



Annual report on Natural England's enforcement activity 1 April 2010 to 31 March 2011

1. Executive summary

In our second enforcement report I am pleased to be able to highlight a reduction in some of the environmental offences that Natural England are responsible for enforcing, namely animal poisonings and on Sites of Special Scientific Interest. There has been a minor rise in breaches of species licences that we issue.

Going forward Natural England has restructured and all our regulatory work now sits within one team under my directorship. I am confident that this will bring further benefits to our regulatory service and enforcement work. Our priorities in the coming year will include:

- **Compliance.** We will work with those we regulate to find new and improved ways of helping people and businesses to comply with the laws we are responsible for enforcing.
- **Partnership working.** We are looking at how we can work closer with other environmental regulators, especially the Environment Agency, Forestry Commission, Rural Payments Agency, Police and Crown Prosecution Service, to maximise the alignment of our services for our customers.
- **Civil Sanctions.** As outlined in the last report we have been granted access to a range of civil sanctions that will help fill the gap between warning letters and criminal proceedings. I believe the new powers will give a welcome degree of flexibility, and will help ensure that we can fine-tune the actions needed to fully protect the environment without imposing unnecessary costs on those we regulate. We are currently going out to consultation on our proposals on how we will use them.

We will report our progress on these in the next annual report. In the meantime I hope you find this report useful.

Janette Ward, Director Regulation

2. Sites of Special Scientific Interest (SSSIs)

After a steady rise in the number of offences committed on SSSIs, the number fell to 100 in 2010-11 (Figure 2.1). The vast majority of incidents remain minor and sanctioned through warning letters. There was a slight rise in the number of cautions but there were no prosecutions in 2010-11.

An emerging trend is the fall in SSSI offences committed by their owners and occupiers and a rise in offences committed by “third parties” (Figure 2.2). Offences continue to be concentrated in the south of England (Figure 2.3) and on the coast (Figure 2.4). A variety of illegal activities continues to be wide, but dominated by vehicle use and the direct loss of habitat through construction and dumping (Figure 2.5).

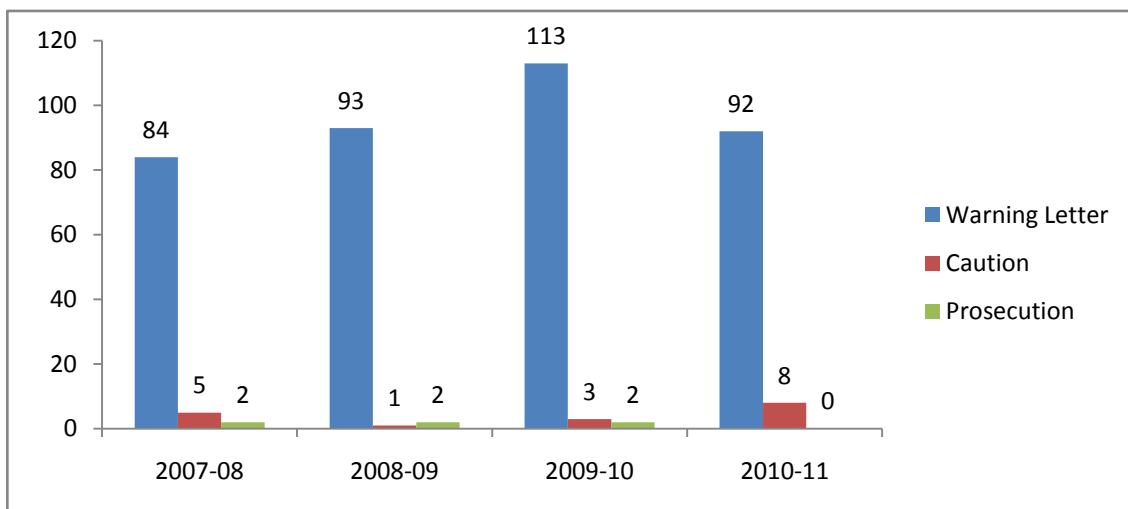


Figure 2.1. Criminal activity on SSSIs by financial year and sanction.

