



uk | **National Wildlife
Crime Unit**

**NATURAL
ENGLAND**

*Wildlife crime – what do planners
need to know?*

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NWCU Mission statement



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“NWCU will contribute to the prevention and detection of crime by supporting UK wildlife crime enforcement. It will do this by providing a centralised capacity for intelligence collection and analysis and the delivery of professional practice in relation to wildlife crime”.

Strategy



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- To research, share and exchange information where appropriate with Police Forces and Partners in support of combating wildlife crime.
- To support Police Forces and Partner Agencies in criminal investigations where required.
- To identify Organised Crime Groups involved in wildlife crime through the information sharing process.
- To enhance cross-border work amongst Police Forces and Partners.
- To develop methods of working together between all agencies in reducing Wildlife Crime and enhancing conservation.
- To work in partnership with businesses involved with Wildlife issues to enhance public and private sector involvement in combating wildlife crime.

UK Wildlife Crime Priorities 2014 - 2016



- Badger Persecution
- Bat Persecution
- CITES Issues (6 current CITES priorities of Illegal Trade in Raptors, Ivory, Medicinal & Health Products (including rhino horn), Reptiles, Sturgeon Derivatives & Extracts and Timber
- Freshwater Pearl Mussels
- Poaching (Deer Poaching/Coursing, Fish Poaching and Hare Coursing)
- Raptor Persecution



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Where do LPA's fit in with NWCU?

- Badgers
- Bats
- Other EPS



The role of the Police



- Protecting life and property
- Preserving order
- **Preventing the commission of offences**
- Bringing offenders to justice



- Where alleged wildlife offence
- Then responsibility of Police to investigate
- If LPA ecologist involved then usually too late
- Hastings example



So what if Local Authority fails to adequately address its own obligations towards protected species when exercising its planning functions?

Local Government responsibilities relating to biodiversity and wildlife crime



- Section 40 N.E.R.C. Act 2006
- Regulation 9 Conservation of Habitats and Species Regulations 2010
- Policy and guidance.
- **Section 17(1) Crime and Disorder Act 1998**
- Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can **to prevent, crime** and disorder in its area.



So could officers & elected members who consider wildlife offence, or made aware of possible offence and then permit development anyway, be liable for aiding or abetting offence?

Is Biodiversity Code of Practice for planning and development (BS42020) considered?



BS42020 covers:

- Making decisions based on adequate information
- Satisfying statutory obligations for decision makers
- Using planning conditions for biodiversity purposes
- Planning conditions and EPS Licenses
- Planning obligations and other agreements



Could / Should Local Authorities
initiate a prosecution under
Sec 25(2) of Wildlife and
Countryside Act 1981 ?



So what about the
Proceeds of Crime Act 2002?

Information Sharing Protocol



- Police (NWCUCU) – LPA's –
- Chief Constable support – letter to CPOs

Classification by activity



Activity	2003	2007	2011	2012
Development	67%	66%	50%	66%
Maintenance			22%	18%
Clearance			9%	3%
Arboricultural	9%	6%	13%	7%
Recreational	4%	4%	4%	2%
Sale	4%	4%	1%	4%

Bat Conservation Trust

www.bats.org.uk



Calls and referrals



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Period	Calls	Referrals	Prosecutions
July 04 – April 07	170		5
2009	140		1
2010	301	117	0
2011	339	138	0
2012	372	134	3
2013	310	120	3
2014		159	6

Bat Conservation Trust

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Applying Section 17



- Reinforces requirement not to permit conditioned developments
- Consultations on permitted developments/demolitions to include wildlife crime prevention advice
- Listed building applications should be assessed for wildlife crime potential
- Quality of information. Meeting BS42020 standards.
- Involvement of building control officers
- Liaison with Police Crime prevention Design Advisors

Bodmin Magistrates Court 2012



- Barn containing BLE bat roost confirmed at first survey
- Offender having received first survey removed evidence of roost and then commissioned second survey
- Submitted second survey in support of planning application.
- Fined £2500, £660 costs.



What are Natural England's enforcement responsibilities?



We are responsible for the regulatory enforcement of offences relating to:

- Sites of Special Scientific Interest (SSSIs) - including European Protected Sites
- Illegal heather and grass burning
- Agricultural work that affects uncultivated land or semi-natural areas – Environmental Impact Assessment (Agriculture) Regulations
- Environmental Damage Regulations
- Breaches of wildlife licences and notices

- We also investigate pesticide poisoning cases on behalf of the HSE as part of the Government's Wildlife Incident Investigation Scheme.

Sanctions available to NE

- Verbal warning
- Advisory / Warning / Conditional Warning letters
- Civil Sanctions
- Formal Simple Caution
- Prosecution



Species Enforcement



- Carry out compliance checks (phone and site visit – announced and unannounced)
 - Breaches assessed according to significance (Technical – Significant)
 - Sanction issued for Technical / Minor or some Medium breaches
 - Some Medium and Significant breaches investigated formally
 - Cases assessed and sanction issued
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- Sometimes jointly investigate cases with Police

