

Environmental Impact Assessment of Forestry Projects (Screening)

Introduction

This guidance document sets out the procedure to be followed by project proposers under the Environmental Impact Assessment Regulations for projects involving deforestation, afforestation, forestry roads or quarries that are likely to have a significant effect on the environment.

Depending on the size and location of the proposed project, the Forestry Commission's consent may be necessary. For smaller or lower risk projects, notifying the Forestry Commission may be all that is required. These differing requirements are explored in this document.

The current Regulations are The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 [SI 1999/2228] and the Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999 [SI 1999/43]. These Regulations have been further amended by The Environmental Impact Assessment (Forestry) (England and Wales) (Amendment) Regulations 2006 and The Environmental Impact Assessment (Forestry) (England and Wales) (Amendment) Regulations 2017 in England and Wales, and The Environmental Impact Assessment (Scotland) Amendment Regulations 2006 in Scotland.

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Definitions used in the Regulations

You will find below some of these terms used in the EIA Regulations:

a) **Appropriate Authority**

England - The Secretary of State for the Environment, Food and Rural Affairs

Wales - the Welsh Ministers

Scotland - the Scottish Executive in Scotland.

b) Assessment – Taken from Regulation 3A and 3B, an assessment is the Forestry Commission's comment upon a Notification

c) **Countryside bodies**

England – Natural England, Environment Agency;

Wales – Countryside Council for Wales, Environment Agency;

Scotland – Scottish Natural Heritage, Scottish Environmental Protection Agency;

and any other body designated by statutory provision as having specific environmental responsibilities or local or regional competencies.

d) Determination – Taken from Regulation 15 “Determination of applications” and is the process by which we make our decision about the application for consent.

e) Forestry projects – projects involving deforestation, afforestation, forestry roads and forestry quarries.

f) Low risk area – See Appendix 1 of this document.

g) Opinion - Our consideration of the proposals from which we will decide whether or not the project is a “relevant project”. If it is, the applicant must apply for consent and provide an environmental statement (ES).

h) Notification - Taken from Regulation 3A and 3B, for small scale forestry projects a formal, light touch, notification of the project proposal to the Forestry Commission may be all that is required under the EIA Regulations.

i) Relevant project - A forestry project (afforestation, deforestation, forest roads works and forest quarry works) that is likely, by virtue of factors such as its nature, size and location, to have a significant effect on the environment and as such requires the FC's consent.

j) Sensitive area – See Appendix 1 of this document.

k) Scoping - A gathering of all consultees and other interested parties to discuss and agree the significant issues of concern that require to be addressed by an applicant when preparing for an Environmental Statement as part of an application for consent.

l) Screening - the process by which the Forestry Commission forms an opinion on whether a project “*is likely to have significant effects on the environment by virtue, inter alia, of its nature, size or location*”. This process is a distinct one from scoping.

m) Publicity – The Forestry Commission maintains a web-based EIA Register that gives details of all the decisions we make under these Regulations. Applicants are also required to advertise details of any application for consent.

n) Thresholds - Area limits set by the Regulations below which it is not expected that the project will have a significant effect on the environment.

Definition of relevant projects

Under the Regulations, proposals are considered to be relevant projects (i.e. to require Forestry Commission consent) if they are a forestry project listed below *and* the work proposed is likely to have a significant effect on the environment.

Forestry Projects

a) Initial afforestation: creating new woods and forests by planting trees (on an area that has not had trees for many years). This category includes using direct seeding or natural regeneration, planting Christmas trees and short rotation coppice;

b) Deforestation: conversion of woodland to another type of land use (e.g. heathland);

c) Forest roads: constructing forestry roads, including those within a forest and those leading to a forest;

d) Forest quarries: quarrying to obtain material (rock, sand and gravel) for the formation, alteration or maintenance of forest roads.

