

Non-Financial Schedule of Delegation

Approved by Helen Phillips, Chief Executive

Date:.....

Contents

1. External reports
2. MOUs etc.
3. SSSIs
4. Signing Deeds
5. Signing Novation Agreements
6. NNRs
7. Marine Nature Reserves
8. Advice/responses to consultations
9. Habitat Regulations
10. Compulsory purchase
11. National Trails
12. Planning
13. National Parks
14. AONBs
15. Open Access
16. RDPE/ERDP and S. 7 Management Agreements
17. Species and other licensing
18. Issuing authorities for purchase and use of biocide
19. Heather and Grass Burning
20. Site Assessments
21. Environmental Impact Assessment
22. Registration relating to land charges and European Sites
23. Recruitment/dismissal of staff

Introduction

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

Many of the decisions highlighted in the non-financial schedule of delegations are focussed around our regulatory activities. It is important that the decisions are taken at the right level, following appropriate consultation, in order to safeguard Natural England's position in the event of a challenge, appeal or prosecution.

Before using the schedule please ensure that you have read and understood the principles in the guidance to Natural England's Scheme of Delegation.

Julie Lunt
Head of Legal Services

Part 1 – External Reports

Subject	Delegated level
1. Approval of Natural England's external reports on issues of national importance, or of a significant or contentious nature	Chief Executive
2. Approval of Natural England's external reports on issues of non-national importance in England	Executive Director in consultation with relevant Director
3. Approval for publication of technical reports and the submission of consultation responses	Director in consultation with relevant Steering Group (PSG, ESG or EASG)
4. Approval for scientific publications	Chief Scientist

Part 2 – MOUs etc (refer to guidance for meaning)

Type of agreement	Delegated level
<p>1. Approval of written high level non-legally binding arrangements with public sector bodies or not for profit organisations which relate to the whole of Natural England or to more than one region involving significant impact on Natural England’s reputation:</p> <p>(a) for more than 3 years (b) for more then 1 year (c) for less then 1 year</p> <p>2. Approval of MOUs that are cross boundary in geographical or functional terms.</p> <p>3. Approval of MOUs of regional or local importance or less significant impact:</p> <p>a) MoUs for more than 1 year b) MoUs for less than 1 year</p> <p>4. Approval of MOUs which relate only to a specific project</p>	<p>Chief Executive in consultation with Chair Chief Executive Executive Director as appropriate</p> <p>Executive Director</p> <p>ELG</p> <p>Area Manager/Regional Business Manager</p> <p>Delivery Manager</p>

Part 3- Sites of Special Scientific Interest

3.1 Notification & Confirmation

3.1.1 Notification and confirmation of new SSSI

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

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

	Section of legislation	Function	Delegated level
A	s.28(1)	Approval to notify land of special interest by reason of its flora, fauna, geological or physiographical features	Executive Board
B	s.28(1)	Approval, in emergency circumstances, to notify land of special interest by reason of its flora, fauna, geological or physiographical features	Executive Director in consultation with Head of Legal
C	s.28(1)(a) (b) & (c)	Give notice to local planning authority, every owner or occupier of that land & Secretary of State subject to approval in Sec. 3.1.1A	Adviser (Area Team)
D	s.28(2)	Publish notification in at least one local newspaper circulating in the area in which the land is situated	Adviser (Area Team)
E	s.28(1)(5)(a)	Approval to withdraw the notification	Board
F	s.28(1)(5)(a)	Give notice withdrawing the notification	Adviser (Area Team)
G	s.28(1)(5)(b)	Approval to confirm the notification with or without modifications where there are no outstanding objections or representations (i.e. where no representations or objections made, where representations or objections	Director Regulatory Services & Access

		withdrawn or resolved)	
H	s.28(1)(5)(b)	Approval to confirm the notification with or without modifications where representations or objections are unresolved	Board
I	s.28(1)(5)(b)	Give notice confirming the notification with or without modification to all those notified	Adviser (Area Team)

