

# Report on Natural England's enforcement activity

1<sup>st</sup> April 2023 – 31<sup>st</sup> March 2024

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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](#)
- [restructuring of rural land](#)
- [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.<sup>1</sup>

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.<sup>2</sup> 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, investigations into Animal Poisoning, Environmental Impact Assessment (Agriculture) Regulations (EIA), and Injurious Weeds offences, including Prosecutions, Civil Sanctions, and Cautions. Data is recorded by financial year (1<sup>st</sup> April to 31<sup>st</sup> March). Information gathered in this report is used to inform decision making regarding compliance and enforcement, by identifying priorities and allocating resources to key issues.

The report covers the period from 2023 to 2024. Our priority is to monitor and evaluate the impact of our compliance and enforcement work. We are committed to transparency; sharing how we do this and what we learn.

## **Recording and Reporting incidents and outcomes**

Natural England utilises a number of systems to record incidents of non-compliance. Since the Enforcement & Appeals Team was established (2020) we have been working to consolidate and improve how incidents, reported through both internal and external routes, are recorded. This annual report is the first to utilise the improved recording of incidents and this should be factored in when comparing this report with historic reports.

Where the recording of incidents has not changed (for example, pesticide poisoning of animals) we will highlight differences in the number and types of cases across a 5 year period. However, for SSSI and Species licensing breach reporting, we have been unable to provide the full range of comparable data.

## **Tackling Wildlife Crime**

In September 2023, the Secretary of State for the Environment, Food and Rural Affairs approved the reintroduction of Wildlife Inspectors to Natural England. Wildlife Inspectors are staff drawn from the Animal and Plant Health Agency, Natural England and Defra who are authorised under Section 18A of the Wildlife and Countryside Act 1981 to use additional legislative powers to investigate wildlife crime and breaches of protected species permits and licences. They are on the front line of nature recovery.

Whilst Natural England has historically had Wildlife Inspectors, no new appointments have been made since 2008. This authorisation provides Natural England with 46 Wildlife Inspectors across multiple teams within the organisation.



*Great Crested Newt (Image by Tom Deaney)*

These powers provide the ability for officers to enter premises to investigate suspected wildlife offences and breaches of licences issued by Natural England or to compliance check documents provided by licensees in connection with obtaining the grant of a licence, alongside the taking of samples and seizure of evidence. This also provides additional criminal offences of obstructing our officers in the exercise of these regulatory powers.

The availability of these powers will support Natural England to achieve our strategic priorities, securing a healthy natural environment for people to enjoy, where wildlife is protected and our traditional landscapes are safeguarded for future generations. Natural England is committed to working closely with colleagues in Defra and the Animal and Plant Health Agency to ensure a streamlined approach is taken in the use of all regulatory powers, where possible.

# Partnership Working

Working seamlessly with strategic partners forms the foundation of our enforcement endeavours. Within this framework, Operation Seabird has emerged as a dynamic multi-agency partnership, aiming to address wildlife disturbance resulting from recreational activities along our coastlines.



*Operation Seabird Logo*

Operation Seabird is a multi-agency partnership initiative developed in 2020 around the Flamborough Head European Marine Site (EMS) as a result of increased wildlife disturbance caused by recreational activities. Natural England served as one of the initial partnership members, providing valuable insight into our enforcement practices and contributing support by crafting a collaborative agreement with the revitalized Partnership Against Wildlife Crime Marine (PAW) Group, which was signed off in 2023.

Operation Seabird aims to raise awareness of wildlife disturbance around the coast through engagement and educating the public. The objectives are:

- Protect important marine and coastal habitats and wildlife and raise awareness of environmental sensitivities
- Combine the resources of coastal partnerships, management schemes and regulating/enforcement agencies (such as the Police, the RSPCA and other statutory bodies including Natural England), to form a network that provides local knowledge and enforcement powers to help combat recreational disturbance issues
- Educate the public, user groups and businesses on better practices to avoid wildlife disturbance
- Promote and encourage the recording and reporting of disturbance incidents, to enable effective and informed decision-making.

Through Operation Seabird, fostering collaboration among diverse organizations and enforcement bodies enables our Enforcement team to promote a collective and partnership-oriented approach, combining our resources to respond to disturbances and antisocial behaviour along the coastline proactively and effectively.

Since 2023, Operation Seabird has extended to every coastal county throughout England, Scotland and Wales. Natural England remains committed to the success of Operation Seabird, ensuring its sustained impact by aiming to coordinate days of action with local police forces to foster ongoing public engagement.

## Incidents and Enforcement Actions

### 1. 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.

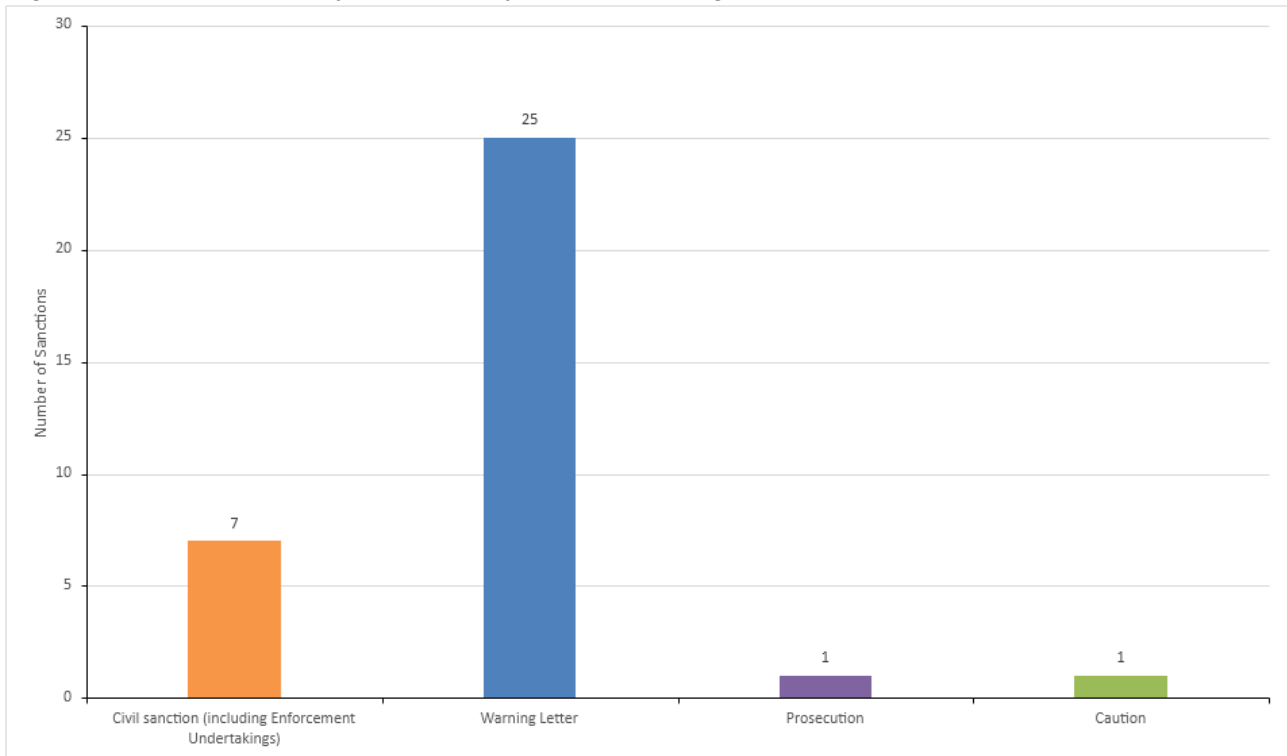
A total of 110 offences were recorded on SSSIs in 2023-24. This is a considerable increase from previous years and relates to the improved recording of incidents. The majority of these incidents were, on investigation, found to be minor or technical offences and were concluded by the provision of compliance advice or through the use of warning letters (considered to be a sanction).

