



Non Financial Schedule of Delegation

Approved by Dave Webster, Chief Executive

With effect from 27 July 2012

www.naturalengland.org.uk



Introduction

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

“Many of the decisions highlighted in the non-financial scheme of delegations are focussed around 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. The non-executive Board reserve the right to amend the non-financial scheme of delegations.”

Before using the schedule please ensure that you have read and understood the principles in the guidance to Natural England’s Scheme of Delegation. We expect to achieve a high standard of compliance with our governance arrangements in Natural England and it is important that you understand these principles and apply them consistently.

The list of specified officers for the Non-Financial Schedule of Delegations is found in Annex 1 of this document

Julie Lunt,
Head of Legal Service

Part 1 External Reports and Consultations

1.1 External reports

| Legislation | Function | 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 which are not of national importance in England | Appropriate Executive Director in consultation with appropriate Director |
| | 3. Approval for publication of technical reports | Appropriate Director |

1.2 Consultations (For responses to planning consultations see Part 10)

| 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 | Appropriate Director |
| | Formal written advice including consultation responses to statutory bodies of local significance | Manager |
| | Response to statutory consultations - regional or local significance | Adviser |

Part 2 MOUs etc

Where this term is used it includes service level agreements, concordats, and other similar style documents that are intended to reflect a partnering/working arrangement rather than a contractual obligation which is enforceable. In the majority of cases there will be no monetary consideration when an MoU is created.

If the MoU has financial implications then the limits in Part D of the Financial Schedule of Delegation will apply.

2.1 Non-legally binding agreements e.g. MoUs, Concordats

| Subject | Delegated Level |
|--|--|
| 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 involving significant impact on Natural England's reputation: | |
| (a) for more than 3 years | Chief Executive in consultation with Chair |
| (b) for more than 1 year | Chief Executive |
| (c) for less than 1 year | Executive Director as appropriate |
| 2. Approval of MOUs that are cross boundary in geographical or functional terms. | Executive Director as appropriate |
| 3. Approval of MOUs of regional or local importance or less significant impact: | |
| a) MoUs for more than 1 year | Director/Head of |
| b) MoUs for less than 1 year | Manager |
| 4. Approval of MOUs which relate only to a specific project | Principal Adviser |

2.2 Legally binding agreements e.g. Service Level Agreements, some Partnership Agreements, etc where there is no financial commitment

| Subject | Delegated Level |
|---|--|
| 1. Approval of written high level legally binding agreements with public sector bodies or not for profit organisations which relate to the whole of Natural England involving significant impact on Natural England's reputation: | |
| (a) for more than 3 years | Board |
| (b) for more then 1 year | Chief Executive in consultation with Chair |
| (c) for less then 1 year | Executive Director as appropriate in consultation with Head of Legal |
| 2. Approval of Agreements that are cross boundary in geographical or functional terms. | Appropriate Executive Director in consultation with Head of Legal |
| 3. Approval of Agreements of regional or local importance or less significant impact: | |
| a) Agreements for more than one year | Director/Head of in consultation with Head of Legal |
| b) Agreements for less than one year | Manager in consultation with Principal Adviser, Legal |
| 4. Approval of Agreements which relate only to a specific project | Principal Adviser in consultation with Principal Adviser, Legal |

2.3 Licences (where there is no financial consideration)

For these purposes:

- i) Commercial means: where there is a direct or indirect generation of income by a third party resulting from their used of licensed intellectual property (IP)
- ii) Commercial organisations means : any party that is not a public sector body or a not for profit organisation

Note: The supply or acquisition of data when part of a contract with a financial consideration is dealt with under Part E of the FSoD

| Activity | Delegated level |
|---|---|
| 1) Licences with third parties for the acquisition of data | Principal Adviser or Team Manager Procurement in consultation with the Head of Legal |
| 2) Granting licences for the use of Natural England data | |
| a) Non-royalty bearing standard Natural England IP Licences | Specified Officer |
| b) Royalty bearing standard Natural England IP licences | Specified officer in consultation with Principal Adviser or Team Manager Procurement, Commercial Services Manager and Head of legal |
| Non-standard Licenses (whether bearing royalties or not) | Principal Adviser or Team manager Procurement in consultation with Head of Legal |
| 3) Approval of IP licences that enable the use of a Natural England logo, brand or trademark | |
| a) for commercial organisations or for commercial use by any party | Director External Affairs in consultation with Head of Legal |
| b) for non-commercial use by public sector bodies or not for profit organisations | Senior Adviser External Affairs |
| 4) Disputes | |
| Approving the handling , and terms, of any settlement arising from a) the infringement, or alleged infringement, of Natural England’s intellectual property rights, or b) the infringement , or alleged infringement . Of a third party’s intellectual property rights by natural England | Director External Affairs in consultation with Head of Procurement and Head of Legal |

Part 3 SSSIs

3.1 Notification and confirmation

3.1.1 Notification and confirmation of new SSSI

To notify land by 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 | Chair in consultation with Chief Executive |
| C | s.28(1)(a) (b) & (c) | Give notice to local planning authority, every owner or occupier of that land and Secretary of State subject to approval in s.3.1.1A or B | Appropriate Adviser |
| D | s.28(2) | Publish notification in at least one local newspaper circulating in the area in which the land is situated, subject to approval in s.3.1.1A or B | Appropriate Adviser |
| E | s.28(5)(a) | Approval to withdraw the notification | Board |
| F | s.28(5)(a) | Give notice withdrawing the notification, subject to approval in s. 3.1.1E | Appropriate Adviser |
| G | s.28(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 withdrawn or resolved) | Appropriate Director |
| H | s.28(5)(b) | Approval to confirm the notification with or without modifications where representations or objections are unresolved | Board |
| I | s.28(5)(b) | Give notice confirming the notification with or without modification to all those notified | Appropriate Adviser |
| J | | Approval, in emergency circumstances, to confirm notification | Board |
| K | s.28(9) | Notification of a local land charge for the purposes of registering SSSI as a local land charge. Subject to approval in s.3.1.1A,B,E,G or H | Appropriate Adviser |