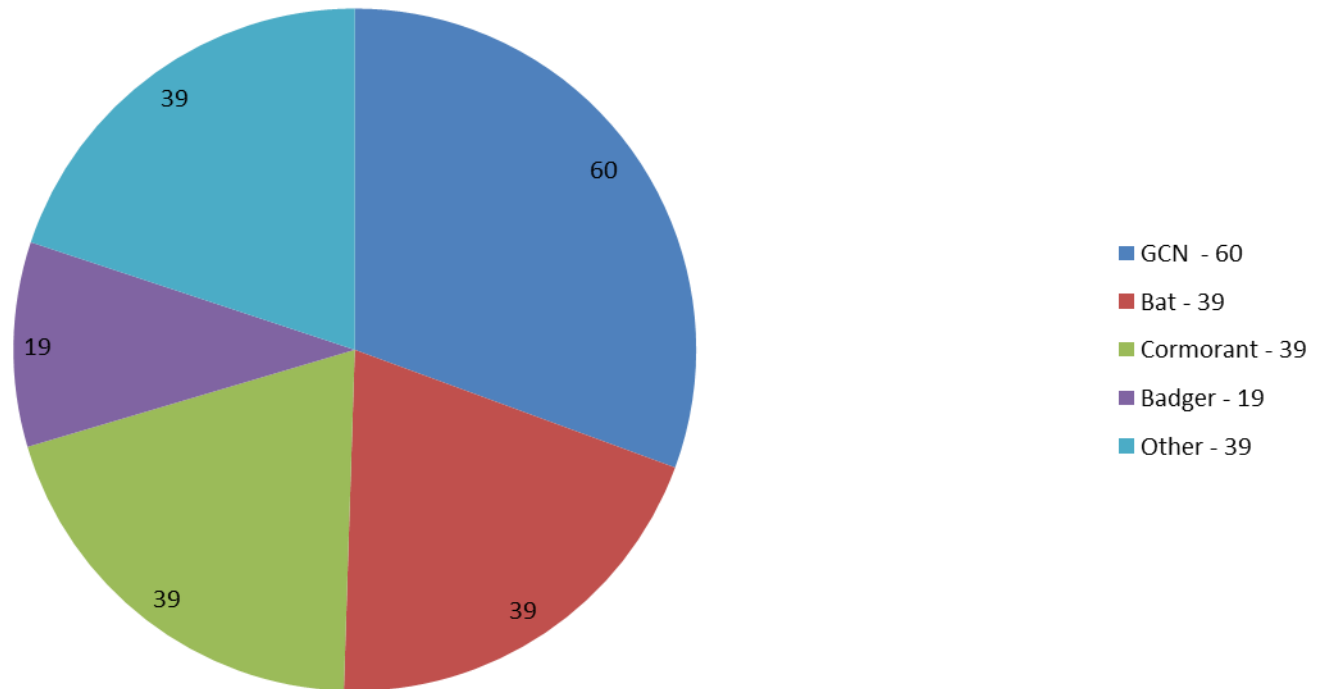
Species Licence breaches (England)

Total number of breaches = 196



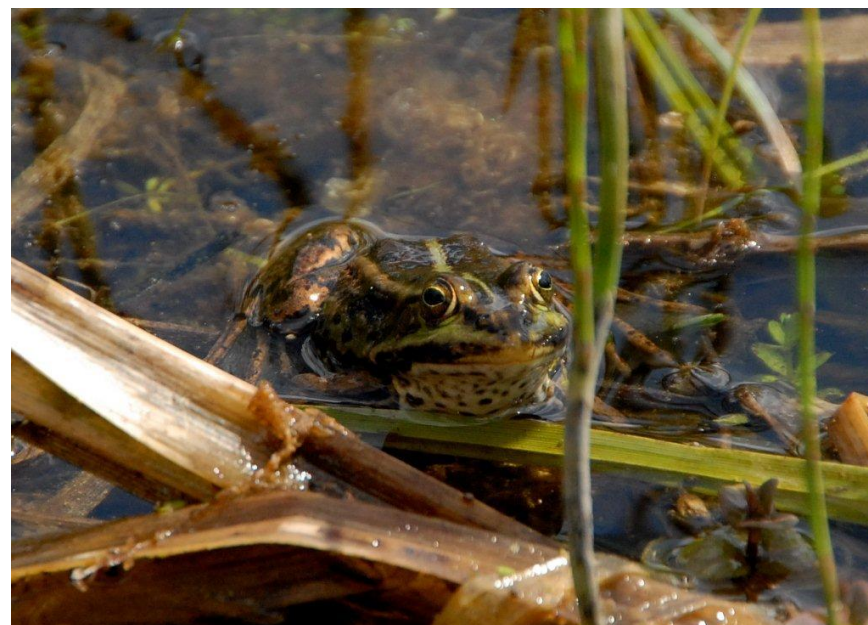
Breach of Licences

April 09 - March 14



Working with the Police and CPS

- MoU - NPCC, CPS, NRW and NE (commits to mutual reasonable assistance)
- Species offences
- Pesticide poisoning cases
- Protected sites – off-roading/arson/criminal damage/bait digging etc.
- ISA with National Wildlife Crime Unit



What else do we do in relation to Wildlife Crime?



- Member of Wildlife Law Enforcement Working Group setting the UK wildlife crime priorities
- Provide Species Impact Statement on conservation impact of Hare coursing
- Sit on Regional Wildlife Crime Enforcement Groups
- My secondment to Police NWCU – writing wildlife crime guidance
- Sit on Defra working group looking at Law Commission review of Wildlife (species) Law



Contacts



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<https://www.gov.uk/guidance/enforcement-laws-advice-on-protecting-the-natural-environment-in-england>

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