

Browne Jacobson advises Natural England on investigation of ‘first in its kind’ sentenced Devon farmer

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UK & Ireland law firm Browne Jacobson has successfully acted as legal advisers to Natural England on its investigation of a Devon based farmer, who was found to be in breach of a Stop Notice served by the public body, after the farmer unlawfully allowed his cattle to graze on a Site of Special Scientific Interest (SSSI).

The farmer received a suspended prison sentence in early January and was ordered to pay £73,000 in costs. It is believed to be the first time a sentence of imprisonment has been imposed in such circumstances.

Natural England were assisted throughout the investigation by Browne Jacobson's Criminal, Compliance and Regulatory team, with **Exeter based partner Dale Collins** representing them at all of the hearings.

Between December 2020 and November 2021, Natural England received multiple reports from neighbouring landowners detailing how up to 60 cattle were accessing the Common and damaging the rare habitat land, which is culm grassland and subsequently posed a risk to lots of endangered species.

In February 2021, a Stop Notice was served to the farmer, but despite this, he continued to graze his cattle on the Common. Various efforts were made by Natural England to bring the farmer in to compliance, but these were all ignored, so Natural England took the decision to prosecute.

Dale commented on the outcome: "Our regulatory team has worked very closely with our client Natural England over the last few years to support them in this complex and unusual matter.

"Where possible, we will always try to work with our clients in reaching an out of court resolution but unfortunately with this case, where various mediation attempts were made unsuccessfully, our client was left with no other choice but to prosecute.

"There is a lot of value placed on SSSI sites which means that the law can take the unusual step of restricting rights that owners and occupiers would otherwise hold in relation to their land.

"We are pleased to have supported our longstanding client to achieve this outcome that ensures the protection of the rare habitats that thrive in the local area and reflects our own firm commitments to supporting the Environmental Social Governance agenda."

A spokesperson for Natural England said: "Mr Rillie ignored his obligations as a SSSI occupier and failed to take the opportunities to comply provided by Natural England. His actions have led to this important and sensitive site suffering damage which will take several years to recover. Natural England takes all damage to SSSI's seriously and will use its enforcement powers to ensure that anyone who acts in this way will be brought to account."



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