3.1.2 Variation of existing SSSI notification

To vary an SSSI notification

Legislation: Section 28A of the Wildlife and Countryside Act inserted by Schedule 9 of 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 | Board |
| C | s.28A(3)(a), (b), (c) | Give notice of variation to local planning authority, every owner or occupier of any of the land affected by the variation & Secretary of State subject to approval in s.3.1.2A or B | Appropriate Adviser |
| D | s.28A(5)(a) | Approval to withdraw the variation | Board |
| E | s.28A(5)(a) | Give notice withdrawing the variation subject to approval in s.3.1.2D | Appropriate Adviser |
| 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) | Appropriate Director |
| G | s.28A(5)(b) | Approval to confirm the variation with or without modifications where representations or objections are unresolved | Board |
| H | s.28A(5)(b) | Give notice confirming the variation with or without modifications subject to approval in s. 3.1.2F or G | Appropriate Adviser |
| I | s.28A(8) | Notification to local land charge office for purposes of varying existing local land charge, subject to approval in s. 3.1.2A,B,D,F or G | Appropriate Adviser |

3.1.3 Notification & confirmation of additional land

To add land to an existing SSSI

Legislation: Section 28B of the Wildlife and Countryside Act inserted by Schedule 9 of the Countryside & 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 | Board |
| 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 and Secretary of State subject to approval in s.3.1.3A | Appropriate Adviser |
| D | s.28B(4) | Publish notification in at least one local newspaper circulating in the area in which the land is situated, subject to approval in s. 3.1.3A or B | Appropriate Adviser |
| 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, subject to approval in s.3.1.3E | Appropriate Adviser |
| 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) | Appropriate Director |
| H | s.28B(7) | Approval to confirm the notification of the extra land 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, subject to approval in s.3.1.3G or H | Appropriate Adviser |
| J | s.28B(10) | Notification to local land charge office for purposes of varying existing local land charge, subject to approval in s. 3.1.3A,B,E,G or H | Appropriate Adviser |

3.1.4 Notification & confirmation of enlargement of SSSI

To enlarge an existing SSSI

Legislation: Section 28C of the Wildlife and Countryside Act inserted by Schedule 9 of the Countryside & Rights of Way Act 2000

| | Section of legislation | Function | Delegated level |
|---|------------------------|--|----------------------|
| A | s.28C(1) | Approval to notify enlargement of an existing SSSI notification | Executive Board |
| B | s.28C(1) | Approval, in emergency circumstances, to notify an enlargement to an existing SSSI notification | Board |
| C | s.28C(2) | Give notice to local planning authority, every owner or occupier of the enlarged SSSI and Secretary of State subject to approval in s. 3.1.4A or B | Appropriate Adviser |
| D | s.28C(3) | Publish notification in at least one local newspaper circulating in the area in which the land is situated, subject to approval in s. 3.1.4A or B | Appropriate Adviser |
| E | s.28C(3) | Approval to withdraw the notification of the enlarged SSSI | Board |
| F | s.28C(3) | Give notice withdrawing the notification of the enlarged SSSI, subject to the approval of s. 3.1.4E | Appropriate Adviser |
| G | s.28C(3) | Approval to confirm the notification of the enlarged SSSI 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) | Appropriate Director |
| H | s.28C(3) | Approval to confirm the notification of the enlarged SSSI with or without modifications where representations or objections are unresolved | Board |
| I | s.28C(3) | Give notice confirming the notification of the enlarged SSSI with or without modifications, subject to the approval of s.3.1.4 G or H | Appropriate Adviser |
| 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), subject to approval in s.3.1.4 A,B,E,G or H | Appropriate Adviser |

3.1.5 Denotification

To denotify all or part of an SSSI

Legislation: Section 28D of the Wildlife and Countryside Act inserted by Schedule 9 of the Countryside & Rights of Way Act 2000

| | Section of legislation | Function | Delegated level |
|---|---------------------------------|--|----------------------|
| A | s.28D(1) | Approval to denotify all or part of a SSSI | Executive 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 (within the meaning of section 4(1) of the Water Industry Act 1991) and internal drainage board (within the meaning of s. 61C of the Land Drainage Act 1991) subject to approval in s.3.1.5A | Appropriate Adviser |
| C | s.28D(3) | Publish denotification in at least one local newspaper circulating in the area in which the land is situated, subject to approval s.3.1.5A | Appropriate Adviser |
| D | s.28D(5)(a) | Approval to withdraw the denotification, subject to approval Sec 3.1.5A | Board |
| E | s.28D(5)(a) | Give notice withdrawing the notification | Appropriate Adviser |
| F | s.28D(5)(b) | Approval to confirm the denotification 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) | Appropriate Director |
| 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, subject to approval in s.3.1.5F or G | Appropriate Adviser |
| I | s.28D(7) | Notification to local land charge office for the purpose of discharging a local land charge that existed by virtue of s.28(9), subject to approval in s.3.1.5F or G | Appropriate Adviser |

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 |
|---|------------------------|---|---|
| A | s.28E(3)(a) | Approval and issue consent without conditions | Appropriate Adviser |
| B | s.28E(4) | Approval and issue consent with conditions | Team Leader in consultation with Senior Specialist/ Senior Adviser in Regulation in consultation with Principal Specialist, Legal |
| C | s.28E(5) | Approval and issue of refusal of consent | Team Leader in consultation with Senior Specialist/ Senior Adviser in Regulation in consultation with Principal Specialist, Legal |
| D | s.28E(6)(a) | Approval of withdrawal of consent and payment of compensation | Director Regulation, in consultation with Principal Specialist, Legal |
| E | s.28E(6)(b) | Approval of modification of consent and payment of compensation | Director Regulation in consultation with Head of Legal |

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 |
|---|------------------------|------------------------------------|--|
| A | s.28F(3) | Approval to extend appeal deadline | Senior Specialist/Senior Adviser in Regulation in consultation with Principal Specialist Legal |
| B | - | Approval of Statement of Case | Principal Specialist, Legal in consultation with Senior Specialist/Senior Adviser in Regulation |

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 legislation | Function | Delegated level |
|---|------------------------|--|--|
| A | 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). For Approval of any amount of compensation please see the FSoD. | Director Regulation in consultation with Head of Legal |
| B | s.28M (1) | Offer payment | Appropriate Adviser |