3.1.2 Variation of existing SSSI notification

to vary an existing SSSI notification

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

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

--	--	--	--

3.1.3 Notification & confirmation of additional land
to add land to an existing SSSI

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

	Section of legislation	Function	Delegated level
A	s.28B(1)	Approval to notify extra land adjacent to an existing SSSI notification	Executive Board
B	s.28B(1)	Approval, in emergency circumstances, to notify extra land adjacent to an existing SSSI notification	Executive Director in consultation with Principal Specialist, Legal
C	s.28B(2)(a), (b), (c)	Give notice of notification to local planning authority, every owner or occupier of any of the extra land & Secretary of State subject to approval in Sec.3.1.3A	Adviser (Area Team)
D	s.28B(4)	Publish notification in at least one local newspaper circulating in the area in which the land is situated	Adviser (Area Team)
E	s.28B(7)	Approval to withdraw the notification of the extra land	Board
F	s.28B(7)	Give notice withdrawing the notification of the extra land	Adviser (Area Team)
G	s.28B(7)	Approval to confirm the notification of the extra land with or without modifications where there are no outstanding objections or representations (i.e. where no representations or objections made, where representations or objections withdrawn or resolved)	Director Regulatory Services & Access
H	s.28B(7)	Approval to confirm the notification with or without modifications where representations or objections are unresolved	Board
I	s.28B(7)	Give notice confirming the notification of the extra land with or without modifications	Adviser (Area Team)

J	s.28B(10)	Notification to local land charge office for purposes of varying existing local land charge	Adviser (Area Team)
---	-----------	---	---------------------

3.1.4 Notification & confirmation of enlargement of SSSI to enlarge an existing SSSI

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

	Section of legislation	Function	Delegated level
A	s.28C(1)	Approval to notify enlargement to an existing SSSI notification	Executive Board
B	s.28C(1)	Approval, in emergency circumstances, to notify extra land adjacent to an existing SSSI notification	Executive Director in consultation with Head of Legal
C	s.28C(2)	Give notice to local planning authority, every owner or occupier of that land and including existing SSSI & Secretary of State subject to approval in Sec 3.1.4A	Adviser (Area Team)
D	s.28C(3)	Publish notification in at least one local newspaper circulating in the area in which the land is situated	Adviser (Area Team)
E	s.28C(3)	Approval to withdraw the notification of the enlargement	Board
F	s.28C(3)	Give notice withdrawing the notification of the enlargement	Adviser (Area Team)
G	s.28C(3)	Approval to confirm the notification of the enlargement with or without modifications where there are no outstanding objections or representations (i.e. where no representations or objections made, where representations or objections withdrawn or resolved)	Director Regulatory Services & Access

H	s.28C(3)	Approval to confirm the notification with or without modifications where representations or objections are unresolved	Board
I	s.28C(3)	Give notice confirming the notification of the enlargement with or without modifications	Adviser (Area Team)
J	s.28C(6)	Notification to local land charge office for purposes of registering SSSI as a local land charge and discharging local land charge that existed by virtue of s.28(9)	Adviser (Area Team)

3.1.5 Denotification

to denotify all or part of an SSSI

Legislation: Section 28D of the Wildlife and Countryside Act 1981 as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000 and as amended by section 56 of the Natural Environment and Rural Communities Act 2006

	Section of legislation	Function	Delegated level
A	s.28D(1)	Approval to denotify all or part of an SSSI	Board
B	s.28D(2)(a), (b), (c), (d), (e)	Give notice of denotification to local planning authority, every owner or occupier of the land, the Secretary of State, the Environment Agency, every relevant undertaker and land drainage board subject to approval in Sec.3.1.5A	Adviser (Area Team)
C	s.28D(3)	Publish denotification in at least one local newspaper circulating in the area in which the land is situated	Adviser (Area Team)
D	s.28D(5)(a)	Approval to withdraw the denotification	Board
E	s.28D(5)(a)	Give notice withdrawing the notification	Adviser (Area Team)
F	s.28D(5)(b)	Approval to confirm the denotification with or without modifications where	Director Regulatory

		there are no outstanding objections or representations (i.e. where no representations or objections made, where representations or objections withdrawn or resolved)	Services & Access
G	s.28D(5)(b)	Approval to confirm the denotification with or without modifications where representations or objections are unresolved	Board
H	s.28D(5)(b)	Give notice confirming denotification	Adviser (Area Team)

3.2 Notice, consent, appeals & payments

3.2.1 Notice & consent

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

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

Section of legislation	Function	Delegated level
s.28E(3)(a)	Approval & issue consent without conditions	Adviser (Area Team)
s.28E(4)(a) & (b)	Approval consent with conditions a) non-contentious b) contentious	Team Leader (Area Team) in consultation with Senior Specialist Protected Areas Team Leader (Area Team and Senior Specialist Protected Areas in

		consultation with Principal Specialist Legal and Delivery Manager Protected Areas
s.28E(4)(a) & (b)	Issue consent with conditions	Adviser (Area Team)
s.28E(5)	Approval of refusal of consent a) non-contentious b) contentious	Team Leader (Area Team) in consultation with Senior Specialist Protected Areas Team Leader (Area Team) and Senior Specialist Protected Areas in consultation with Principal Specialist Legal and Delivery Manager Protected Areas
s.28E(5)	Issue refusal of consent	Adviser (Area Team)
s.28E(6)(a)	Approval of withdrawal of consent and payment of compensation	Director, Regulatory Services and Access in consultation with Principal Specialist, Legal
s.28E(6)(a)	Issue withdrawal of consent	Adviser (Area Team)
s.28E(6)(b)	Approval of modification of consent	Team Leader (Area Team) in consultation with Legal & Delivery Manager Protected Areas
s.28E(6)(b)	Issue modification of consent	Adviser (Area Team)