However, 1 Notice of Caution and 1 criminal proceeding was brought in 2023-24. In addition, **7 civil sanctions were served**, including:

- 1 stop notice (a written notice that prohibits a person from continuing an activity either completely, or until specific steps have been taken),

- 6 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).

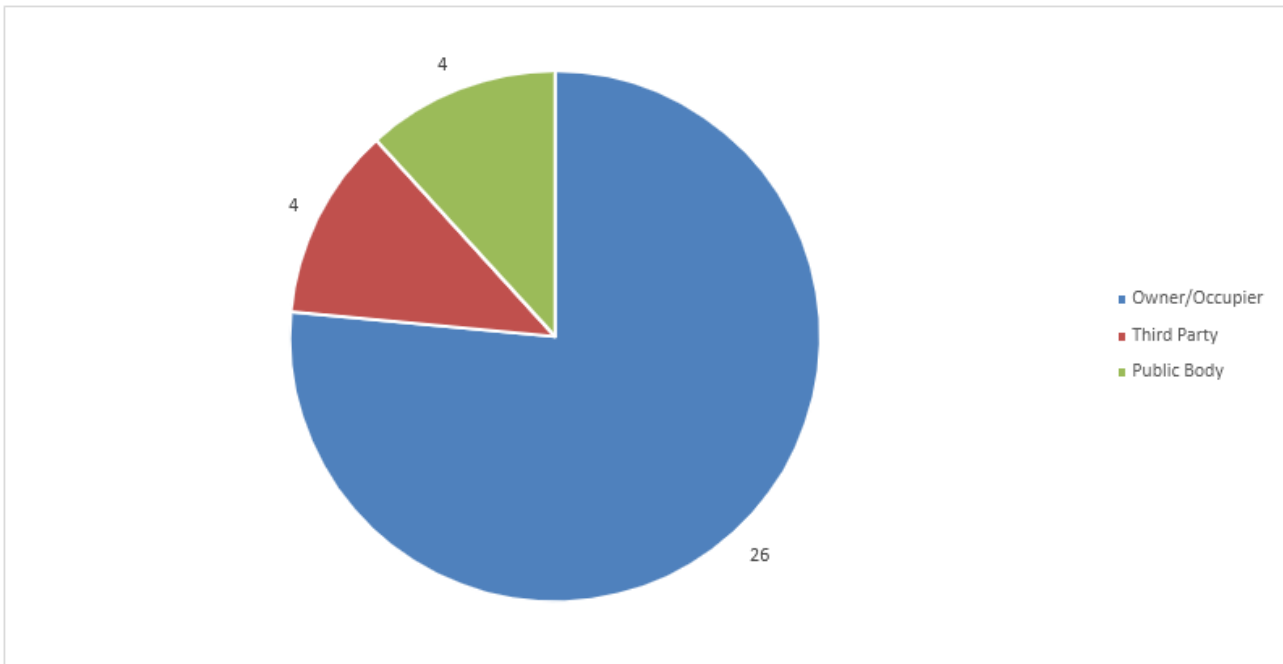
Figure 1.1 Criminal activity on SSSIs by sanction during 2023-2024



Our data shows an increase in the number of warning letters issued in 2023/24, compared to reporting years 21/22 and 22/23, but numbers remain low compared to historic counts. Recording of SSSI incidents has improved yet the number of cases concluded by warning letters remains low. This reduction is considered to be the greater focus on providing compliance advice, both verbal and written, in order to prevent further non-compliance rather than relying on warning letters to act as a deterrent.

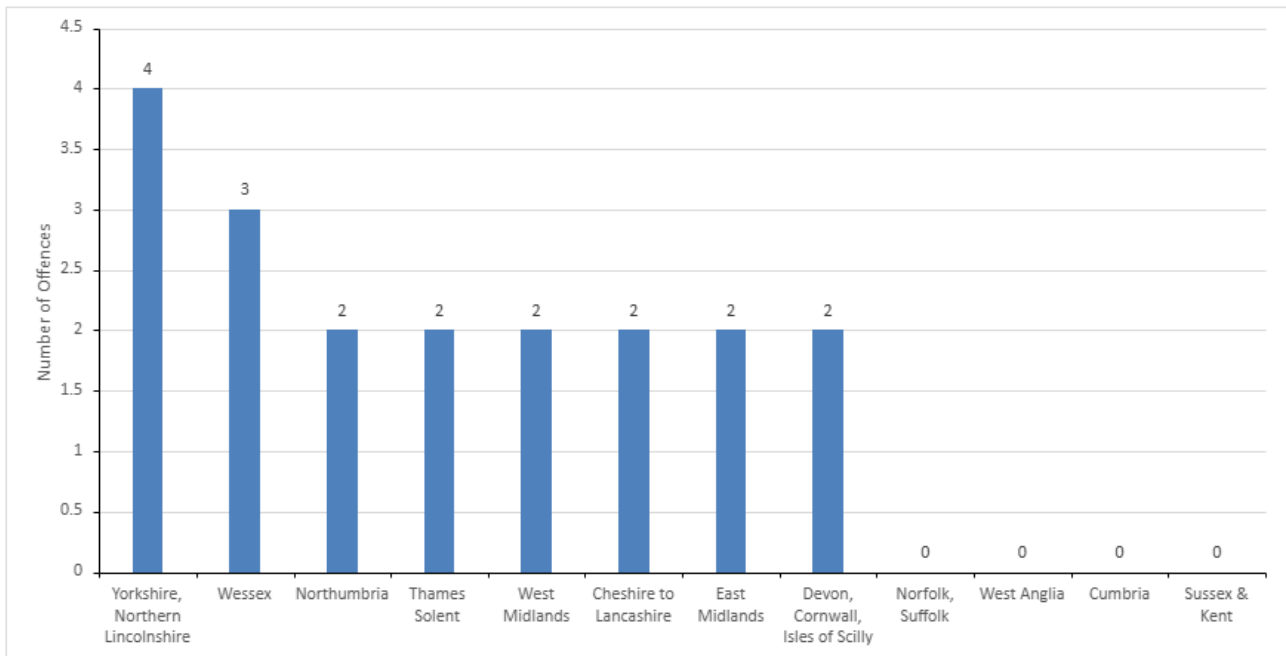
Figure 1.2 illustrates the breakdown of criminal activity by the responsible party in the 2023/24 period, revealing that the majority of offences are perpetrated by individuals who either own or occupy sites, such as farmers and land managers.

