

# Development and wildlife offences

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# Suffolk Constabulary Rural Crime Team



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## What I'll cover

The role of the Police in relation to species and habitats in respect of development cases

Some typical situations that we get referred to us

How cases are investigated and the powers that the Police have in relation to such cases

How the Police work with relevant partner agencies and some case studies



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## The role of the Police in relation to species and habitats in respect of development cases

Have primacy in most species offences

Responsible for investigating offences and considering disposal mechanisms

Referral of cases to the Crown Prosecution Service

Not lead agency for site offences - Natural England

Other offences – Unlawful felling, Tree Preservation Orders – Forestry Commission / Local Planning Authorities



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## Some typical situations that we get referred to us

- Concern about planning application
- Fraud/provision of false information
- I've seen birds/bats/GCN's/Reptiles/Deer/Unprotected wildlife on the site
- I've got evidence of "x" species on the site
- The ecology report says that they surveyed my land but they have not
- The ecologists have missed "x"
- Work is going on now (pre-determination clearance)
- Work is going on now (no Licence issued by NE)



## How cases are investigated and the powers that the Police have in relation to such cases

- Varies by Force, but here in Suffolk...
- Cases passed to the Rural Crime Team
- Initial assessment – may involve me advising/checks with NE/LPA
- Wildlife Crime Officer carries out investigation
- Referred to Team's Sergeant/Inspector
- May result in no further action, referral to other agency/advice/restorative justice/caution/prosecution/POCA
- Officers have powers of entry/seizure etc. and/or warrants



## How the Police work with relevant partner agencies and some case studies

- Work with special interest groups – such as badger and ARG groups
- Work with Natural England and Crown Prosecution Service specialist prosecutors
- Work with local planning authorities and other statutory bodies
- Information/Intelligence exchange
- Expert witnesses



## Case studies

- An energy supply company, were fined £1,000 with £90 costs after pleading guilty to damaging or destroying a resting place of great crested newts at an electricity infrastructure site in Stansted Mountfitchet, Essex (2009).
- The company had carried out an extension to their site following the construction of a new housing estate nearby without an ecological assessment. In 2006 a housing development company were convicted of a similar offence when they carried out works outside of the conditions of a licence issued to them by Natural England in respect of great crested newts at the site opposite.





## Case studies

- On 8 March 2010 at Lowestoft Magistrates Court, a development company was fined £700 with £200 costs and a victim surcharge of £15 after pleading guilty to damaging or destroying a resting place of great crested newts at the construction site for a new Travelodge in Leisureway, Lowestoft
- The owners of the land at Potters Kiln had employed professional consultant ecologists to carry out a wildlife survey and apply to Natural England for a licence to trap and move any great crested newts to a new reserve set up specially to take them on land immediately adjoining the site. This land is now owned and managed by the Suffolk Wildlife Trust
- As part of the licenced trapping programme, a special amphibian-proof fence was erected around the entire site to help catch the newts but also to prevent them from returning to the site once they had been transferred to the adjacent site



## Case studies

- Natural England officers visited the site on 23 May 2008 following a complaint to find that the fence had been removed in some areas and damaged in others. This would allow newts to re-enter the site and potentially be killed or injured by the construction work which had already started on the site
- The company pleaded guilty to damaging or destroying a resting place of great crested newts under the Habs Regs



# Thank you

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