3.2.2 Appeals in connection to consents related to SSSIs

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

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

Section of legislation	Function	Delegated level
s.28F(3)	Approval to extend appeal deadline	Team Leader (Area Team) in consultation with Senior Specialist and Principal Specialist Legal & Delivery Manager Protected Areas
-	Approval of Statement of Case	Principal Specialist, Legal in consultation with Delivery Manager Protected Areas

3.2.3 Payments

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

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

Section of	Function	Delegated level
------------	----------	-----------------

legislation		
s.28M(1)	Approval to make payment to any owner or occupier of the land who suffers loss because of the modification or withdrawal of a consent (In accordance with Ministerial Guidance 'Guidelines on Management Agreement Payments and Other Related Matters' DETR 2001)	Director, Regulatory Services & Access
s.28M(1)	Offer payment	Adviser (Area Team)

3.3 Notice, assent & advice to statutory undertakers

3.3.1 Notice & assent to statutory undertakers

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

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

Section of	Function	Delegated level
------------	----------	-----------------

legislation		
s.28H(3)(a)	Approval to not assent and to give notice to not assent	Adviser (Area Team)
s.28H(3)(b)	Approval to assent with or without conditions and give notice of assent	Adviser (Area Team)

3.3.2 Notice & advice to statutory undertakers

In response to a notice given by a statutory undertaker in relation to authorising operations under s.28I

Legislation: Section 28I of the Wildlife and Countryside Act 1981 as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000 and as amended by section 55 of the Natural Environment and Rural Communities Act 2006

Section of legislation	Function	Delegated level
s.28I(5)	Advise, advise against, advise of certain conditions	Adviser (Area Team)

3.4 Implementation of a management scheme

3.4.1 Section 28J Management schemes

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

Section of legislation	Function	Delegated level
-------------------------------	-----------------	------------------------

s.28J(3)	Approval to serve a management scheme	Regional Director
s.28J(3)	Serve notice of management scheme on relevant owners & occupiers	Adviser (Area Team)
s.28J(8)(a)	Approval to withdraw a management scheme	Regional Director
s.28J(8)(a)	Give notice to relevant owners & occupiers withdrawing the management scheme	Adviser (Area Team)
s.28J(8)(b)	Approval to confirm the management scheme with or without modifications where there are no outstanding objections or representations (i.e. where no representations or objections made, where representations or objections withdrawn or resolved)	Team leader (Area Team)
s.28J(8)(b)	Approval to confirm the notification with or without modifications where representations or objections are unresolved	Regional Director
s.28J(8)(b)	Give notice to relevant owners & occupiers confirming management scheme with or without modifications	Adviser (Area Team)
s.28J(11)	Approval to cancel or modify a management scheme	Regional Director
s.28J(11)	Give notice to relevant owners & occupiers cancelling or modifying a management scheme	Adviser (Area Team)

3.4.2 Payments

Make payment to any owner or occupier of land in relation to which a management scheme is in force under s.28J

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

Section of legislation	Function	Delegated level
s.28M(2)	Approval to make payment to any owner or occupier of the land in relation to	Director, Regulatory Services

	which a management scheme is in force (In accordance with Ministerial Guidance 'Guidelines on Management Agreement Payments and Other Related Matters' DETR 2001)	& Access
s.28M(2)	Offer payment	Adviser (Area Team)

3.5 Management Notices

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

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

Section of legislation	Function	Delegated level
------------------------	----------	-----------------

s.28K(1)	Approval to serve a management notice	Director, Regulatory Services & Access
s.28K(1)	Serve notice of a management notice on relevant owner or occupier	Adviser (Area Team)
s.28K(6)	Serve notice of a management notice on every other or occupier of that land	Adviser (Area Team)
s.28K(7)(a)	Approval to enter land, and any other land, and carry out the work, or do the other things	Director, Regulatory Services & Access in consultation with Principal Specialist, Legal
s.28K(7)(b)	Approval to recover from the owner or occupier upon whom the notice was served any expenses reasonably incurred in carrying out the work or doing the other things	Director, Regulatory Services & Access in consultation with Principal Specialist, Legal