Figure 1.2 Criminal activity recorded during 23/24 on SSSIs by responsible party.



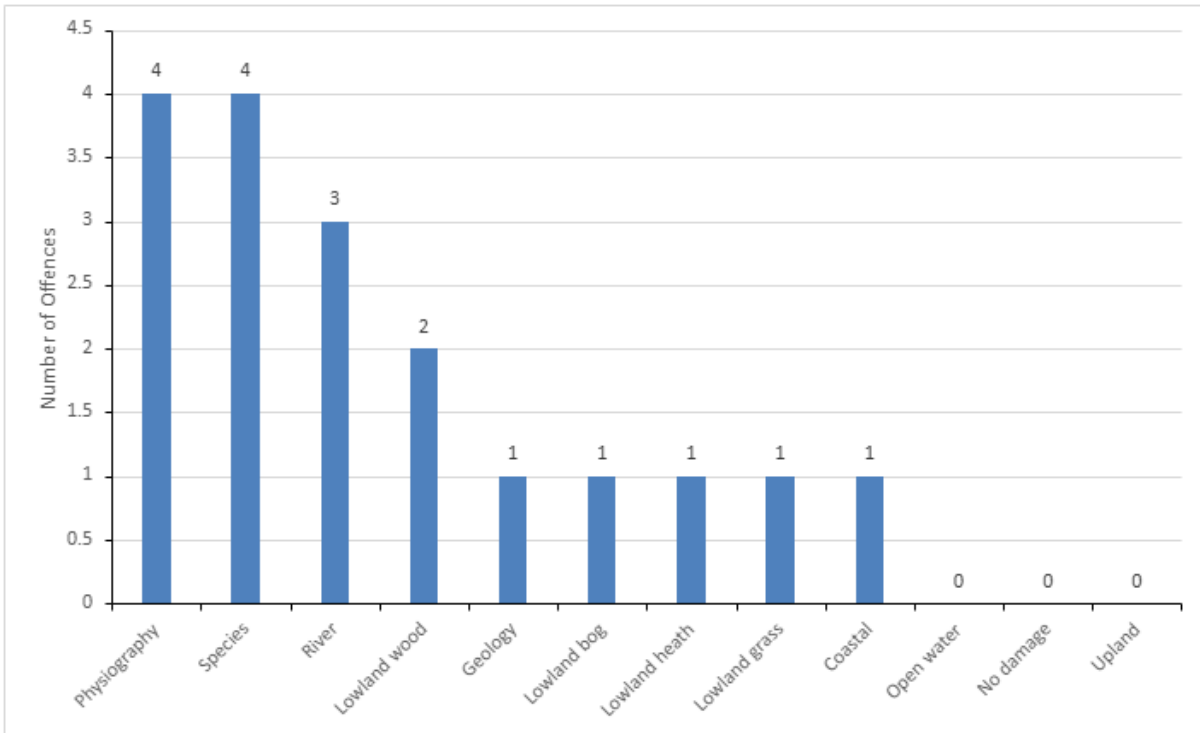
The greatest number of offences recorded during the financial year 2023/24, were in the southern counties but there is also an apparent increase of offences in Northumbria and Yorkshire, compared to previous years.

Figure 1.3 Criminal activity recorded in 23/24 on SSSIs by Natural England Area Team geography



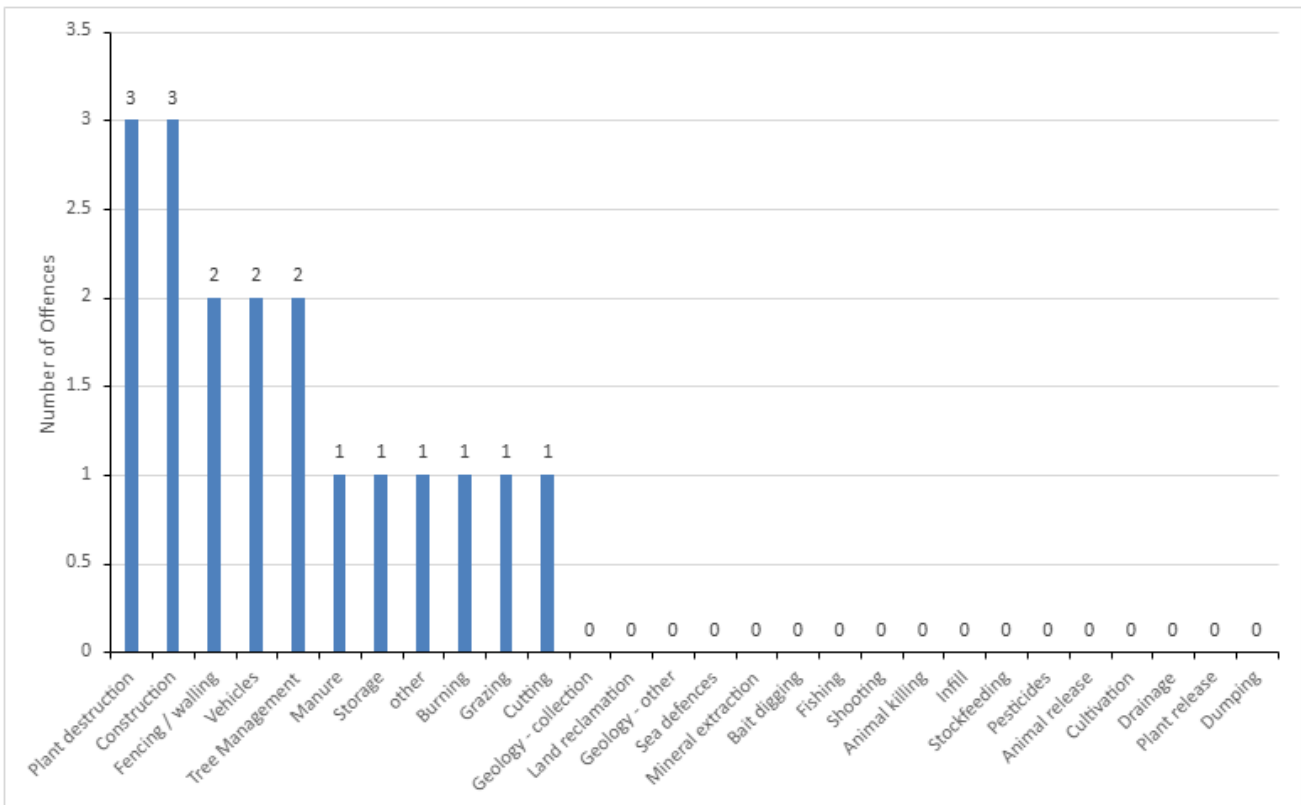
Lowland woodland appears to be most frequently affected protected feature following offences during 23/24 (Figure 1.4). Physiography, Species, uplands and rivers were also high on the list of features impacted.