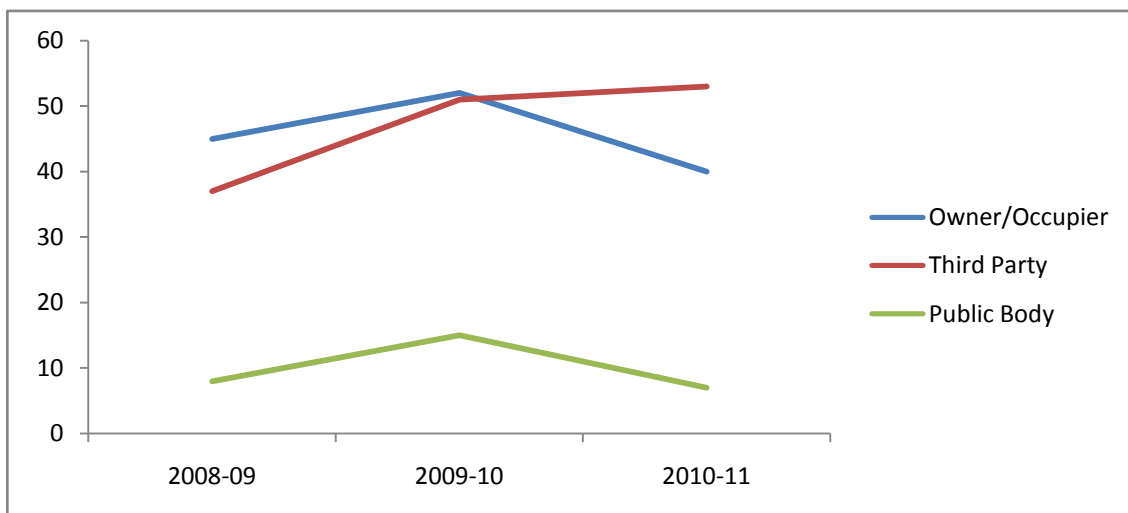


Figure 2.2. Criminal activity on SSSIs by financial year and culprit

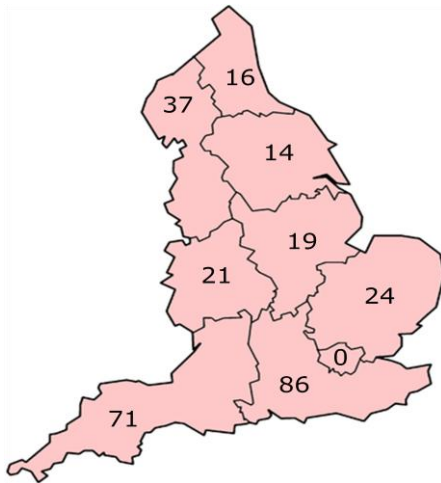


Figure 2.3. Spatial variability in criminal activity on SSSIs. Data from 1 April 2008 – 31 March 2011.

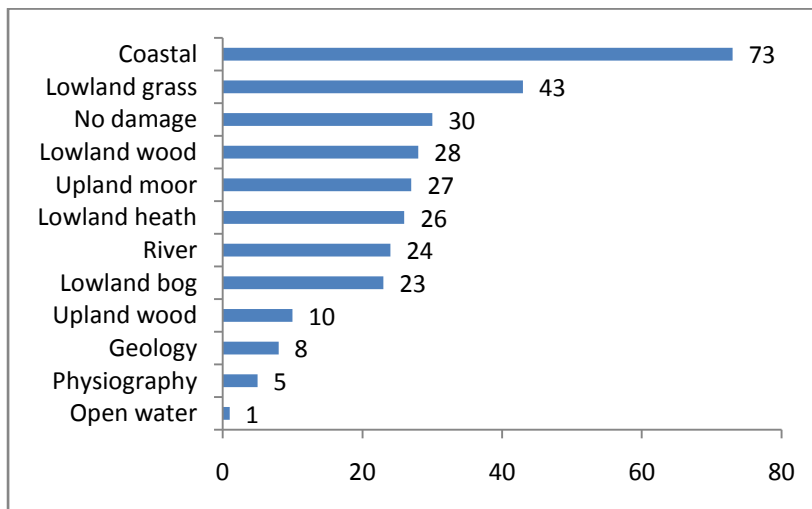


Figure 2.4. Criminal activity on SSSIs by affected habitat. Data from 1 April 2008 – 31 March 2011.