Significant Effect

Determining whether a project is likely to have a significant effect on the environment is, in part, determined by the project's size and location and whether it falls above, below or within a particular threshold. See 'Thresholds' section and Appendix 1.

The threshold in which a project falls will create an initial presumption as to whether a project is likely to have significant effects of the environment or not. The Forestry Commission will also apply the selection criteria in Schedule 3 of the Regulations when forming a decision.

In most instances, smaller projects or those in low-risk will not be likely to have a significant effect on the environment. For these projects a formal, light touch, Notification submitted to the Forestry Commission may be all that is required.

Larger projects or those in sensitive areas will require additional scrutiny. In these instances, an application for an opinion should be submitted to the Forestry Commission Using the EIA Enquiry Form and be accompanied by supporting maps and information. We will then be able to give you an opinion as to whether the project is likely to have a significant effect on the environment, and consequently whether our consent would be required.

If consent is required, an application for consent, including the preparation of an Environmental Statement, will be required before the project can proceed. Much of the information contained within an application for opinion will be required for an application for consent. It is therefore worth seeking an opinion prior to seeking consent.

Situations may arise where one of the above forestry projects forms part of a wider development that requires planning permission. In these circumstances, any necessary EIA requirements will usually not be dealt with under the Forestry EIA Regulations but under the parallel Town and Country Planning EIA Regulations.

We may serve you with an Enforcement Notice if you carry out work on a project that would have required our consent. This notice will require you to comply with the Regulations and failure to comply can result in prosecution for an offence.

Thresholds

Table 1: Thresholds for all forestry projects

Operation	Thresholds for afforestation depending on sensitivity	EIA process
Afforestation	More than 2 hectares, and where the land, or part of the land, is within a National Park or an Area of Outstanding Natural Beauty.	EIA Enquiry form and Full Screening
	All afforestation, where the land, or part of the land, is within a Sensitive Area (as per list of designations) and which is not a National Park or an Area of Outstanding Natural Beauty, is assessed.	EIA Enquiry form and Full Screening
	More than 2 hectares, but no more than 5 hectares, and where no part of the land is within a Sensitive Area	EIA Enquiry form for Prior Basic Notification , unless requirement is removed by application for FC grant for woodland creation
	More than 5 hectares, where no part of the land is within a Sensitive Area, and the land is outside the Low Risk Area	EIA Enquiry form and Full Screening
	Low Risk Area (as mapped) . More than 5 hectares, but no more than 50 hectares, where no part of the land is within a Sensitive Area, and the land is all within a Low Risk Area	EIA Enquiry form for Prior Full Notification (including UKFS compliant Woodland Creation Design Plan). Includes 28 day period on Public Register
	Low Risk Area (as mapped) . More than 50 hectares, where no part of the land is within a Sensitive Area and the area is a Low Risk Area	EIA Enquiry form and Full Screening
Operation	Threshold where any part of the land is in a sensitive area	Threshold where no part of the land is in a sensitive area
Deforestation	0.5 hectare, where the land, or part of the land, is within a National Park or an Area of Outstanding Natural Beauty. All projects, where the land, or part of the land, is within a Sensitive Area (as per list of designations) and which is not a National Park or an Area of Outstanding Natural Beauty, are assessed.	1 hectare
Forest Roads	All projects	1 hectare
Forest Quarries	All projects	1 hectare

The table above and **Appendix 1** show the area thresholds (in hectares) for each category of forestry project.

Amendments made by the 2017 Regulations disaggregated the categories of forestry projects for which a specific threshold may be set. This has allowed several thresholds to be set for each category of forestry project.

For deforestation, forest road and quarry works projects, if it is indicated in the table that the project is likely to have a significant effect then you should apply for an opinion from the Forestry Commission. If the project falls below a threshold where it is unlikely to have significant effects, no further action is required under the EIA Regulations, although a felling licence may still be required.