Figure 1.4 Criminal activity on SSSIs by affected protected feature



The variety of illegal activities carried out continued to be wide during 23/24, but this period was dominated by construction and plant destruction (Figure 1.5). Historically, other activities have also played significant roles, including vehicle use, tree management, and tree management.

Figure 1.5 Criminal activity recorded during 2023/24 on SSSIs by activity.



## 2. 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.<sup>1</sup>

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.

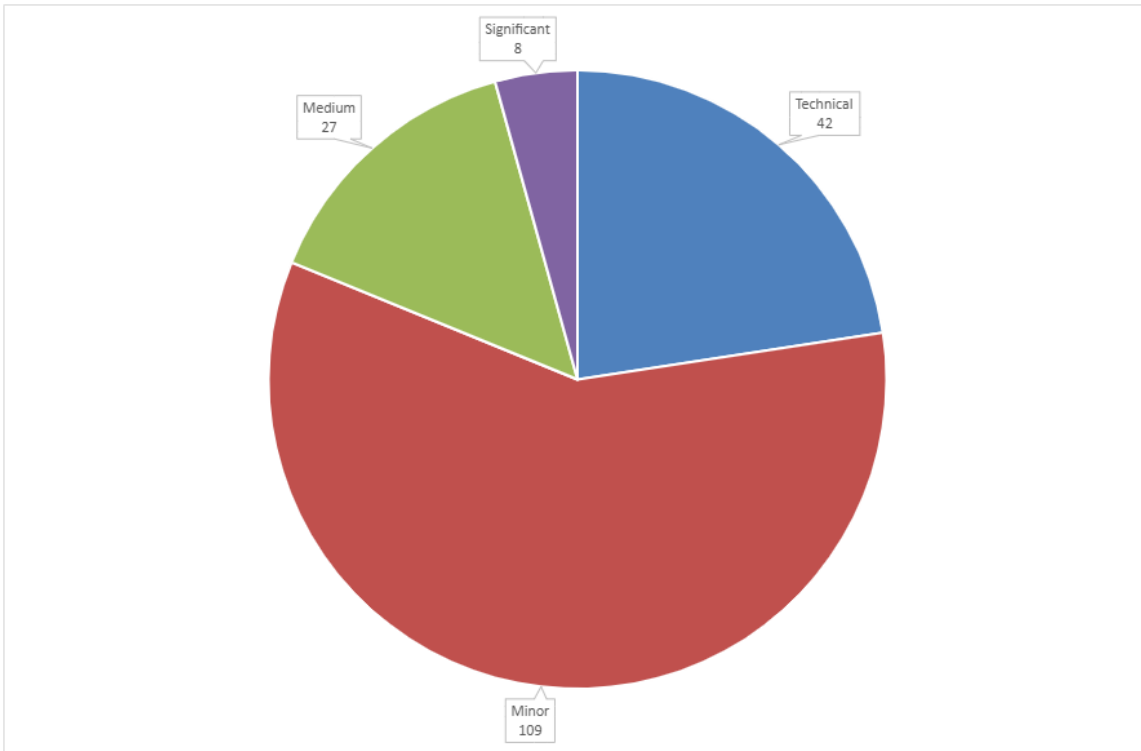
In 2023-2024, 186 species license breaches were reported. This compares to 108 reported breaches in 2022/23. The breakdown, by severity of incident, is shown in Figure 2.1. How we assess severity, and make decisions on the likely enforcement response, is set out in our Enforcement Guidance<sup>2</sup>.

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<sup>1</sup> [MoU Signed Final Document.pdf \(nwcu.police.uk\)](#)

<sup>2</sup> <https://assets.publishing.service.gov.uk/media/5a759948e5274a545822cc0e/enforcement-guidance.pdf>

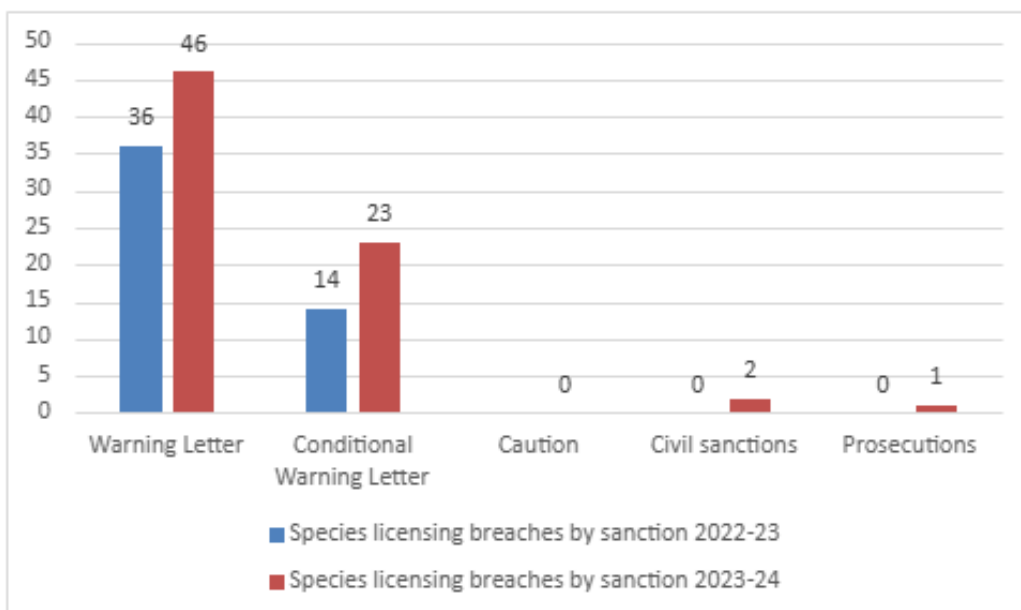
Figure 2.1 Breaches of species licence recorded in 2023/24 by severity.