3.5.1 Appeals against Management Notices

Appeals against management notices served under s.28K

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

Section of legislation	Function	Delegated level
	Approval to extend appeal deadline to Secretary of State	Team Leader (Area Team) in consultation with Principal

		Specialist, Legal & Delivery Manager Protected Areas
-	Approval of Statement of Case	Delivery Manager in consultation with Principal Specialist, Legal

3.6 Enforcement

3.6.1 Prosecution

Commence criminal proceedings for an offence

Legislation: Section 28P of the Wildlife and Countryside Act 1981 as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000 and as amended by section 55 of the Natural Environment and Rural Communities Act 2006

Section of legislation	Function	Delegated level
s.28P(1)	Approval to proceed with a prosecution or caution in relation to a contravention of s.28E(1)- no consent for operations in an SSSI	Director, Regulatory Services & Access in consultation with Head of Legal
s.28P(3)	Approval to proceed with a prosecution or caution in relation to a contravention of s.28P(3) - a s.28G authority failing to comply with s.28H(1) and/or (4)(a)	Director, Regulatory Services & Access in consultation with Head of Legal
s.28P(5A)	Approval to proceed with a prosecution or caution in relation to a contravention of s.28P(5A) - a s.28G authority failing to comply with s.28I(2) or s.28I(4) or (6)	Director, Regulatory Services & Access in consultation with Head of Legal
s.28P(6)	Approval to proceed with a prosecution or caution in relation to a contravention of s.28P(6) - any person, other than a s.28G authority, knowing damaging or disturbing a feature of the SSSI with recklessness or intent	Director, Regulatory Services & Access in consultation with Head of Legal
s.28P(6A)	Approval to proceed with a prosecution or caution in relation to a contravention of s.28P(6)(A) - any person, other than a s.28G authority, (without knowledge of the SSSI status) damaging or disturbing a feature of the SSSI with recklessness or intent	Director, Regulatory Services & Access in consultation with Head of Legal
s.28P(8)	Approval to proceed with a prosecution or caution under s.28P(8) - failing to comply with a management notice under s.28K	Director, Regulatory Services & Access in consultation with Head of Legal
s.28Q(4)	Approval to proceed with a prosecution or caution under s.28Q(4) - failing to comply with giving notice concerning disposal of interest or change in occupation of SSSI under s.28Q(2)	Director, Regulatory Services & Access in consultation with Head of Legal
s.28S(3)	Approval to proceed with a prosecution or caution under s.28S	Director, Regulatory Services & Access in consultation with Head of Legal
s.51(4)	Approval to proceed with a prosecution or caution for an offence of obstruction	Director, Regulatory Services & Access in consultation with

	Head of Legal
--	---------------

3.6.2 Civil enforcement

Function	Delegated level
a) Injunction To commence proceedings to apply to court to prevent damaging activities on SSSIs	Director ,Regulatory Services and Access in consultation with Head of Legal
b) Possession order To commence proceedings to apply to a court to seek removal of illegal occupation from land	Director ,Regulatory Services and Access in consultation with Head of Legal

3.6.2 Warning letters

Section of legislation	Function	Delegated level
Not set out in Acts, but adopted as an appropriate response to minor breaches	Warning letters following minor breaches	Adviser in consultation with Senior Specialist (Regulatory Services and Access.)

3.7 Notices and signs

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

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

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

3.8 Restoration Order

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

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

Section of legislation	Function	Delegated level
s.31	Approval to apply for a Restoration Order	Director, Regulatory Services & Access in consultation with Head of Legal
s.31	Approval to enter land and carry out operations and recover money where non-compliance with a restoration order under s.31	Director, Regulatory Services & Access in consultation with Head of Legal

3.9 Powers of entry

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

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

Section of legislation	Function	Delegated level
s.51	Authorisation to enter land under S.51	Area Manager
s.51(4)	commence proceedings for an offence of obstruction	Director, Regulatory Services & Access in consultation with Head of Legal
s.51(5)	approval to compensate in certain circumstances in respect of the use of s.51 powers	Director, Regulatory Services & Access

3.10 Service of certain notices

Effect of failure to serve certain notices in connection with SSSIs

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

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

3.11 Stop Notice and Payments

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

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

Section of legislation	Function	Delegated level
Sch11 Para.9(3)	Approval to serve a Stop Notice	Director, Regulatory Services & Access in consultation with Head of Legal
Para .9(8)	Approval to make payment to any owner or occupier of the land who suffers loss because of the Stop Notice (In accordance with Ministerial Guidance 'Guidelines on Management Agreement Payments and Other Related Matters' DETR 2001)	Director, Regulatory Services & Access in consultation with Head of Legal
Para.9(12)(1)	Approval to vary a Stop Notice	Director,, Regulatory Services & Access in consultation with Head of Legal

Part 4 Signing of all deeds and agreements under seal

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

Limit	Delegated level
-	Executive Director Corporate Services in consultation with Head of Legal and Senior Specialist , Estate Management

Part 5 Signing Novation Agreements

For signing novation agreements see Part C. 5.4.2 (Spending and Grants) of the Financial Scheme of Delegation.