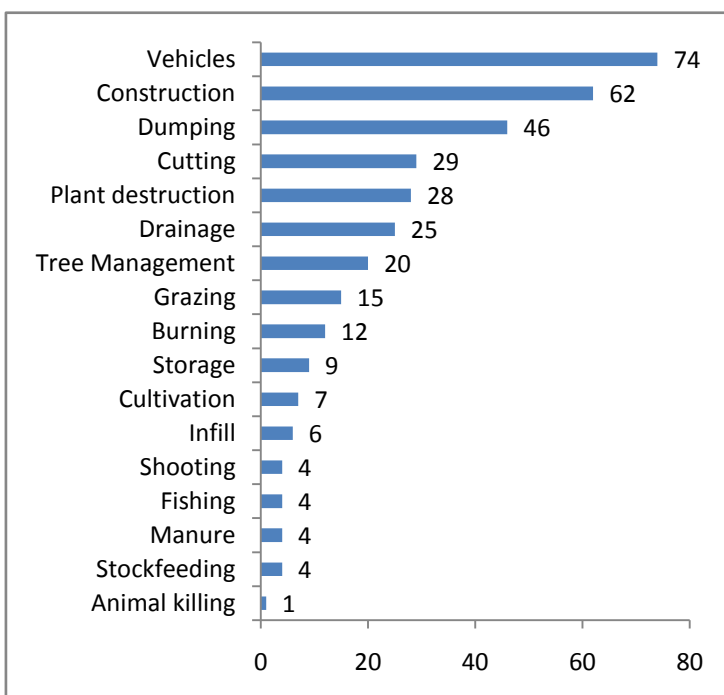


Figure 2.5. Criminal activity on SSSIs by activity. Data from 1 April 2008 – 31 March 2011.

3. Species Licensing

The number of breaches of licences that we issue rose from 38 in 2009-10 to 44 in 2010-11 (Figure 3.1). There has been a small increase in the number of minor offences and slight fall in technical breaches. Warning letters continue to be the main sanction used by Natural England. Notably during 2010-11 one caution was issued for a breach of the conditions of a licence, as this was the first time Natural England has issued a caution for a licence breach. The three most frequently affected species were great crested newts, bats and cormorants (Figure 3.2). Offences were concentrated in the east and south-east of England (Figure 3.3).

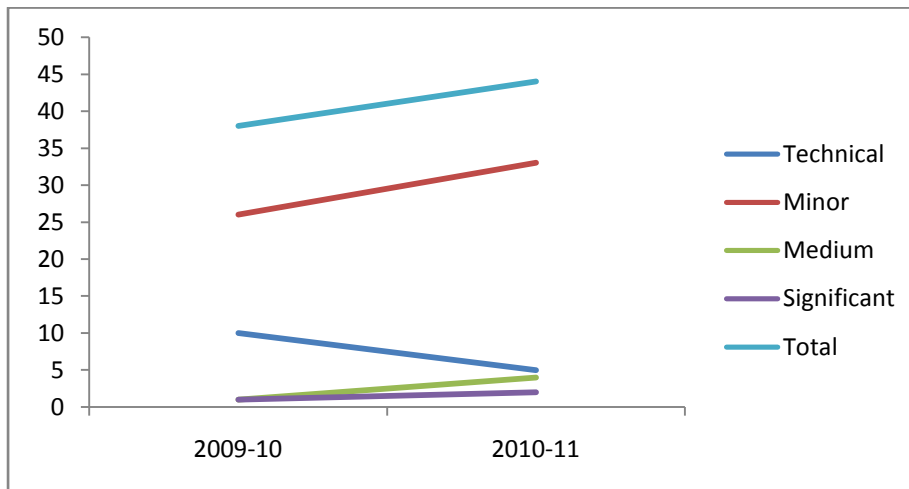


Figure 3.1. Classification of breaches of species licences by severity. Classifications of technical, minor, medium or significant are based mainly on the environmental impact of the breach but also on a range of aggravating and mitigating factors.