For afforestation projects, the threshold within which the project falls will determine whether basic notification, full notification or an application for opinion or consent will be the appropriate next step; or if no further action is required under the EIA Regulations. Broadly speaking, these afforestation categories can be summarised as:

For afforestation projects, references in column 4 to regulation 3A signify that projects within that threshold are eligible for Basic Notification, while references to regulation 3B signify that projects within that threshold are eligible for Full Notification. Otherwise, where indicated that a project is unlikely to have significant effects no further action is required under the EIA Regulations. Where the project is indicated to have significant effects, an application for opinion should be submitted to the Forestry Commission.

Proposals that extend a project area previously below the area thresholds

Where any previous forestry project that has been completed in the last 5 years is adjacent to a proposed new project, and the projects are of the same type (e.g. afforestation, etc.), including on land in different ownerships, the area of the previous project will be added to the area of the proposed project for the purposes of the thresholds set out in table 1. This may result in the proposed project being classed within a different threshold than would otherwise have been the case.

Exemptions

Exemptions to the EIA process were created in 2017 for projects which related to national defence and civil emergencies. Projects can only be exempt under these headings if the sole purpose of the project is for either of those purposes.

There is also an exemption provided for under “exceptional circumstances”. The Forestry Commission is authorised to determine what constitutes an exceptional circumstance, however, it can only do so in accordance with four strict criteria:

- i. it is appropriate to do so by reason of exceptional circumstances;
- ii. an environmental impact assessment in respect of the project would have an adverse effect on the fulfilment of the project’s purpose;
- iii. the objectives of the Directive will be met even though such an assessment is not carried out; and
- iv. the project is unlikely to have significant effects on the environment in another EEA State.

Points ii and iii above in particular will provide a significant hurdle to the frequent use of this exemption; particularly as the Forestry Commission must publish the reasons behind the use of this exemption.

Opinions and Notifications – Getting our Opinion

For afforestation projects only

(refer to “Supplementary guidance for afforestation Projects – EIA (Forestry) Enquiry Form” for further information)

Basic Notification

Prior Basic notification is only required and sufficient under the Regulations for afforestation projects which are between 2 and 5 hectares in size and no part of the land is in a Sensitive Area and the area is a Low Risk Area

Prior Basic Notification submitted to the Forestry Commission must include:

- a description of the proposal for the project;
- a map or plan sufficient to identify the land that is the subject of the proposed project (including its boundaries); and
- information about the proposer and any agent or manager of the proposer.

The Forestry Commission may request further information from the proposer within 28 days of the notification being received. If the proposer does not receive an assessment from the Forestry Commission within 28 days of either:

- i. the notification having been received by the Forestry Commission; or
- ii. the further information requested by the Forestry Commission having been received by the Forestry Commission

then they may assume that the project is unlikely to significant effects on the environment, and therefore that it is not a relevant project. No further action will then be required under the EIA Regulations.

If an assessment from the Forestry Commission is received by the proposer within the relevant time period, then the project is to be deemed as likely to have a significant impact on the environment, and an application for consent should be submitted.

Full Notification

Full Notification is only required and sufficient under the Regulations for afforestation projects which are between 5 and 50 hectares in size and are entirely within a low risk area – see map in Appendix 4

Full Notification submitted to the Forestry Commission on the EIA Enquiry Form must also include:

- (a) a description of the proposals for the project, including evidence that the proposals are consistent with good forestry practice;
- (b) information about the land which the project covers or affects, including a map or plan sufficient to identify the land and its boundaries, habitats and water features;
- (c) evidence that the proposer has consulted on the project with the person responsible for maintaining the Local Environment Records for the area and with—
 - (i) in respect of the possible impact of the project on any water features, the Environment Agency;
 - (ii) in respect of the possible impact of the project on the landscape, the relevant local authority;

(iii) in respect of the possible impact of the project on the historic environment, the person responsible for maintaining the Historic Environment Records for the area; and

(d) information about the proposer and any agent or manager of the proposer.