The proportion of cases assessed as minor has increased by 10% compared to financial year 22/23, whereas the proportion of cases assessed as significant has remained stable.

Our enforcement action included issuing 46 warning letters and 29 conditional warning letters. Enforcement action for more significant breaches included two civil sanctions—a Variable Monetary Penalty and a Cost Recovery Notice—as well as one prosecution. In addition there were 29 instances of written/verbal advice issued.

Figure 2.2 Comparison between 2022/23 and 2023/24 and sanctions used to address breaches of species licence.



### 3. 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.

Data recording mechanisms have not changed for WIIS casework but we have shown only the last 5 years of data for comparison.

**187 reports** were received under WIIS in 2023-2024.

Of these reports:

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

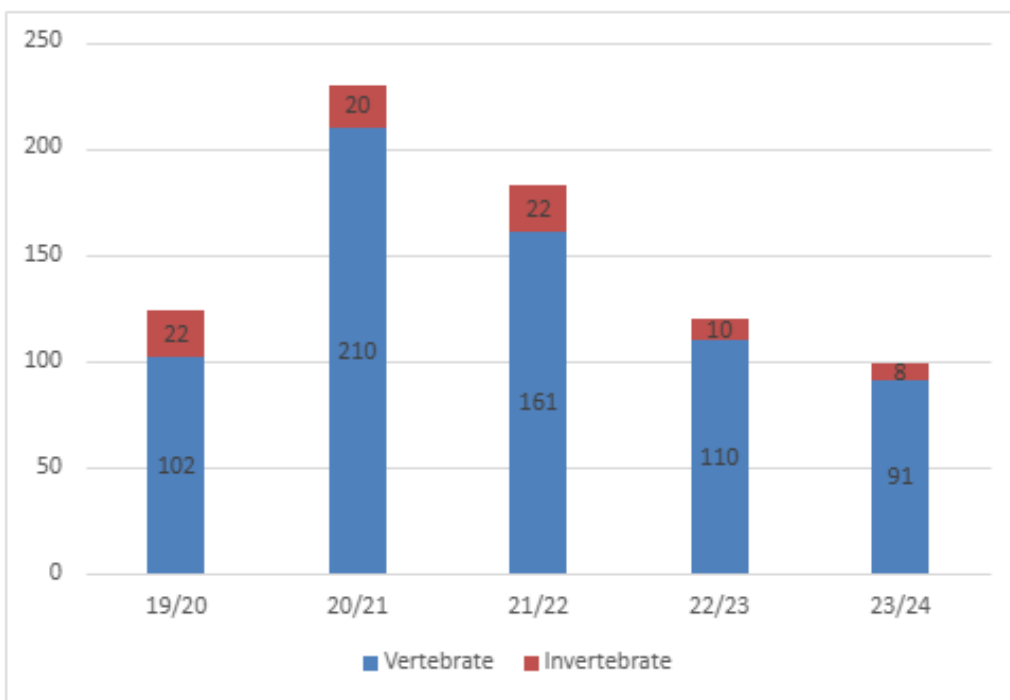
Figure 3.1. Pesticide poisoning cases alerted to WIIS. Number of reports to WIIS by year and number of these reports accepted or rejected.



There has been a decrease in the number of incidents reported to WIIS, since financial year 2019/20. However, the proportion of cases accepted for further investigation has increased to 53% in 2023/24 compared to 34% accepted in 2019/20.

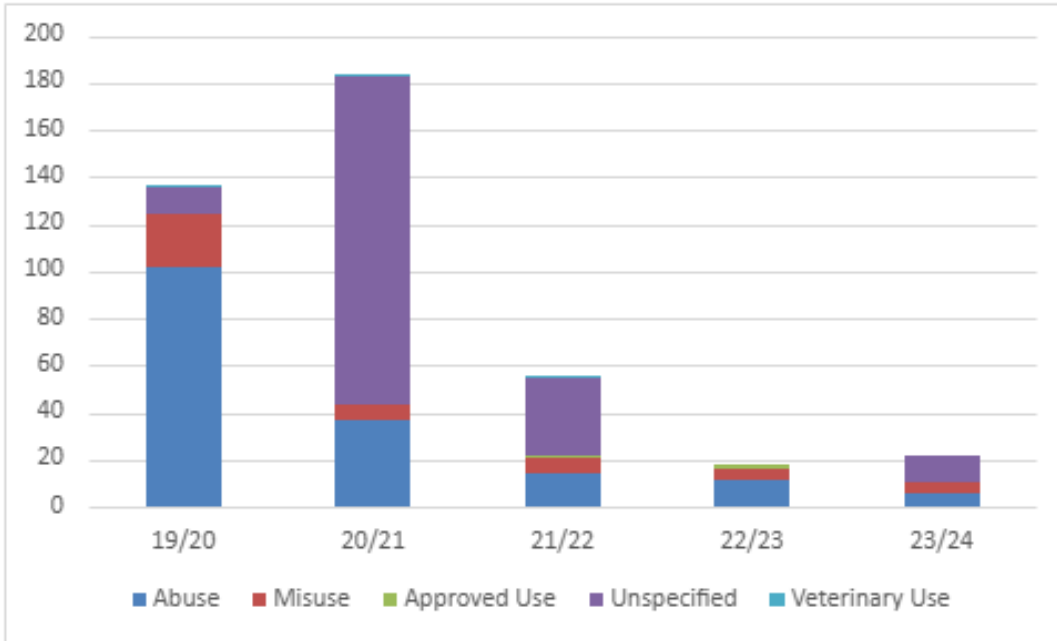
The proportion of vertebrate and invertebrate cases accepted has remained stable between 22/23 and 23/24 (92% and 8% respectively). However, an overall decline in the proportion of invertebrate cases has been observed since 19/20 when 18% of accepted cases involved invertebrates.