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

Part 6 NNRs

Section of legislation	Function	Delegated level
s35(1) Wildlife & Countryside Act 1981	Acquisition and declaration of a new NNR;	Board
s19 National Parks and Access to the Countryside Act 1949	De-declaration of the whole NNR on a permanent basis	Board
	Acquisition and declaration of an extension to an existing NNR	Director, Regulatory Services and Access
	De-declaration of part of an NNR on a permanent basis	Director, Regulatory Services and Access
	De-declaration of whole NNR on permanent basis where followed by re-declaration (for instance to enable a change of name or transfer tenure to S 35 status)	Director, Regulatory Services and Access
s35(3) Wildlife & Countryside Act 1981	Making byelaws	Regional Director in consultation with Head of Legal
	Dedicate suitably held land for access	Chief Executive
S35(5) Wildlife & Countryside Act 1981	Approval of a body to hold a NNR	Executive Director in consultation with Head of Legal
	Give notice of discretionary restrictions and submit applications and representations to restrict access by direction on held CROW access land (subject to the same processes and	Area Manager

	consideration by Relevant Authorities as all non-application directions)	
	Injunction to secure access/prevent illegal access	Regional Director in Consultation with Principal Specialist, Legal

Part 7 Marine Nature Reserves

Section of legislation	Function	Delegated level
s36(1) Wildlife and Countryside Act 1981	Application to SoS for designations on Marine Nature Reserves	Board

Part 8 Advice and responses to consultations

Section of legislation	Function	Delegated level
S24(1) Wildlife and Countryside Act 1981	Advice to Secretary of State on Schedules for animals and plants	Board
	Advice to SoS on planning/development and other issues affecting the accomplishment of National park and AONB purposes	Board
	Response to consultation from SoS on order for AONB Conservation Board	Board
	Sign off any other advice or correspondence to SoS	Chair
	Response to national consultations of national significance	Policy Steering Group
	Formal written advice including consultation responses to statutory bodies of local significance	Regional Director

	Formal written advice including consultation responses to statutory bodies of local significance	Area Manager (Area Teams)
	Response to statutory consultations – regional or local significance	Adviser (Area and Regional Advocacy and Partnership Teams)

Part 9 Habitats Regulations

Legislation: The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)

Section of legislation	Function	Delegated level
Reg. 90	Powers to authorise entry (SNCO etc),	Area manager
Reg.12	Keep copies of the register of European sites.	Delivery Manager Protected Areas
Reg.13	Notification to landowners	Adviser (Area Team)
Reg.16-17	Power to enter into management agreements with owners and occupiers in respect of European sites	See Part 16, s7 Agreements

Reg.18(2)	Power to change SSSI notifications (citation and use of operations likely to damage) to meet the requirements of the Habitats Directive	As Part 3.1.2 (Variation of existing SSSI notification)
Reg.19(1)	Restriction on carrying out operations specified in notification (i.e. consent)	As Part 3.1.2 (Variation of existing SSSI notification)
Reg.19(1)(3)(4)(5)	Offence, power to investigate and commence proceedings	As Part 3.1.2 (Variation of existing SSSI notification)
Reg.20	Make appropriate assessment	Adviser (Area Team)
Reg.21	Duty to review existing consents to ensure compatibility with the conservation objectives for the site	Adviser (Area Team)
Reg.22	Power to request SoS to make special nature conservation order (SNCO)	Chair
Reg.23	SNCO offence – Natural England can commence proceedings	As Part 3.6.1 (Prosecution)
Reg.23	Restriction on carrying out operations specified in order	As Part 3.2.1 (Notice & consent)
Reg.24	Make appropriate assessment	Adviser (Area Team)