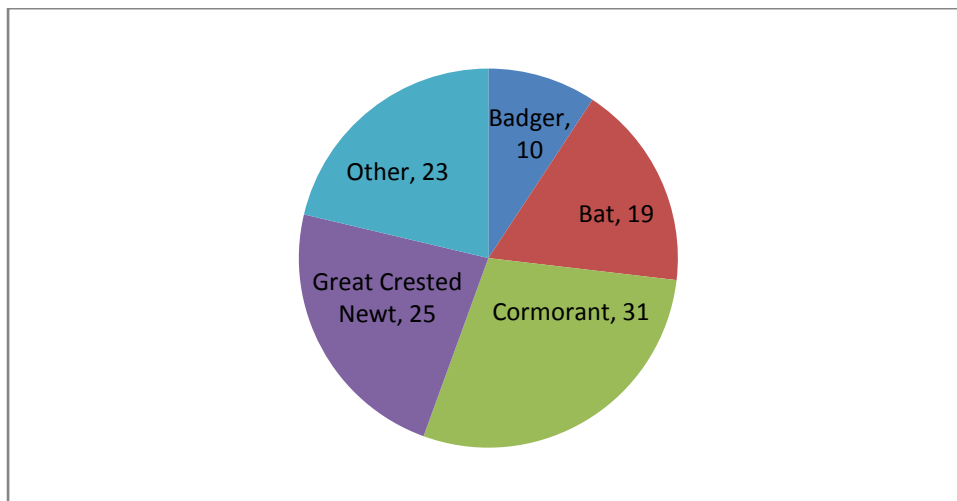


Figure 3.2. Species affected by breaches of species licences. Data from April 2009 – March 2011.

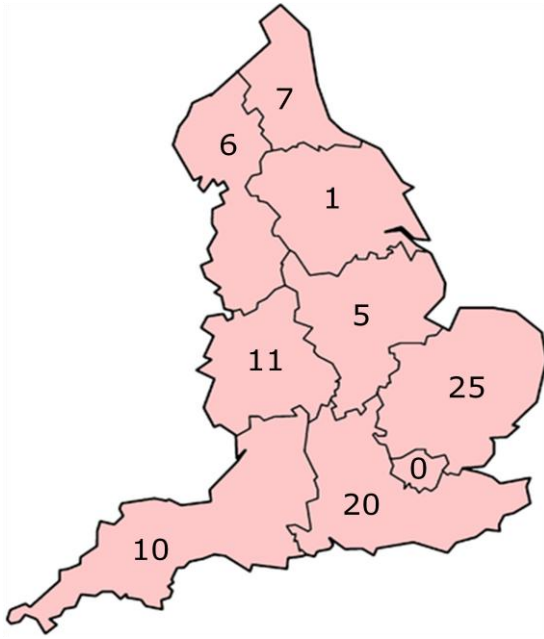


Figure 3.3. Spatial variability in breaches of species licences. Data from April 2009 – March 2011.

4. Animal poisonings

After a steady rise in reports of animal deaths under the Wildlife Incident Investigations Scheme, there was a slight fall in the number of reports in 2010-11 (Figure 4.1). The number of cases rejected (i.e. lack of grounds to believe pesticide may be involved) continues to rise whilst the number accepted has fallen since 2008-09. This may be a result of increasing assurance that we are strictly applying the acceptance criteria. Pesticides caused the deaths of 62 individual or groups of animals in 2010-11 (Figure 4.2). Deliberate abuse of pesticide continues to be the most common cause of death, whilst accidental misuse continues to decline. Cases were unevenly spread throughout England with the highest number of incidents in the east of England (Figure 4.3). We issue Enforcement Notices to remedy immediate issues with storage and use of pesticides discovered as part of our enquiries. In 2010-11 four Enforcement Notices were issued.

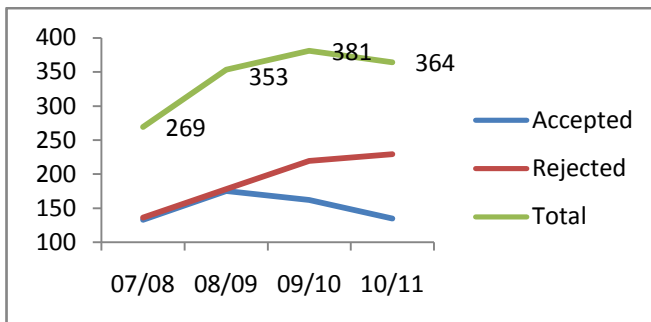


Figure 4.1. Reports of injury or death of animals to the Wildlife Incident Investigation Scheme. Cases are accepted if pesticides are suspected to be involved.