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 legislation | Function | Delegated level |
|---|------------------------|---|---|
| A | s.28H(3)(a) | Approval to not assent and to give notice to not assent | Team Leader in consultation with Senior Specialist/Senior Adviser in Regulation |
| B | s.28H(3)(b) | Approval to assent with or without conditions and give notice of assent | Appropriate Adviser |

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 |
|---|------------------------|--------------------------------------|---|
| A | s.28I(5) | Advise of certain conditions | Appropriate Adviser |
| B | s.28I(5) | Advise against permitting operations | Team Leader in consultation with Senior Specialist/Senior Adviser in Regulation |

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 |
|---|------------------------|--|---------------------|
| A | s.28J(3) | Approval to serve a management scheme | Director Regulation |
| B | s.28J(3) | Serve notice of management scheme on relevant owners and occupiers | Appropriate Adviser |
| C | s.28J(8)(a) | Approval to withdraw a management scheme | Director Regulation |
| D | s.28J(8)(a) | Give notice to relevant owners and occupiers withdrawing the management scheme | Appropriate Adviser |
| E | 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) | Director Regulation |
| F | s.28J(8)(b) | Approval to confirm the notification with or without modifications where representations or objections are unresolved | Director Regulation |
| G | s.28J(8)(b) | Give notice to relevant owners and occupiers confirming management scheme with or without modifications | Appropriate Adviser |
| H | s.28J(11) | Approval to cancel or modify a management scheme | Director Regulation |
| I | s.28J(11) | Give notice to relevant owners and occupiers cancelling or modifying a management scheme | Appropriate Adviser |

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 |
|---|------------------------|--|--|
| A | s.28K(1) | Approval to serve a management notice | Director Regulation |
| B | s.28K(1) | Serve notice of a management notice on relevant owner or occupier | Appropriate Adviser |
| C | s.28K(6) | Serve notice of a management notice on every other or occupier of that land | Appropriate Adviser |
| D | s.28K(7)(a) | Approval to enter land, and any other land, and carry out the work, or do the other things | Director Regulation in consultation with Principal Specialist, Legal |
| E | 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 Regulation 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 |
|---|------------------------|--|---|
| A | | Approval to extend appeal deadline to Secretary of State | Team Leader in consultation with Principal Specialist, Legal & Senior Specialist/Senior Adviser in Regulation |
| B | | Approval of Statement of Case | Principal Specialist, Legal in consultation with Senior Specialist/Senior Adviser in Regulation |

3.6 Enforcement

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 and section 51 of the Environmental Civil Sanctions (England) Order 2010

| | Section of legislation | Function | Delegated level |
|---|------------------------|---|---|
| A | s.28P, s.28S & s.51(4) | Issue warning letters | Appropriate adviser |
| B | s.28P, s.28S & s.51(4) | Approval to commence formal investigation | Senior Specialist/Senior Adviser in Regulation in consultation with Head of Legal |
| C | s.28P, s.28S & s.51(4) | Approval to accept an Enforcement Undertaking | Senior Specialist/Senior Adviser in Regulation in consultation with Head of Legal |
| D | s.28P, s.28S & s.51(4) | Approval to serve a civil sanction: Fixed Monetary Penalty, Variable Monetary Penalty, Restoration Notice, Compliance Notice or Stop Notice | Director Regulation in consultation with Head of Legal |
| E | s.28P, s.28S & s.51(4) | Approval to serve a Non-Compliance Penalty Notice where a civil sanction has not been complied with | Senior Specialist/Senior Adviser in Regulation in consultation with Head of Legal |
| F | s.28P, s.28S & s.51(4) | Approval to recover costs of imposing a civil sanction via a cost recovery notice | Senior Specialist/Senior Adviser in Regulation in consultation with Head of Legal |
| G | s.28P, s.28S & s.51(4) | Approval to proceed with a prosecution or caution | Director Regulation in consultation with Head of Legal |
| H | s.28P, s.28S & s.51(4) | Approval to serve an injunction or possession order | Director Regulation in consultation with Head of Legal |

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 |
|---|------------------------|---|---------------------|
| A | s.28S(1) | Approval to put up and maintain a notice or sign | Appropriate Adviser |
| B | s.28S(2) | Approval to remove any notice or sign put up under s.28S(1) | Appropriate Adviser |

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 |
|---|------------------------|--|--|
| A | s.31 | Approval to apply for a Restoration Order | Director Regulation in consultation with Head of Legal |
| B | s.31 | Approval to enter land and carry out operations and recover money where non-compliance with a restoration order under s.31 | Director Regulation 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 |
|---|------------------------|--|---|
| A | s.51 | Authorisation to enter land for purposes set out in subsections (a)-(d) and (f)-(m) | Team Leader |
| B | s.51 (e) | Authorisation to enter land to ascertain whether an offence has been committed | Appropriate Adviser |
| C | s.51(4) | Commence proceedings for an offence of obstruction | Director Regulation in consultation with Head of Legal |
| D | s.51(5) | Approval to compensate in certain circumstances in respect of the use of s.51 powers | Appropriate Director in consultation with Head of Legal |

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 |
|---|------------------------|---|---------------------|
| A | s.70B(5) | Approval to service notice on an owner or occupier | Appropriate Adviser |
| B | s.70B(5) | Serve copy of SSSI notification on relevant owner or occupier | Appropriate Adviser |

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 |
|---|------------------------|--|---|
| A | Sch11 Para.9(3) | Approval to serve a Stop Notice | Director Regulation in consultation with Head of Legal |
| B | 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) | Appropriate Director in consultation with Head of Legal |
| C | Para.9(12)(1) | Approval to vary a Stop Notice | Director Regulation in consultation with Head of Legal |

3.12 Byelaws on SSSIs

Legislation: Countryside and Rights of Way Act 2000

| | Section of legislation | Function | Delegated level |
|--|------------------------|---------------------------------|-----------------|
| | Sch 9 | Making byelaws to protect SSSIs | Board |

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

| Activity | Delegated level |
|---|--|
| Signing deeds and any other agreements, or documents e.g. EU funding bids, under seal | Head of Legal |
| If novel or contentious | Executive Director Corporate Services in consultation with Head of Legal |