Section of legislation	Function	Delegated level
Reg.25	Compensation for effect of order	Director, Regulatory Services and Access
Reg.26	Restoration order – failing to comply offence. Natural England can commence proceedings.	As Part 3.8 (Restoration Order)
Reg.30	Compensation for effect of byelaws	Director, Regulatory Services and Access
Reg.33 (2 a-b)	Advising the relevant authority as to the conservation objectives of a European marine site and any operation that may cause deterioration or disturbance to the habitats or species therein.	Advisor (Area Team)/Specialist
Reg.33	Approval of installation of markers.	Specialist /Area manager
Reg.34	Management schemes for European marine site	Team Leader (Area Team)
Reg.61	GDO: opinion of appropriate nature conservation body	Adviser (Area Team)
Reg.95	Powers of entry (surveying land for value etc)	Regional Director,
Reg.99	Powers of entry (surveying land in connection with compulsory acquisition etc)	Area Manager,

Not set out in Acts but adopted as an appropriate response to minor breaches	Warning letters following minor breaches of regulations	Adviser in consultation with Senior Specialist, Regulatory Services and Access
--	---	--

Part 10 Compulsory purchase

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

Part 11 National Trails

Section of legislation	Function	Delegated level
	Recommendation to designate a new National Trail	Board
	Agreement for an extension of a National Trail	Board

Part 12 Planning

Section of legislation	Function	Delegated level
	National planning responses (significant)	Director Policy
	Regional planning response with national significance	RAPT manager in consultation with Director Policy
	Response to non-significant national planning consultations and significant national planning casework	RAPT manager in consultation with Regional Director
	Response to contentious/regionally significant planning casework , including cross boundary issues (where no national implications) subject to Natural England national policy being in place	Team Leader or Senior Specialist (Area and Regional Advocacy and Partnership Teams) in consultation with Senior Specialist Policy
	Response to contentious/regionally significant planning casework , including cross boundary issues (where no national implications) when no Natural England national policy is in place	Regional Director in consultation with Director, Policy
	Responses to casework	Adviser (Area and Regional Advocacy and Partnership Teams)
	Objection to planning application: a) Where objections can be overcome by conditions and/or standard species objections subject to survey b) All other cases	Adviser (Area and Regional Advocacy and Partnership Teams) Team Leader or Senior Specialist (Area and Regional Advocacy and Partnership Teams)

	Entering a S.106 agreement when Natural England co-signatory	Area Manager in consultation with Principal Specialist Legal
--	--	--

Part 13 National Parks

Section of legislation	Function	Delegated level
s5(3) National Parks and Access to the Countryside Act 1949	Recommendation to designate or vary boundary to National Park	Board
	Approve annual advice to Ministers on level/distribution of NP grants	Chair
Sch 7, para 4(1) Environment Act 1995	Recommendation to Ministers of candidates for specific NP Authorities	Relevant Board Member
Sch 7 para 14(3) Environment Act 1995	Recommend candidates for Chief Officer of NPs	Relevant Board Member
s6(1)(b) National Parks and Access to the Countryside Act 1949	Duty to keep under review progress in accomplishing National Park purposes	Board
	Power to seek approval from SoS to issue guidance to National Park Authorities with respect the discharge of their “exclusion or restriction of access” powers	Chair
S66 Environment Act 1995	Response to Management Plans	Adviser or Senior Specialist (Area and Regional Advocacy and Partnership Teams)

Part 14 AONBs

Section of legislation	Function	Delegated level
s82 Countryside and Rights of Way Act 2000	Recommendation to designate or vary boundary	Board
s86(6) Countryside and Rights of Way Act 2000	Recommend to Ministers candidates for specific Conservation Boards	Relevant Board Member
Sch 13 para 6(1) Countryside and Rights of Way Act 2000	Agree Parish Appointments to Conservation Boards	Relevant Board Member
S91 Countryside and Rights of Way Act 2000	Response to Management Plans	Relevant Board Member

Part 15 Open Access

Note – Decisions on whether or not to make a CROW s26 nature conservation direction must be taken by an officer other than the individual who provides independent advice on the likely impact for nature conservation, and this must be properly documented.

Section of legislation	Function	Delegated level
s44(1) Countryside and Rights of Way Act 2000	Approve statutory CROW access maps for publication	Board
	Approve revisions to CROW Mapping Methodology for England	Board
s33(1) Countryside and Rights of Way Act 2000	Agree proposed amendments to CROW s33 statutory guidance for submission to SoS for approval	Chair
s6 & s7 Countryside and Rights of Way Act 2000	Approve mapping casework decisions, including determination of comments on draft maps and statements of case in respect of mapping appeals	Adviser (Regulatory Services and Access) in consultation with Principal Specialist, Legal
	Approve recalibration of Fire Severity Index, following review	Director, Regulatory Services and Access
s24 & s25 Countryside and Rights of Way Act 2000	Determine applications for directions under CROW ss24 & 25, the need for non-application directions under CROW ss25 & 26, and the need to revoke or vary existing directions a. contentious cases	Delivery Leader

	b. non-contentious cases	Adviser (Area Teams)/Adviser (Regulatory Services and Access)
s30 Countryside and Rights of Way Act 2000	Approve statements of case in respect of restriction appeals a. contentious cases b. non contentious cases	Delivery Leader in consultation with Principal Specialist Legal Adviser (Area Teams))/ Adviser (Regulatory Services and Access) in consultation with Principal Specialist Legal
s15 Countryside and Rights of Way Act 2000	Determine requests to amend the map of CROW section 15 land	Adviser (Area Teams)/ Adviser (Regulatory Services and Access)

