration of vegetation on the site.



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.

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.⁵

Other incidents

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

⁵ <https://www.gov.uk/government/publications/weeds-act-1959-complaint-form-and-leaflet>

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.⁶

⁶https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/389649/enforcement-guidance.pdf