Part 5 Signing Novation agreements

For signing novation agreements see Part E 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 Access and Engagement |
| | De-declaration of part of an NNR on a permanent basis | Director Access and Engagement |
| | 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 Access and Engagement |
| s35(3) Wildlife & Countryside Act 1981 | Making or revoking byelaws | Director Access and Engagement in consultation with Head of Legal |
| | Approve proposals to dedicate (or not to dedicate) suitably held land for open access in accordance with the Board's policy. | Chief Executive |
| | Sign individual open access dedication instruments in accordance with proposals approved by Chief Executive | Principal Specialist (Statutory Access) |
| S35(5) Wildlife & Countryside Act 1981 | Approval of a body to hold a NNR | Director Access and Engagement in consultation with Head of Legal |
| | Submit applications and representations to restrict access by direction on held CROW access land (subject to the same processes and consideration by Relevant Authorities as all non-application directions) a. contentious cases b. non-contentious cases | a. Principal Specialist (Statutory Access)/Principal Advisor Open Access b. Senior Adviser/ Senior Specialist |
| | Injunction to secure access/prevent illegal access | Director Access and Engagement in consultation with Head of Legal |
| | (Exceptionally) Proposals to use discretionary restrictions under CROW s.22 or s.23 on open access land that we own or occupy | Principal Specialist (Statutory Access) |

Part 7 Habitats Regulations

Legislation: The Conservation of Habitats and Species Regulations 2010 (the iHabitats Regulations)

| Section of legislation | Function | Delegated level |
|------------------------|---|---|
| Reg.14(3) | Keep copies of the register of European sites for public inspection. | Appropriate Manager |
| Reg.15 | Notification that a European site has been added to, or removed from, the register | Appropriate Adviser |
| Reg.16 | Entering management agreements with owners and occupiers in respect of European sites | Follow authority levels as for s7 agreements see Part 16 |
| Reg.19(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.20(1) | Restriction on carrying out operations specified in notification (i.e. granting consent) | Appropriate Adviser |
| Reg.21 | Make appropriate assessment | Appropriate Adviser Team Leader in conjunction with Senior Specialist SSSI Regulation if consent is to be refused or conditioned |
| Reg.22 | Approval to notify appropriate authority (i.e. Defra) in case of risk | Director Regulation in consultation with Principal Specialist Legal |
| Reg.23 | Duty to review existing consents to ensure compatibility with the conservation objectives for the site (i.e. modify or withdraw consents) | Director Regulation in consultation with Principal Specialists Protected Areas and Legal |
| Reg.25 | Power to request SoS to make special nature conservation order (SNCO) | Chair [†] |
| Reg.26(1) | Power to serve a stop notice relating to SNCO | Director Regulation |
| Reg.26(8) | Authority to commence prosecution proceedings for breach of an SNCO | As per Part 3.6.1 |
| Reg.28 | Compensation for effect of order | Appropriate Director |
| Reg.29 | Commencing proceedings for failing to comply with a restoration order. | As Part 3.8 (Restoration Order) |
| Reg.32 | Compensation for effect of byelaws | Appropriate Director |

| Section of legislation | Function | Delegated level |
|---|---|---|
| Reg.33/35 (3) | 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. | Appropriate Manager / Principal Specialist / Principal Adviser |
| Reg.35 | Approval of installation of markers. | Senior Specialist [†] / Senior Adviser |
| Reg.36 | Management schemes for European marine site | Team Leader / Senior Adviser Marine |
| Reg. 61 (1) | Advising on screening Likely Significant Effect (LSE) and necessity for management tests from another Competent Authority | Appropriate Adviser |
| Reg.61 (3) | Advising on an Appropriate Assessment (AA) of a plan or project from another Competent Authority | Appropriate Adviser |
| Reg.61 (3[†]) | Advising on an Appropriate Assessment of a plan or project from another Competent Authority where Natural England's advice is contrary to that of the authority's | Team Leader in conjunction with Senior Specialist Habitats Regulations (Sites) and Principal Specialist Protected Areas or Marine Sustainable Use |
| Reg. 63 | Decision to recommend review of another Competent Authority's existing consent, permission or licence | Lead Adviser/Team Leader in consultation with appropriate Manager |
| Reg. 63 | Decision to review Natural England's existing consents | Appropriate Director |
| Reg.74 | GDO: opinion of appropriate nature conservation body on relevant effect (i.e. Likely Significant Effect) | Appropriate Adviser |
| Reg.111/117 | Powers to authorise entry (SNCO etc) | Appropriate Director in consultation with Senior Specialist in appropriate team |
| Reg. 111/117 | Powers of entry (surveying land for value etc) | Appropriate Director |
| Reg.99 | Powers of entry (surveying land in connection with compulsory acquisition etc) | Manager |
| Not set out in Acts but adopted as an appropriate response to technical and minor breaches | Warning letters following technical and minor breaches of regulations | Appropriate Adviser |

Part 8 Compulsory purchase

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

Part 9 National Trails

| Section of legislation | Function | Delegated level |
|--|--|---|
| National Parks and Access to the Countryside Act 1949 s 51(1) | Proposal to SoS for a new National Trail | Board |
| National Parks and Access to the Countryside Act 1949 s 51(1) | Proposal to SoS to vary existing National Trail: | Appropriate Director |
| | a. Significant, complex or contentious | a. Director |
| | b. Routine | b. Principal Specialist/ Principal Advisor |

Note: for approval to make grants relating to National Trails please refer to Part D of the FSoD.

Part 10 Planning and Marine Licensing

- The level of casework risk is defined within the following documents: High risk case manual, casework hub flow chart and casework Quality assurance documents.
- Where individual cases involve the Habitats Regulations (specifically Regulations 61, 63 & 74) or notice and advice on SSSI reference must be made to the appropriate delegations shown the Habitats Regulations (part 7) or SSSI (Part 3) pages. Where the levels of delegations differ, the higher of the two must be adhered to.