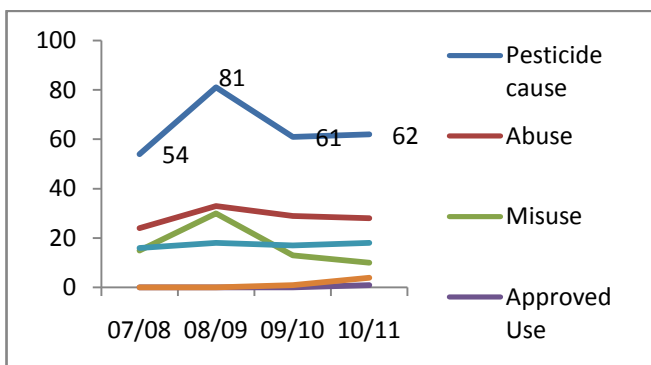


Figure 4.2. Cases of confirmed pesticides as a result of the abuse, misuse and other uses of pesticides.

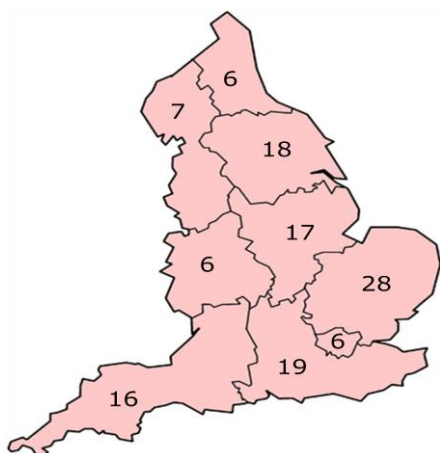


Figure 4.3. Confirmed pesticide cases by Government Region. Data from April 2009 – March 2011.

5. Heather and grass burning

Breaches of these regulations remain very low (Table 5.1). In 2010-11 there were three breaches, resulting in one caution and two warning letters.

Table 5.1. Breaches of the heather and grass burning regulations by financial year and sanction.

	2007-08	2008-09	2009-10	2010-11
Prosecution	0	0	0	0
Caution	0	0	0	1
Warning letter	3	0	5	2

6. Environmental Impact Assessment (Agriculture) Regulations

Breaches of these regulations remain very low. There was only one breach in 2010-11, sanctioned through a warning letter.

7. Injurious weeds

The number of queries, complaints and inspections of damage caused by injurious weeds fell markedly in 2010 (Table 7.1). The number of Enforcement Notices (requiring clearance of injurious weeds) was also the lowest since 2006.

Table 7.1. Enforcement action relating to injurious weeds

Year	Contacts/ queries	Complaints	Inspections	Enforcement notices	Clearance actions	Prosecutions
2006	1950	342	67	19	5	0
2007	1924	234	117	52	2	0
2008	2664	319	136	39	3	0
2009	944	202	73	40	0	0
2010	684	145	41	24	2	0

8. Overgrazing Regulations

Breaches of these regulations remain very low. There were no breaches in 2010-11.

9. Cautions and prosecutions

May 2010

A man was cautioned in connection with a moorland burn which breached both the SSSI and heather and grass burning regulations and caused damage to the North York Moors SSSI.

A man was cautioned for constructing a track and draining land within Geltsdale and Glendue Fells SSSI.

A man was cautioned for coppicing trees containing rare lichens within Barle Valley SSSI.

A woman was cautioned for tree felling, riverbank clearance and the creation of a pond within the River Dane SSSI.

June 2010

A man in Devon was issued with an Enforcement Notice to properly dispose of pesticides for which there was no current approval.

August 2010

A man was cautioned for creating a lake and carpark, planting non-native species, erection of structures including otter fencing, tree and vegetation clearance, and storage of materials within the River Camel Valley and Tributaries SSSI.

A man in Lincolnshire was issued with an Enforcement Notice to properly dispose of pesticides for which there was no current approval including Cymag.

September 2010

A man was cautioned for damaging moorland vegetation through repeated vehicle use within Moorhouse and Cross Fell SSSI.

Two men were cautioned for various works within the River Camel Valley and Tributaries SSSI including the restoration of a silted up lake, the creation of two ponds, bank stabilisation, tree clearance, drainage, digging a well and dumping garden waste.

November 2010

A man in Northamptonshire was cautioned for shooting more cormorants than allowed by his licences to prevent damage at two fisheries.