Part 16 – RDPE, ERDP & Section 7 Management Agreements

Section of legislation	Function	Delegated level
	Agree National Scheme Priorities	Executive Director
	Agree Regional Targeting Statements	Regional Director
	Application of proportional penalties and claim rejection as a result of breaches in scheme rules a) For all schemes except for ELS, Organic Schemes and Energy Crops b) ELS, Organic and Energy Crops Schemes, CSS and ESA	Adviser (Area Teams) Adviser (Incentives Delivery and Advice)
	Agreement termination or commencement of formal investigation and legal action as a result of scheme rule breaches a) For all schemes except for ELS, Organic Schemes and Energy Crops b) For ELS, Organic and Energy Crops Schemes, CSS and ESA	Adviser in consultation with Principal Specialist, Legal Adviser in consultation with Principal Specialist, Legal
	Exclusion of a customer from a scheme or schemes as a consequence of breaches	Advisor in consultation with Advisors in other relevant teams ("peer review") and Principal Specialist Legal

Section 7 NERC Act 2006	Power to enter a management agreement a) of national significance or contentious b) of local significance	Appropriate Executive Director Regional Director
-------------------------	---	---

Part 17 Species and other licensing

17.1 Licensing functions

for the purpose of issuing, refusing or revoking licences

Legislation: *Section 10 of the Conservation of Seals Act 1970*
Regulation 44 of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)
Section 8 of the Deer Act 1991
Section 8 of the Destructive Imported Animals Act 1932
Section 10 of the Protection of Badgers Act 1992
Section 16 of the Wildlife and Countryside Act 1981 (as amended)

Section of legislation	Function	Delegated level
As above	Issue, refuse and revoke licences	Adviser (Regulatory Services & Access)

Advising in support of regulatory functions above

Section of legislation	Function	Delegated level
.	Batline advice letters i. Low risk letters (as defined in contract) ii. All others	(i) Batline Contractors (ii) Adviser (Regulatory Services & Access).

Exemption certificates for Caravanning and Camping

Legislation:

Public Health Act 1936 (Sec. 269)

Caravan Sites and Control Development Act 1960 (Sch 1)

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

17.2 Enforcement

17.2.1 Prosecution

Commence proceedings for an offence

Legislation: Section 12 of the Natural Environment and Rural Communities Act 2006

Section of legislation	Function	Delegated level
s.12	Approval to commence criminal proceedings	Director, Regulatory Services & Access in consultation with Head of Legal

17.2.2 Warning Letters

Legislation: *Section 10 of the Conservation of Seals Act 1970*
Regulation 44 of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)
Section 8 of the Deer Act 1991
Section 8 of the Destructive Imported Animals Act 1932
Section 10 of the Protection of Badgers Act 1992
Section 16 of the Wildlife and Countryside Act 1981 (as amended)

Section of legislation	Function	Delegated level
Not set out in Acts, but adopted as an appropriate response to minor breaches	Warning letters following minor breaches of licences issued under above Acts	Adviser in consultation with Senior Specialist (Regulatory Services and Access)

17.2.3 Service of notices

regarding the improper storage and use of pesticides

**Legislation: Control of Pesticides Regulations 1986
Control of Pesticides (amendment) Regulations 1997
Food and Environment Protection Act 1985**

Section of legislation	Function	Delegated level
FEPA S19(5) COPR: Reg 4 (4) (a)	Serve Notices in relation to: Storage of unapproved pesticides in breach of Regulation 4 (4) (a) of the Control of Pesticides Regulation 1986 (as amended)	Adviser (Regulatory Services & Access)
Reg 4 (4) (b)	Storage of pesticides not in accordance with the conditions of approval	
Reg 6 (b)	Failure to take all reasonable precautions with regard to the storage of pesticides	

Relating to damage

**Legislation: Agriculture Act 1947
Pests Act 1954**

Section of legislation	Function	Delegated level
Pests Act S 1(2) Ag Act 1947 S 98 (1) S 98 (7)	In relation to Pests Act 1954 'Obligation on landowners to control all wild rabbits living on or resorting to their land', power to serve notices as follows: Power to serve notices to take action to manage deer population Power to serve notices to take action to manage rabbit population or to prevent rabbits living in any place on the land from spreading to or doing damage in any other place.	Adviser (Area Team) in consultation with Adviser (Regulatory Services & Access)