| Section of legislation | Function | Delegated level |
|---|--|---|
| General provisions - Planning Act 2008 | Approval of input to development of government policy e.g.NPPF or large project supported by government e.g High Speed 2 where positioning of the organisation has significant reputational/organisational risks | Board |
| Section 281, Wildlife and Countryside Act 1981 (as amended), Regulation 61 of Conservation of Habitats and Species Regulations 2010, plus EIA Regulations 2011, Planning Act 2008 and Marine and Coastal Access Act 2009 | National planning / marine licensing consultations (non case specific) | |
| | a) consultations involving government policy approaches | Director |
| | b) consultations essentially of a technical/implementation content which are unlikely to be highly controversial | Manager |
| Marine and Coastal Access Act 2009 | Marine (spatial) planning consultations (non case specific) | |
| | a) consultations involving government policy approaches (e.g. Marine Policy Statement) | a) Director |
| | b) statutory consultations on the statement of public participation and draft plans | b) Principal Specialist |
| | c) technical consultations within the production of plans | c) Senior Specialist |
| Section 55 of the Town and Country Planning Act 1990, Section 281 | High risk casework | Principal Adviser LU/ Principal Specialist Marine in consultation with High Risk Casework Panel |
| Wildlife and Countryside Act 1981 (as amended) | | |
| Regulation 61 of Conservation of Habitats and Species Regulations 2010 | | |
| EIA Regulations 2011 | | |
| Planning Act 2008, section 42 NSIPS | | |
| Marine and Coastal Access Act 2009 | | |

| Section of legislation | Function | Delegated level |
|---|---|--|
| As above plus Town and Country Planning (EIA) Regulations 2011 | Medium and low risk casework | |
| | a) where we disagree with the conclusions drawn by the competent authority in their land use plans | Senior Adviser/ Team Leader/ Senior Specialist Marine |
| | b) where our response includes a position which is different from past positions in the same or equivalent case | Senior Adviser/ Team Leader/ Senior Specialist Marine |
| | c) objection to applications for planning, other than consents and LDF: | |
| | i) which cannot be overcome with conditions | Senior Adviser/ Team Leader / Senior Specialist |
| | ii) which can be overcome with conditions | Lead Adviser |
| | iii) which do not meet the test of LDF soundness | Senior Adviser/ Team Leader / Senior Specialist |
| | iv) where there is insufficient environmental information | Support adviser |
| | d) other casework with no objections: | |
| | i) where we provide advice and guidance on LDF and other land use plans | Lead Adviser |
| | ii) where we provide bespoke advice on other consultations | Adviser |
| | iii) where we provide generic advice, no comment or no response | Support Adviser |
| | S. 106 Town and Country Planning Act 1990 | Entering a S.106 agreement when Natural England co-signatory |
| Section 156 - Water Industry Act 1991 | s156 Water Industry Act disposals | Lead Adviser |
| | IFCA byelaw review response | Senior Adviser |
| | Contentious | Principal Specialist Fisheries |
| | non - contentious | |

Nationally Strategic Infrastructure Projects (NSIP's)

Legislation: Planning Act 2008

| Section of legislation | Function | Delegated level |
|--------------------------------------|--|---|
| Section 42 Planning Act 2008 | Sign off of any Section 42 Consultation | Lead adviser |
| | EIA Scoping opinions | Lead Adviser |
| Section 56 Planning Act 2008 | Section 56 response (Relevant Representations) | Senior Adviser land use or Team Leader |
| | Statements of common ground | Senior adviser land use in consultation with Legal senior adviser |
| Section 150 Planning Act 2008 | Section 150, hand over Natural England's powers to a development consent order | Principal adviser land use with agreement of principal adviser legal team |
| | Request a special hearing | Principal adviser |
| | Attend the hearing and give oral evidence | Principal adviser |

Part 11 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 | Board |
| Sch 7, para 4(1) Environment Act 1995 | Recommendation to Ministers of candidates for specific NP Authorities | Board |
| Sch 7 para 14(3) Environment Act 1995 | Recommend candidates for Chief Officer of NPs | Board |
| 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 to the discharge of their exclusion or restriction of access powers | Chair |
| S66 Environment Act 1995 | Response to Management Plans | Appropriate Adviser or Senior Specialist |

Part 12 Open & Coastal Access

12.1 Open Access

Legislation: Countryside and Rights of Way Act 2000

Note ñ 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 |
|---|---|--|---|
| A | s10 Countryside and Rights of Way Act 2000 | Approve methodology for statutory review of CROW access maps of open country and registered common land | Board |
| B | s10 Countryside and Rights of Way Act 2000 | Quality assure specific revisions to CROW maps in accordance with approved methodology | Nominated Board Member |
| | s10 Countryside and Rights of Way Act 2000 | Approve revisions to CROW Mapping Methodology for England | Chair |
| | s33(1) Countryside and Rights of Way Act 2000 | Agree proposed amendments to CROW s33 statutory restrictions guidance for submission to SoS for approval | Chair |
| C | (Relates to fire prevention powers under CROW s 25) | Approve recalibration of Fire Severity Index, following review | Appropriate Director |
| D | s24 & s25 Countryside and Rights of Way Act 2000 | Approve applications for directions under CROW s.24 & s.25, the need for non-application directions under CROW s.25 & s.26, and the need to revoke or vary existing directions | |
| E | | a. contentious cases | a.Principal Specialist (Statutory Access)/Principal Advisor Open Access |
| | | b. non-contentious cases | b. Senior Adviser/ Senior Specialist |
| F | | Approve statements of case in respect of mapping or restriction appeals | Principal Specialist (Statutory Access).Principal Advisor Open Access |
| G | s15 Countryside and Rights of Way Act 2000 | Approve changes to map of CROW section 15 land | Principal Specialist (Statutory Access) |

12.2 Coastal Access provisions

Legislation: Marine and Coastal Access Act 2010

| | Section of legislation | Function | Delegated level |
|---|--------------------------|--|-----------------------------------|
| A | s. 298 (1 [†]) | Approve Coastal Access Scheme for submission to Secretary of State | Chair |
| | s. 298 (4) | Revision of Coastal Access Scheme for approval by Secretary of State | Chair |
| B | s. 299 | Approve published reports of reviews of Scheme | Chair |
| C | Schedule 20 para 2 | Enter into agreement with owner/occupier for carrying out works within the scope of para 2(3) | Senior Adviser |
| D | Schedule 20 para 3 | Approve notice to owner/occupier to carry out such works without the agreement of the owner/occupier | Coastal Access Programme Director |
| E | Schedule 20 paras 6 & 8 | Authorise erection or removal of information signs etc | Adviser |
| F | Schedule 20 para 9 | Authorise any person to exercise powers of entry for the stated purposes | Senior Adviser |

