

## **Justice Committee**

### **Environmental crime and serious organised crime**

#### **Written submission from Scottish Natural Heritage**

##### **Context**

We understand that the Committee's interest is environmental crime, focused on the use of environmental crime, such as waste crime, as a front for serious criminal activities such as money laundering.

We have clarified with the Clerk to the Committee that this is not the focus of Scottish Natural Heritage (SNH) but have agreed to provide information relating to our work on wildlife crime and the impacts of crime on the environment.

##### **SNH's Involvement in Wildlife Crime**

SNH has the ability to act as a specialist reporting agency to the Procurator Fiscal although we have chosen to provide any reports of wildlife or environmental crime via the police or other specialist reporting agencies.

Currently, our role is split into two broad areas: crimes against species and crimes against protected sites.

##### **Species related Crime**

The role of SNH in dealing with species-related wildlife crime has recently been defined by organisational guidance into 3 key areas:

1. Crime detection and reporting to police (including on behalf of a third party)
2. Provision of conservation impact statements to Police Scotland or COPFS
3. Provision of expert witnesses to Police Scotland or COPFS.

SNH has an information sharing protocol in place with Police Scotland to facilitate transfer of information.

##### **1. Crime Detection and Reporting**

Within the last 12 months SNH has reported a total of 54 incidents of suspected wildlife crime to Police Scotland for further investigation. All of these incidents have been screened by trained SNH staff prior to forwarding to Police Scotland.

The 54 incidents can be categorised as follows:

<b>Issue relating to:</b>	<b>Number of cases</b>
Fresh Water Pearl Mussel	4
Bats	5
Raptors	10
Badgers	8
Poaching	1
Schedule 5 species	7
Invasive Non Native Species	1
Other	14
SSSI	3
Intelligence only	1

The majority of incidents are reported to SNH by third parties, however some are detected and reported directly by SNH field staff.

## **2. Provision of Conservation Impact Statements**

In cases where SNH has had involvement through a reporting or other function, SNH can provide a conservation impact statement to Police or COPFS where it is felt that it will add value to the case and SNH staff have the necessary expertise.

The Police or COPFS may also approach SNH directly to provide a conservation impact statement.

SNH has provided one conservation impact statement within the last twelve months for a case involving the suspected persecution of a Hen Harrier. The case has not yet gone to court. Based upon information provided by Police Scotland, it appears that this incident could potentially be damaging to the regional conservation status of this species.

Wildlife crime involving raptors, bats and Fresh Water Pearl Mussel in particular have the potential for long-term and regional to national scale detrimental conservation impacts. The provision of conservation impact statements is an area where SNH foresee increasing demand in the future.

SNH believes that the local, regional and national conservation impact of wildlife crime must be given due regard when considering measures to tackle wildlife crime and sentencing of offenders.

## **3. Provision of Expert Witnesses**

SNH may provide expert witnesses to wildlife crime cases where requested by Police Scotland and COPFS. In this role, SNH can provide an impartial view on the conservation impacts of wildlife crime on species and advise the police and court on matters of species ecology and behaviour.

While there has been no SNH involvement in this area within the last 12 months, it is likely that this service will be required for ongoing and future cases.

### **SNH's Role in Crimes against Protected Sites**

SNH is a competent authority under The Environmental Liability (Scotland) Regulations 2009 for biodiversity damage. We may be requested to advise other competent authorities (SEPA/Marine Scotland).

SNH also has obligations and duties under the Natural Heritage (Scotland) Act, the Nature Conservation (Scotland) Act and other legislation to act in cases of environmental crime. SNH can address the issue of damage to protected sites by issuing restoration notices as an alternative to pursuing a prosecution.

In our view, crimes against protected places tend to be as a result of some other illegal activity rather than deliberately targeted. As an example, 30 – 40,000 tons of rubble were deposited on the Shingle Islands SSSI/SAC to form a flood bank some 10m wide at the base and 2.5m high. The operator owned the land but also ran a contracting business and was undertaking work on a nearby trunk road. It is likely that the main driver for this incident was the avoidance of land fill tax.

There are other examples of such damage to protected places, from a range of land owners and managers, but it is our view that this is predominantly reckless damage for direct personal gain rather than a part of wider criminality.

### **Environmental Crime in Wider Criminality**

From our perspective, the majority of crime against protected areas is probably related to reckless activity to promote personal objectives. We believe that there will be environmental crime associated with wider criminality but suspect that SEPA will be better placed to raise these issues.

In terms of species related crime, poaching is probably most likely to be linked to other criminality. Hare coursing with dogs has strong links to illegal gambling and deer poaching may be related to wider criminality such as the use of illegal firearms.

Other species related crimes that are related to financial gain, but probably not wider criminality, are badger persecution for development or forestry operations and the damage and disturbance of bat roosts by property developers.

SNH  
July 2014