Figure 3.2 Accepted WIIS Incidents by Type. Vertebrate and invertebrate cases accepted into the WIIS scheme by year



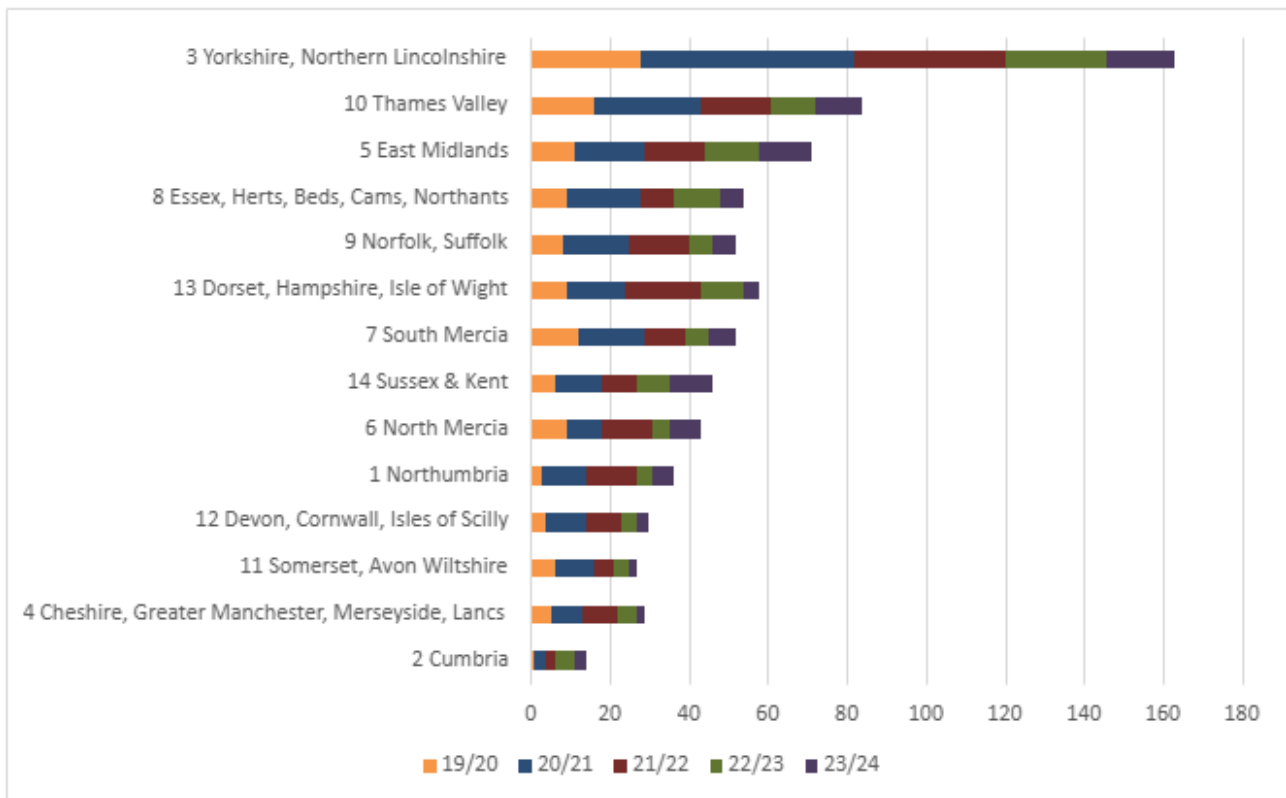
The number of incidents considered to be a result of the deliberate abuse of pesticides has decreased year on year since 2019/20 when 102 cases were identified as abuse compared to 6 cases in 23/24.

Figure 3.3. WIIS Investigation Outcomes. 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 17 cases reported in 23/24(Fig 3.4).

Figure 3.4 Confirmed pesticide cases by Natural England Area Team since financial year 2019/20



## 4. 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.

Recording of EIA (Agriculture) Regulations work by financial year, rather than calendar year, commenced in April 2020. As a result, five years of directly comparable data are not available

In 2023-24 we saw a decrease in the number of enquiries received by our EIA helpline from the previous year, with 1091 enquiries received. There appears to be a declining trend in enquiries since financial year 2020/21.

This declining trend is also observed in the number of investigations into suspected EIA breaches that are carried out. 67 investigations were carried out in 23/24 compared to 113 in 20/21.

Figure 4.1. EIA Enforcement Outcomes. EIA Regulation enquiries and breach investigations since 2020/21.

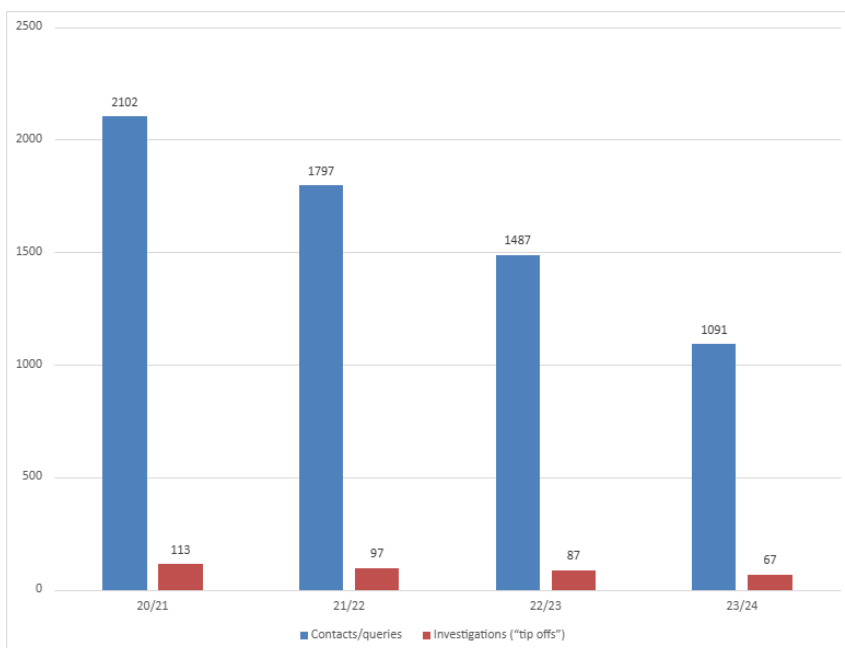
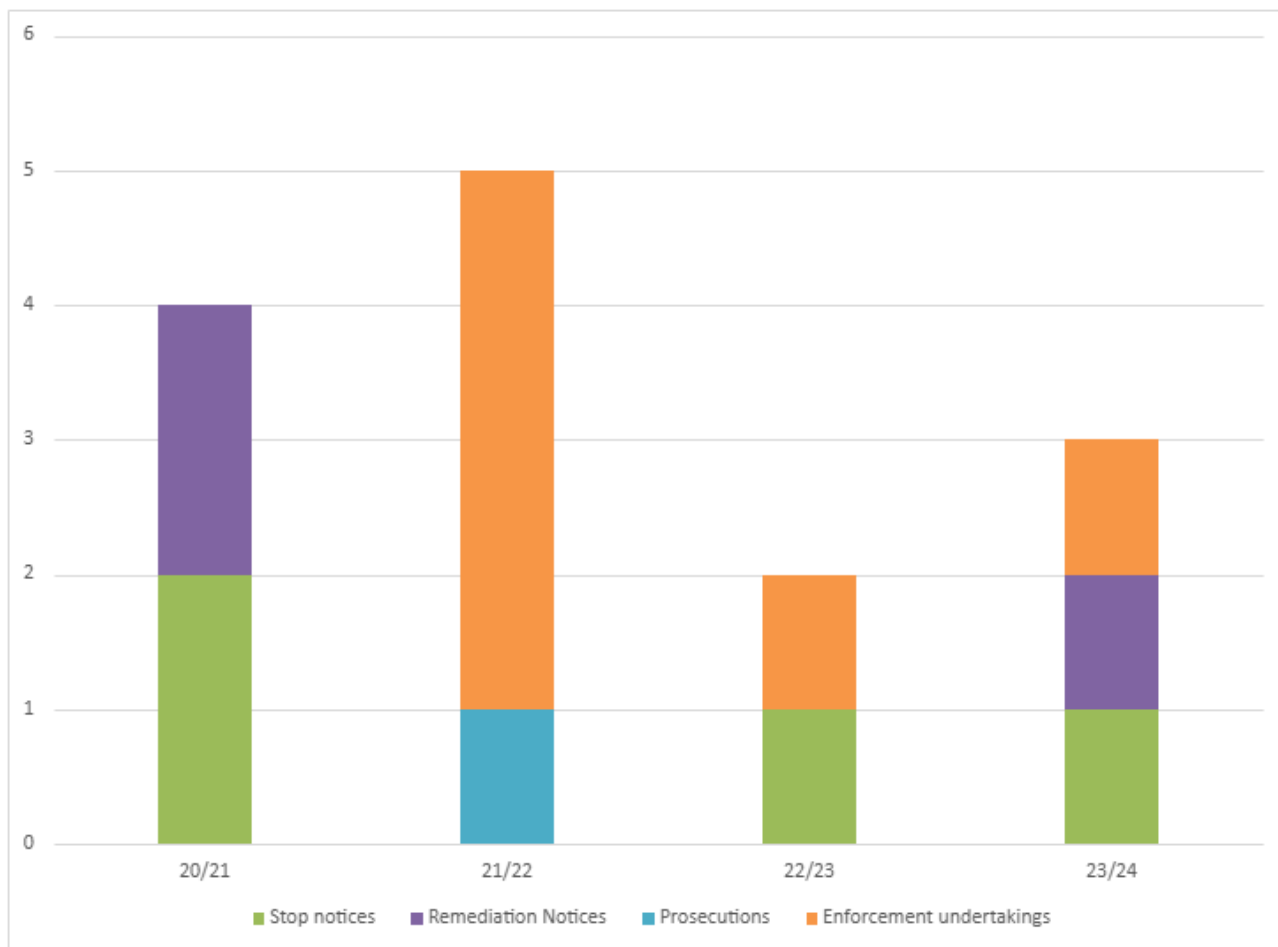