Legislation: National Parks and Access to the Countryside Act 1949

| | Section of legislation | Function | Delegated level |
|---|--|--|--|
| A | Section 55A(1) (as inserted by the Marine & Coastal Access Act 2009) | Approval to submit a report to Secretary of State (See FSoD Part U for relevant financial provisions) | Director |
| | section 55A(4) as inserted by the Marine & Coastal Access Act 2009 | Approve agreement with an access authority for it to carry out any appropriate preliminary activity to facilitate preparation of a report | Principal Adviser ^{††} |
| B | Schedule 1A paras 6(1) and 8(1)(c) | Approve NE comments to Secretary of State on objections and representations and summary of representations not required to be sent in full to Secretary of State | Principal Specialist/Principal Advisor |
| C | Section 55H as inserted by the Marine & Coastal Access Act 2009 | Approving a report varying any section of coastal access for submission to the Secretary of State | |
| | | a. Significant, complex or contentious | a. Director |
| | | b. Routine | b. Principal Adviser/Principal Specialist. |
| D | Section 55F as inserted by the Marine & Coastal Access Act 2009 | Revoke or vary directions once made | |

| | | |
|----------|--|---|
| E | 1. Directions routinely given to implement Natural England proposals for restrictions already signed off at Director level as part of Natural England's report on a stretch: | |
| | a. contentious or legally complex | Principal Specialist in consultation with Head of Legal |
| | b. routine | Lead Advisor |
| | 2. Directions for which the need is first considered after approval of Natural England's original report: | |
| | a. contentious or legally complex | Principal Specialist in consultation with Head of Legal |
| | b. routine | Senior Specialist/Senior Adviser |
| | 3. Revocations or variations of existing directions | |
| | a. contentious or legally complex | Principal Specialist in consultation with Head of Legal |
| | b. routine | Senior Specialist/Senior Adviser |
| | c. reducing the level of restriction available to an occupier | Principal/Principal Adviser |

Part 13 RDPE, ERDP and Section 7 Management Agreements

| Section of legislation | Function | Delegated level |
|--------------------------------|--|--|
| | Agree National Scheme Priorities | Appropriate Director |
| | Application of proportional penalties and claim rejection as a result of breaches in scheme rules | Appropriate Adviser |
| | 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 | Adviser in consultation with Principal Specialist, Legal |
| | b) For ELS, Organic and Energy Crops Schemes, CSS and ESA | 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 (if financial implications see FSoD part D) | |
| | a) of national significance or contentious | Appropriate Executive Director |
| | b) of local significance | Appropriate Director |

Part 14 Species and other licensing

14.1 Licensing functions

For the purpose of issuing, refusing, minded to refuse and 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, minded to refuse and revoke licences | Adviser Regulation, and Adviser Customer Services |
| | Novel or contentious licence applications | Director Regulation in consultation Head of Legal Services |

Advising in support of regulatory functions above

| Section of legislation | Function | Delegated level |
|------------------------|--|--------------------------|
| | Batline advice letters | |
| | i. Low risk letters (as defined in contract) | (i) Batline Contractors |
| | ii. All others | (ii) Appropriate Adviser |

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 | Adviser ISS |
| | Issue renewal certificates for camping and caravanning | |
| | Withdrawal of exemption certificates | |

14.2 Enforcement

Legislation: Section 12 of the Natural Environment and Rural Communities Act 2006 and The Environmental Civil Sanctions (England) order 2010

| Section of legislation | Function | Delegated level |
|--|---|---|
| Legislation listed in Part 15.1 | Issue advisory and warning letters for technical and minor breaches | Appropriate Adviser |
| Legislation listed in Part 15.1 | Issue warning letters and conditional warning letters for medium or significant breaches | Enforcement Specialist |
| Legislation listed in Part 15.1 | Approval to commence formal investigation | Senior Specialist/Senior Adviser in Regulation in consultation with Head of Legal |
| Relevant legislation listed in Part 15.1 | Approval to accept an Enforcement Undertaking (EU) | Senior Specialist/Senior Adviser in Regulation in consultation with Head of Legal |
| Relevant legislation listed in Part 15.1 | Approval to serve a civil sanction: Fixed Monetary Penalty, Variable Monetary Penalty, Restoration Notice, Compliance Notice or Stop Notice | Director Regulation in consultation with Head of Legal |
| Relevant legislation listed in Part 15.1 | Approval to serve a non-compliance penalty following non-compliance notice with a civil sanction | Senior Specialist/Senior Adviser in Regulation in consultation with Head of Legal |
| Relevant legislation listed in Part 15.1 | Approval to recover the costs of imposing a civil sanction via cost recovery notice | Senior Specialist/Senior Adviser in Regulation in consultation with Head of Legal |
| Legislation listed in Part 15.1 | Approval to proceed with a prosecution or caution | Director Regulation in consultation with Head of Legal |
| Legislation listed in Part 15.1 | Approval to serve an injunction | Director Regulation in consultation with Head of Legal |

14.2.2 Service of notices

Regarding the improper storage and use of pesticides

Legislation:

Control of Pesticides Regulations 1986(as amended)

Control of Pesticides (amendment)Regulations 1997

Food and Environment Protection Act 1985

| Section of legislation | Function | Delegated level |
|--------------------------------|---|---------------------|
| FEPA s 19 (5) Reg 4 (4) (a) | Serve Notices in relation to: A person who contravenes any provision of regulations or any condition of approval of a pesticide | Appropriate Adviser |

Relating to damage

Legislation: Agriculture Act 1947; Pests Act 1954

| Section of legislation | Function | Delegated level |
|-----------------------------|---|---------------------|
| Agriculture Act 1947 | | |
| S 98 (1) | Power to serve notices to take action to manage the specified animals or birds | Appropriate Adviser |
| S 98 (7) | Power to serve notices to take action to manage the specified animals or birds or to prevent the specified animals or birds living in any place on the land from spreading to or doing damage in any other place. | Appropriate Adviser |

14.2.3 Take Default Action

In relation to Damage complaints

Legislation: Pests Act 1957

| Section of legislation | Function | Delegated level |
|------------------------|--|---------------------|
| s.4 | Power to require an occupier of land to state his interest in the land | Appropriate Adviser |

