

Hampshire landowner fined for running a scrap metal operation on a protected Site of Special Scientific Interest

A Hampshire landowner who ran an illegal scrap metal dealership on a Site of Special Scientific Interest (SSSI), protected for its value to wildlife, was fined £3,600 today (18 December) at Basingstoke Magistrates' Court after pleading guilty to conducting unauthorised operations likely to damage the site.

As well as receiving the fine, Christopher Ball, trading as C Ball and Sons, was also ordered to pay £30,000 in costs.

Mr Ball, who bought a meadow on the Odiham Common with Bagwell Green and Shaw SSSI in 2014, was prosecuted by Natural England after failing to notify them of his plans to undertake activity that is restricted on the sensitive wildlife-rich site. Site inspections revealed that vehicles, vehicle parts and tyres, construction waste, pallets, felled branches and a bonfire site were all on the site and vehicle fluids were leaking into the soil. Natural England has since taken action to clear the site.

The SSSI, which is located between Basingstoke and Aldershot, comprises nearly 130 hectares of wood pasture, rare grassland habitats, meadows and common land at the junction of the London Clay, Plateau Gravel and Lower Bagshot Beds on the edge of the Thames Basin. The Common was formerly used by Edward the Confessor as a hunting ground before being developed into the land which is seen today, predominantly oak trees, but with isolated patches of meadow.

The site is home to 39 ancient woodland species such as woodruff, early-purple orchid, wood spurge and Solomon's-seal, as well as nationally rare deadwood invertebrates, reptiles, and birds such as woodcock and wood warbler.

Andrew Smith, Manager for Natural England's Thames Solent Area said:

It is alarming to see a landowner showing such complete disregard for a protected site in their care. I am pleased that this responsibility has been recognised by the courts.

When we find cases of damage, such as this, in some of England's most important and precious countryside, we will take enforcement action and, if necessary, prosecute those responsible. We take our role as a regulator seriously. Our aim now is to work with the owner to re-establish the site and avoid damage to the SSSI in future.

As the owner and occupier of part of the SSSI, Mr Ball is required by law to obtain Natural England's consent for "operations likely to damage the special interest" of the site. This includes storing or dumping materials or using vehicles on the SSSI that could cause harm.

Shortly after Mr Ball came into ownership of the land in 2014, Natural England was notified that spoil had been dumped on the site and trees had been cut down. This spoil was cleared from the site in response to an Enforcement Notice issued by Hart District Council in September 2014.

In May 2017 Natural England were informed that the site was now being used to store truck cabs and car chassis, alongside the dumping of other miscellaneous items such as tyres and vehicle exhausts. This led to a sustained intervention by various organisations, including Hart District Council, Hampshire Constabulary and Natural England to bring harmful actions on the site to an end. Mr Ball failed to respond to numerous warnings or to cooperate. Mr Ball refused the attempts of Natural England and Hart District Council to arrange for the site to be cleared and would not engage in resolving the situation, which led to an application for a closure order, which was granted in April 2019.

About Natural England

Natural England is the government's advisor on the natural environment. Established in 2006, our work is focused on enhancing England's wildlife and landscapes and maximising the benefits they bring to the public.

The full details of the charge:

- On and before 28 February 2018 on land known as the Donkey Paddock that forms part of the Odiham Common with Bagwell Green and Shaw SSSI, Christopher Ball, being an owner and occupier of that SSSI, without reasonable excuse carried out, or caused or permitted to be carried out, on that land operations specified in the notification for the SSSI as likely to damage the special interest, namely: i. dumping, spreading or discharge of any materials ii. storage of materials iii. use of vehicles or craft likely to damage or disturb features of interest,

This was undertaken without giving Natural England notice of a proposal to carry out those operations, without Natural England's written consent and not in accordance with any relevant agreement or management scheme, contrary to sections 28E(1) and 28P(1) of the Wildlife and Countryside Act 1981.

About Sites of Special Scientific Interest

Sites of Special Scientific Interest ('SSSIs') are the best examples of natural environment in the United Kingdom, selected because of specific environmental features, which can include flora, fauna and geological features. There are over 4,100 Sites of Special Scientific Interest (SSSIs) in England, covering around 8% of the country's land area. Parliament has required Natural England and its predecessors to identify these sites and "notify" them. Notification is a process under which land owners and

occupiers of the site are informed of the intention to protect the site as an SSSI and they have the opportunity to make representations.

Once a site is notified, that is binding on all landowners, occupiers and – most importantly in this case – their successors. Such is the value placed on these sites that the law takes the unusual step of restricting rights that owners and occupiers would otherwise hold in relation to their land. In particular, each SSSI notification includes a list of operations that are likely to damage the site's notified features. It is an offence to carry out any of those operations without first gaining the consent of Natural England, which in turn has a duty to restrict that consent to activities that will not cause damage.