Figure 4.2 Enforcement Action relating to EIA Regulation breaches by year



During 23/24 one stop notice and one remediation notice was served. Though there were no prosecutions taken forward, one enforcement undertaking was agreed (Figure 4.2).

## 5. 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: \_

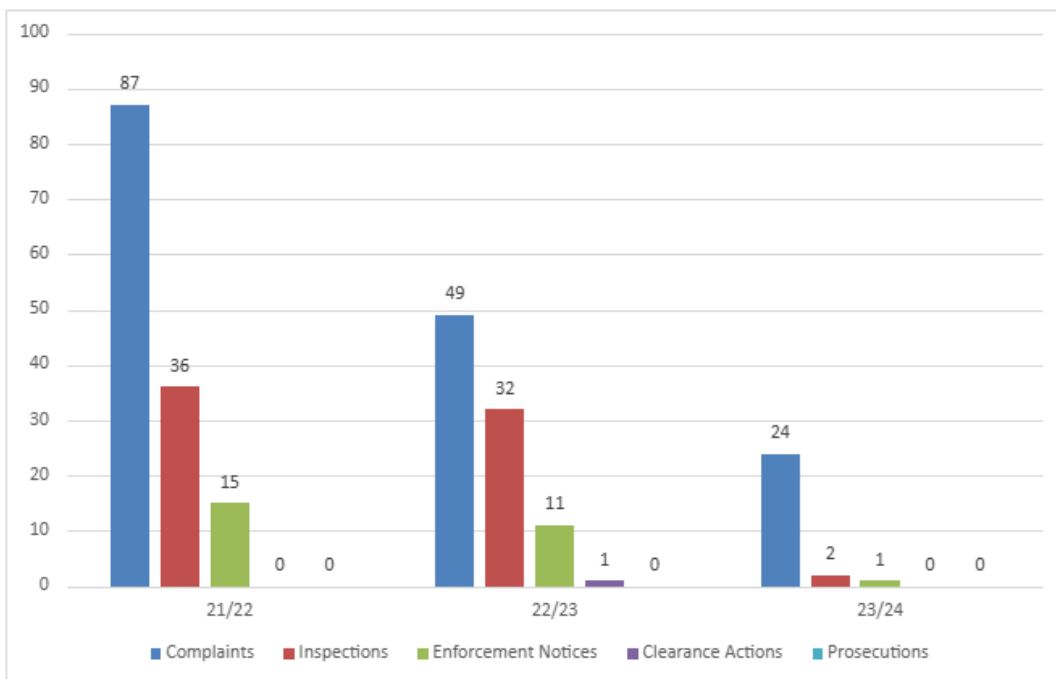
- Common ragwort – *Senecio jacobaea*
- Broad-leaved dock – *Rumex obtusifolius*
- Curled dock – *Rumex crispus*
- Creeping thistle – *Cirsium arvense*
- Spear Thistle (other common names: Scotch Thistle, Bell Thistle) – *Cirsium vulgare*

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.

Recording of Weeds Act work by financial year, rather than calendar year, commenced in April 2021. As a result, five years of directly comparable data are not available. A decline in the number of complaints of damage caused by injurious weeds has been observed since 2021/22. In the 2023-2024 season, 24 complaints were received with 2 Inspections carried out. One enforcement notice (a notice that requires the clearance of certain injurious weeds) was served but there were no clearance actions 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.



April

In April 2023, Natural England welcomed the sentencing of a landowner following unconsented vehicle and mobile machinery use within the River Lugg, SSSI causing 1.5 km of riverside destruction. Habitats of otters, kingfishers, trout and salmon were among those destroyed. The landowner was sentenced to 12 months in prison and ordered to pay prosecution costs of £600,000.



June

In June 2023, Natural England served a variation to an Enforcement Undertaking (EU) to an Owner-Occupier in Mid Cornwall Moors SSSI, Cornwall following the felling of trees and scrub and material tipped on site and levelled with a digger. The EU sought for imported soil to be moved and levelled out outside of the SSSI area and native trees including willow and hazel to be left to regenerate.