Issue clearance notices

Legislation: Weeds Act 1959

| Section of legislation | Function | Delegated level |
|----------------------------|--|--|
| s.1 (1) | Power to serve notice to prevent weeds spreading. | Appropriate Adviser |
| s.2(1) & s.4(2) | Power to serve a variable Monetary Penalty, recover the costs of serving a Variable Monetary Penalty, and serve a non-compliance penalty notice should the Variable Monetary Penalty not be paid | Director Regulation in consultation with Head of Legal |
| s.3 (1) | Power to take default action to prevent weeds spreading where a notice served under s.1 (1) has not been complied with | Appropriate Team Leader |

14.3 Powers of entry

Legislation: Weeds Act 1959

| Section of legislation | Function | Delegated level |
|------------------------|---|--|
| s.4 (1) | Power to enter and inspect land | Adviser (Land management) |
| s.4 (2) | Power to issue proceedings for obstruction. | Director Regulation in consultation with Head of Legal |

Powers of authorised officers

Legislation: Food and Environment Protection Act 1985

| Section of legislation | Function | Delegated level |
|------------------------|--------------------------------|---------------------|
| s.19 (2) and (3) | Power to enter land or vehicle | Appropriate Adviser |
| s.19 (7) Schedule 2 | Powers of Authorised Officers | Appropriate Adviser |

Powers of Wildlife Inspectors

Legislation: Wildlife and Countryside Act 1981

| Section of legislation | Function | Delegated level |
|----------------------------------|--|---------------------|
| Section 18B (1) Group 1 offences | Power to enter and inspect any premise | Appropriate Adviser |
| Section 18D (1) Group 2 offences | Power to enter and inspect any premise | Appropriate Adviser |
| Section 14A | | |

Powers of Wildlife Inspectors extended to certain other acts

Legislation: Natural Environment and Rural Communities Act 2006

| Section of legislation | Function | Delegated level |
|---|---|---------------------|
| s.52 Schedule 5 s.7 (b) Destructive Imported Animals Act 1932 Conservation of Seals Act 1970 Deer Act 1991 | Power of Wildlife Inspector to enter premises | Appropriate Adviser |

Legislation: Conservation of Habitats and Species Regulations 2010 (the habitats regulations)

| Section of legislation | Function | Delegated level |
|------------------------|--|---------------------|
| Reg 100D (1) | Power to enter and inspect any premise other than a dwelling | Appropriate Adviser |

Legislation: Section 15 of the Environmental Civil Sanctions (England) Order 2010

| Section of legislation | Function | Delegated level |
|------------------------|--|---------------------|
| s.15(1) | Power to enter land to ascertain compliance with Compliance Notice/Restoration Notice/ Stop Notice | Appropriate Adviser |

Part 15 Issuing authorities for purchase and use of biocides

| 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 | Appropriate adviser |

Part 16 Heather and grass burning

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

16.1 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 | Appropriate Adviser |
| Reg 4(b) | Approval to issue a licence in respect of only part of the land to which the application relates and notify decision | Appropriate Adviser |
| Reg 4(c) | Approval to issue a licence subject to any conditions and notify decision | Appropriate Adviser |

16.2 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 Regulation in consultation with Head of Legal |

16.3 Enforcement

Legislation: Section 20(2) & section 34(2) of the Hill Farming Act

| Section of legislation | Function | Delegated level |
|------------------------|---|---|
| s.20(2) & s. 34 (2) | Issue warning letters | Appropriate Adviser |
| s.20(2) & s. 34 (2) | Approval to commence formal investigation | Senior Specialist/Senior Adviser in Regulation in consultation with Head of Legal |
| s.20(2) & s. 34 (2) | Approval to serve a civil sanction: Fixed Monetary Penalty, Variable Monetary Penalty, Restoration Notice, Compliance Notice or Stop Notice | Director Regulation in consultation with Head of Legal |
| s.20(2) & s. 34 (2) | Approval to proceed with a prosecution or caution | Director Regulation in consultation with Head of Legal |
| s.20(2) & s. 34 (2) | Approval to serve a non-compliance penalty notice when a civil sanction has not been complied with | Senior Specialist/Senior Adviser in Regulation in consultation with Head of Legal |
| s.20(2) & s. 34 (2) | Approval to recover costs of imposing a civil sanction via a cost recovery notice | Senior Specialist/Senior Adviser in Regulation in consultation with Head of Legal |
| As per sections above | Approval to serve an injunction | Director Regulation in consultation with Head of Legal |

16.4 Powers of Entry

Legislation: Section 34 of the Hill Farming Act 1946

| Section of legislation | Function | Delegated level |
|------------------------|--|---------------------|
| s.34 | Enter on and inspect any land capable of being used for livestock rearing purposes | Appropriate Adviser |

Legislation: Section 15 of the Environmental Civil Sanctions (England) Order 2010

| Section of legislation | Function | Delegated level |
|------------------------|---|---------------------|
| s.15(1) | Enter land to ascertain compliance with Compliance Notice/Restoration | Appropriate Adviser |

Part 17 Site assessments of under and over grazing

| Section of legislation | Function | Delegated level |
|------------------------|------------------------------|---------------------|
| | Provide formal advice to RPA | Appropriate Adviser |
| | Issue prescriptions | Appropriate Adviser |

Part 18 Environmental Impact Assessment (Agriculture)

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

18.1 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) | Appropriate Adviser |
| Reg 4 | Determination of contentious screening decisions (e.g. Environmental Statement is required) | Senior Specialist/Senior Adviser in Regulation |
| Reg 6 | Issue Screening Notice | Appropriate Director in consultation with Principal Specialist Legal |

18.2 Investigation

| Section of legislation | Function | Delegated level |
|--|-----------------------|--|
| Not set out in Acts, but adopted as appropriate enforcement action to determine appropriate enforcement response | Initial investigation | Appropriate Adviser |
| | Formal investigation | Senior Specialist/Senior Adviser in Regulation and Head of Legal |

18.3 Enforcement

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

18.4 Letters

| Section of legislation | Function | Delegated level |
|---|--|---------------------|
| Not set out in Acts, but adopted as an appropriate enforcement response | Decision to issue a warning letter | Appropriate Adviser |
| Not set out in Acts, but adopted as an appropriate enforcement response | Decisions to issue an advisory letter | Appropriate Adviser |
| Not set out in Act but adopted as an appropriate response to technical and minor breaches | Warning letters following minor and technical breaches | Appropriate adviser |