17.2.4 Take Default Action

In relation to Damage complaints

Legislation: Agriculture Act 1947

Section of legislation	Function	Delegated level
S 100 (2)	Power to take steps (default action) to ensure compliance with any Notice issued under S98 of the agriculture Act (see above)	Team Leader (Regulatory Services & Access), in consultation with Team Manager (Regulatory Services and Access)

Issue clearance notices

Legislation: Weeds Act 1959

Section of legislation	Function	Delegated level
Section 1 (1)	Power to serve notice to prevent weeds spreading.	Adviser (Area Team) Adviser (Regulatory Services and Access)
Section 3 (1)	Power to take default action to prevent weeds spreading where a notice served under section 1 (1) has not been complied with	Team Leader (Area Team)/ Team Leader (Regulatory Services and Access)

17.3 Powers of entry

Legislation: Weeds Act 1959

Section of legislation	Function	Delegated level
Section 4 (1)	Power to enter and inspect land	Adviser (Area Team) in consultation with Adviser (Regulatory Services and Access)
Section 4 (2)	Power to issue proceedings for obstruction.	Director, Regulatory Services and Access in consultation with Head of Legal Services

Authority to enter land in relation to damage complaints

Legislation: Agriculture Act

Section of legislation	Function	Delegated level
S106	To determine whether: - powers conferred by Section 98 of the Agriculture Act 1947 are to be exercised or - any requirement imposed under Section 98 of the Agriculture Act 1947 has been complied with	Adviser (Regulatory Services and Access)

Part 18 Issuing authorities for purchase and use of biocide

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

Section 19 Heather and Grass Burning

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

19.1 Notice and licences

Provision as to issuing or refusal of licences

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

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

19.2 Burning notices

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

Section of legislation	Function	Delegated level
Reg 8(1)	Approval to serve a burning notice	Director, Regulatory Services & Access in consultation with Legal

19.3 Enforcement

Legislation: Section 20(2) of the Hill Farming Act 1946

Section of legislation	Function	Delegated level
s.20(2)	Approval to proceed with a prosecution or caution in relation to a contravention of s.20 of the Hill Farming Act 1946	Director Regulatory Services & Access in consultation with Head of Legal
s.34(2)	Approval to proceed with a prosecution or caution in relation to obstructing an officer under s.34 of the Hill Farming Act 1946	Director Regulatory Services & Access in consultation with Head of Legal

Part 20: Site Assessments of under and over grazing

Section of legislation	Function	Delegated level
	Provide formal advice to RPA	Adviser (Science Evidence and Terrestrial Ecosystems)
	Issue prescriptions	Adviser (, Science Evidence and Terrestrial Ecosystems)

Part 21 Environmental Impact Assessment (Agriculture)

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

21.1 Determination of proposals

Section of legislation	Function	Delegated level
Reg 4	Determination of non contentious screening decisions e.g. proposals that are outside the scope of the Regulations or unlikely to have significant effect on the environment)	Adviser (Regulatory Services and Access or Evidence Team (Geology, Soils and Landscape)
Reg 4	Determination of contentious screening decisions (e.g. Environmental Statement is required)	EIA Senior Specialist (Regulatory Services and Access)

21.2 Enforcement

Section of legislation	Function	Delegated level
Reg 6	Issue Screening Notice	Director, Regulatory Services & Access in consultation with Principal Specialist Legal
Reg 25	Issue Stop Notice	
Reg 27	Issue Remediation Notice	
Reg 22, 23, 24, 26, 28	Authorise prosecution	Director ,Regulatory Services & Access in consultation with Head of Legal
Reg 30(3)	Authorise use of default powers	

Part 22 Registration relating to local land charges and European Sites

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

Part 23 – Recruitment / Discipline / Dismissal of Staff

Function	Delegated Level
Configuration of Executive team, recruitment, appointment, discipline or dismissal of Executive Directors	Chief Executive
Decision to recruit, appoint, discipline or dismiss staff below Executive Director level	Executive Director
Decision to recruit, appoint, discipline or dismiss staff below ELG level	ELG
Decision to recruit at same level or below Head of (Manager) level.	Head of
Decision to appoint, discipline or dismiss staff below Head of (Manager) level.	Head of
Decision to appoint and discipline staff below Manager level	Manager
Decision to appoint and discipline staff below Team Leader level	Team Leader

Notes:

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

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