July

West Pennine Moors, SSSI  
Photo credit: Chorley Police

In July 2023, Natural England served a Notice of Caution to a third party following a vehicle off-roading incident in the West Pennine Moors, SSSI where 2 vehicles, illegally off-roading, became stuck and caused considerable damage on Rivington Moor.

A remediation notice was served to a landowner in Drybeck, Cumbria following ploughing and reseeding of 8.6 ha of scarce priority habitat. Glacial boulders had been removed and heaped, following by grazing of the resown area, leading to further loss of indicator species.



Chesil and the Fleet, SSSI

August

In August 2023, Natural England served a Stop notice (RES civil sanction) on a landowner in Chesil and the Fleet SSSI, Dorset following the unauthorised development of a beach hut.

An Enforcement Undertaking was agreed with an Owner-Occupier in Broughton Alder Wood SSSI, Humberside following the unconsented creation of a track and pond.

An Enforcement Undertaking (EU) was also agreed with a Public Body in Humber Estuary SSSI following unconsented rock armour work. The EU involved a contribution of £53,360 made to support the management of habitats in a conservation site in the area.



Fivehead Meadows, SSSI

## September

In September 2023, Natural England agreed an Enforcement Undertaking with an Owner-Occupier in Old Moss Lead Vein SSSI, Durham to remediate damage caused by replacement drainage works.

Natural England also agreed an Enforcement Undertaking with an Owner-Occupier in Fivehead Meadows and Woods SSSI, Somerset. The Enforcement Undertaking involved stabilising the soil and slope following soil and vegetation removal by planting native trees and shrubs, with seed spreading to encourage growth of a wildflower meadow.

Natural England successfully prosecuted a property developer for breaching conditions of an European Protected Species Bat Mitigation Licence. The defendant was fined £14,435.17 in total.



## December

In December 2023, Natural England agreed an Enforcement undertaking with an Owner/Occupier in Buckinghamshire to restore approximately 1 ha of poor quality traditional orchard by planting new 2 year old fruit trees in gaps where old trees have died. In addition, the Owner/Occupier agreed to plant another field approximately 1 ha with new 2 year old fruit trees to create a new traditional orchard.



New Forest, SSSI

## November

In November 2023, Natural England agreed an Enforcement Undertaking with a landowner in the New Forest SSSI. The Enforcement Undertaking required items including feeding stations for New Forest ponies and posts to be removed from the site. Holes will be filled using soil from the area and waste debris will be carefully removed. The site will be left to recover naturally.

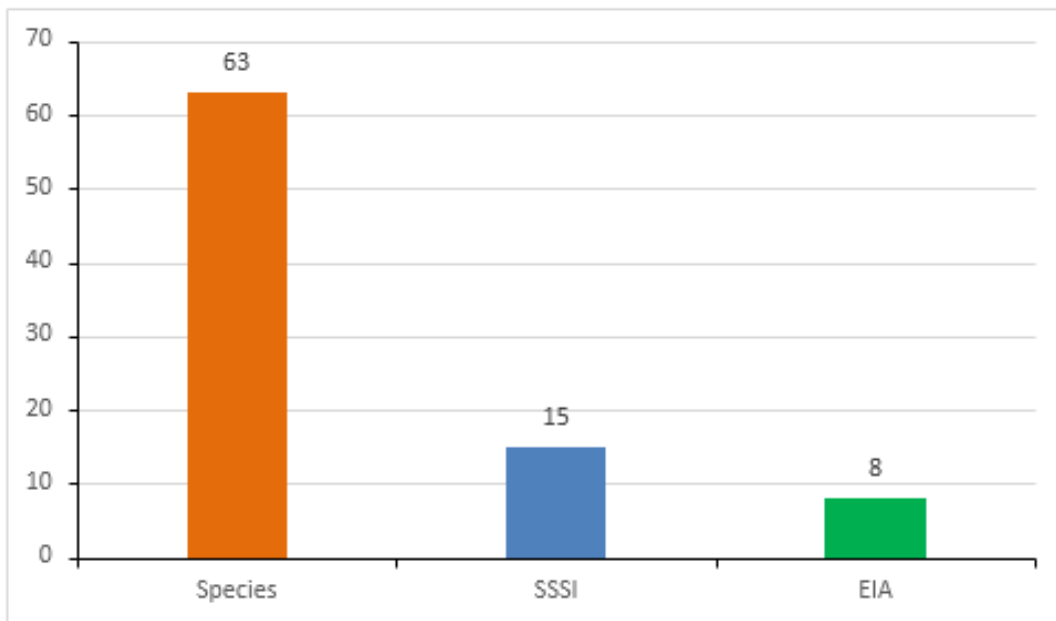
Natural England served a Variable Monetary Penalty (VMP) and Cost Recovery Notice (Res Sanction) following a Natural England Badger Class Licence breach in Greater London where an investigation revealed a licensee had contravened or failed to comply with conditions imposed on the grant of the licence. The VMP included a £6,080.00 fine.

## 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. Where outcomes have been achieved and no further action is required, we will issue a completion certificate to the responsible person.

Natural England's compliance monitoring might take the form of site-based inspections, desk-based analysis or a combination of the two. Figure 6.1 highlights the number of site-based compliance monitoring visits, by work area, carried out in 2023/24.

Figure 6.1. Compliance monitoring site visits carried out during 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2024



For some sanctions, delivery of outcomes might be immediate or delivered over the short term (i.e. less than 12 months). An example 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.

During 2023/24 we issued 4 completion certificates for sanctions served for SSSI offences (all relating to Enforcement Undertakings) and 5 certificates for sanctions served for Species offences (all relating to conditional warning letters).

Through these now completed sanctions we were able to achieve:

- Prevention of further harm to SSSI grassland habitats by agreeing positive future management, including the monitoring and control of invasive species.
- Prevention of longer-term harm to SSSI lowland heathland habitats through the removal of vehicles and infrastructure.
- Restoration of 220m of ditches through SSSI peatland habitat and the restoration of SSSI chalk grassland habitat.
- Prevention of harm to bat species by requiring additional, detailed survey and monitoring work.
- Provision of bat habitat and niches to enhance necessary mitigation requirements.
- Provision of ~500m of dead hedging to complement necessary habitat mitigation for dormouse.
- Prevention of harm to great crest newt populations and ensuring compliance by requiring specific training, toolbox talks and the presence of an ecological clerk of works.

# 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](mailto: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](mailto: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.

## **Other incidents**

Report any other incidents to the Natural England enquiries team by calling 0300 060 3900 or email [enquiries@naturalengland.org.uk](mailto: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.<sup>3</sup>

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<sup>3</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/389649/enforcement-guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/389649/enforcement-guidance.pdf)