Part 19 Environmental liability

Legislation : *Environmental Damage (Prevention & Remediation) Regulations 2009*

| Regulation | Function | Delegated level |
|------------|--|---|
| 13(2) | Where there are reasonable grounds to believe there is an imminent threat of environmental damage, serve a notice on the responsible operator that describes the threat, specifies the measures required to prevent the damage and requires the responsible operator to take those measures within a specific time period. | Appropriate Adviser |
| 14(2) | Where there are reasonable grounds to believe there is environmental damage, serve a notice on the responsible operator that describes the damage, specifies the measures required to prevent further damage and requires the responsible operator to take those measures within a specific time period. | Appropriate Adviser |
| 15 | Carry out the prevention of imminent threats of environmental damage or further environmental damage on behalf of an operator | Appropriate Adviser |
| 18(1) | Notify a responsible operator that the damage they have caused is environmental damage, and that they must submit proposals within a specific time period that will achieve remediation of the environmental damage. | Appropriate Director in consultation with Head of Legal |
| 18(2) | Withdraw the above notification | Appropriate Director in consultation with Head of Legal |
| 20(1) | Consult interested parties on the proposals submitted by the operator | Appropriate Adviser |
| 20(2) | Serve a remediation notice | Appropriate Director in consultation with Head of Legal |
| 22 | Serve further remediation notices | Appropriate Director in consultation with Head of Legal |
| 24 - 27 | Recover costs from an operator | Head of Legal |
| 29(3) | Notify an interested party who has notified Natural England of environmental damage or an imminent threat of environmental damage of the action, if any, Natural England intends to take | Appropriate Adviser |
| 29(4) | Notify the responsible operator of an activity which has been notified to Natural England and invite them to submit comments. | Appropriate Adviser |
| 31(1) | Exercise the powers of inspectors under Regulation 31(1). | Appropriate Adviser |
| 32 | Require an operator to provide relevant information to enable Natural England to carry out its functions under these Regulations. | Appropriate Adviser |

Part 20 Natura 2000 designations

| | Function | Delegation |
|----------|---|---------------------------------------|
| A | Approval to submit formal advice (Departmental Brief ¹ or Selection Assessment Document ²) to Secretary of State on the selection of a pSAC, pSPA or pRamsar site or proposed amendments to an existing cSAC, SCI, SAC or Ramsar site. | Chief Executive |
| B | Following the consultation, approval of final advice, with or without modifications, and report on the consultation, where: | |
| | a) objections or representations are unresolved | Board or Chair on behalf of the Board |
| | b) there are no outstanding objections or representations (i.e. where no objections or representations were made, or where representations or objections were withdrawn or resolved) | Appropriate Director |

¹ Departmental Briefs (for Special Protection Areas and Ramsar sites)

² Selection Assessment Documents (for Special Conservation Areas)

Part 21 Marine Conservation Zones

| | Function | Delegation |
|----------|--|-----------------------------|
| A | Approving advice to Ministers on the selection of Marine Conservation Zones. | Relevant Executive Director |
| B | Confirming alterations to existing Marine Conservation Zones prior to advising Ministers : | |
| | i) Cases with unresolved objections or representations | Board |
| | ii) Cases with no outstanding objections | Board |

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 | Appropriate Adviser |

Part 23 Staffing

| Function | Delegated level |
|---|--------------------------------|
| Appointment, removal and performance review of Chief Executive | Board |
| 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 | Appropriate Executive Director |
| Decision to recruit, appoint, discipline or dismiss staff below Director level | Director |
| Decision to appoint, discipline or dismiss staff below Head of 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.

Part 24 Staff terms and conditions

| Function | Delegation |
|--|--------------------------------|
| 1. Approval of Chief Executive's Terms & Conditions | Secretary of State and Board |
| 2. Approving changes to staff Terms & Conditions | Chief Executive |
| 3. Approving staff severance packages (Director/Head of level and below) | Appropriate Executive Director |

Part 25 Complaints to Ombudsman

| Function | Delegation |
|--|--|
| Any response to request for information from the Ombudsman | Director Customer Services and Head of Legal |
| Reporting any investigation by the Ombudsman to Defra | Chief Executive |

Part 26 Governance

| Function | Delegation |
|---|--|
| 1. Governance framework for Board and its Committees including but not limited to: Establishment and appointment to Board Committees; Board Committee Terms of Reference; Assessment of Board's own performance | Board |
| 2. Power to grant/revoke Non-Financial Delegations to the Chief Executive | Board |
| 3. Approval and review of significant internal policies as determined from time to time which would include: Occupational Health and Safety; Equal Opportunity; Data Protection; Intellectual Property; Freedom of Information | Board |
| 4. Approval of national strategies involving the potential significant impact on the environment, the organisation or Natural England's reputation | Board |
| Approval of Natural England's Standards | Director Standards in consultation with relevant functional director |
| 5. Authority to undertake, on behalf of the Board, all the Board's functions between formal Board Meetings (except SSSI confirmations) | Chair [†] |
| 6. Approval of the internal control, risk, compliance and reporting frameworks | Board |
| Authority to undertake, on behalf of the Board, all the Board's functions between formal Board meetings (except SSSI confirmations) | Chair [†] |

Part 27 Guarantees and indemnities

Note: if you are considering giving a guarantee or indemnity please seek advice from the Head of Legal Services. The Executive Director Corporate Services will need to be consulted before approaching Defra

| Function | Delegation |
|---|------------|
| 1. Natural England shall not, without Defra's prior written consent, lend money, charge any asset or security, give any guarantee or indemnities or letters of comfort, or incur any other contingent liability (as defined in Managing Public Money) whether or not in a legally binding form. | Defra |

Annex 1 Specified Officers

| Delegation | Name | Role |
|---|-------------------|--|
| 2) Granting licences for the use of Natural England data | | |
| a) Non-royalty bearing standard Natural England IP Licences | Chris Keenleyside | Senior Adviser, Procurement |
| | Pamela Vines. | Senior Adviser – Procurement |
| | Phillipa Swanton | Principal Adviser in Geographic Literacy |
| b) Royalty bearing standard Natural England IP licences | | |
| Non-standard Licenses (whether bearing royalties or not) | | |



Natural England is here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

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