The Forestry Commission may request further information from the proposer within 42 days of the notification being received. Where the Forestry Commission receives full notification of a project, the details of that project will be placed on a public register for comment. If the proposer does not hear back from the Forestry Commission within 42 days of either:

- i. the notification having been received by the Forestry Commission; or
- ii. the further information requested by the Forestry Commission having been received by the Forestry Commission,

then they may assume that the project is unlikely to have a significant effect on the environment, and therefore that it is not a relevant project. No further action will then be required under the EIA Regulations.

If an assessment from the Forestry Commission is received by the proposer within the relevant time period, then the project is to be deemed as likely to have a significant impact on the environment, and an application for consent should be submitted.

Grant Applications

Applications for grant aid from the Forestry Commission for afforestation projects of 2 to 5 hectares, where no part of the land is in a sensitive area, will remove the need for a 'Prior Basic Notification'. Where the applicant is offered a grant, they will receive confirmation that the project is not likely to have a significant impact on the environment and that no further action under the EIA Regulations is required by them

Applications for grant aid from the Forestry Commission for afforestation projects of 5 to 50 hectares, entirely within low risk areas, will be assessed in tandem with the associated 'Prior Full Notification' (which will be submitted as part of the grant application), subject to the following paragraph.

Until such time as a grant is offered to the applicant, it is common that proposals will be amended and refined. As a result, the Forestry Commission will not treat a grant proposal and associated Prior Full Notification as being finalised until the grant is formally offered to the applicant. Upon the grant being formally offered or withheld, the applicant will be made aware of the Forestry Commission assessment of their EIA enquiry as well.

For all other forestry projects

Where Forestry Commission consent may be required, you must provide the following so that we can give our opinion on whether the work you are proposing is a relevant project and therefore requires our consent, or not:

- a) The EIA Enquiry Form,
- b) a map identifying the area and showing the extent of the project. (This should be a clear Ordnance Survey map at a scale of 1:10,000 or 1:2,500);
- c) information on the characteristics of the project and its likely significant effects on the environment specified in Appendix 2 of this document;
- d) any other information or evidence that is relevant, e.g. species maps, plans, photographs etc., including a description of any features of the project or measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment. You should also wish to liaise with Natural England and the Environment Agency at this stage, and submit their comments along with your application.

If the Forestry Commission reasonably requires further information in order to form an opinion, we may request this from the applicant.

If, at any time, we become aware of proposals that require our consent, we may give our opinion to the person whom we believe should have asked us.

Forming an opinion

The Forestry Commission will screen applications for opinion on whether:

- i. the proposed project is one of the following categories - afforestation, deforestation, forest roads or quarries;
- ii. which threshold the project falls within (taking into account extensions to similar areas of work carried out before 6 September 1999); and
- iii. the project is likely to have a significant effect on the environment (taking into account the criteria in Schedule 3 to the Regulations, which can be found in Appendix 2 of this document).

Our consent will be required to proceed with the work if, after screening the application and consideration of the above, the Forestry Commission believe that the project is a relevant project under the Regulations. You will then be required to provide an Environmental Statement to allow us to decide whether or not to give consent to the project.

Please note that if the Forestry Commission's Opinion is that the project is likely to have a significant environmental impact, and therefore that consent is required, this does not prejudice the decision to grant consent itself. Rather, this is the next stage in the process to ensure that that all environmental factors are considered in more detail.

Timescale for giving our opinion

Having received an application for opinion, we will give our opinion, in writing, within 28 days of receiving either the application or any further information if this was requested. In exceptional cases, where the nature, complexity, location or size of the project demands a longer period to reach an opinion, the appropriate forestry body may extend the 28 day deadline, informing the proposer in writing of the reasons, justifying the extension and of the date on which their opinion is expected.

Please refer to the references to Prior Full Notification to the above section on grants regarding applications for opinion that are submitted as part of a Forestry Commission grant application.

Appealing our decision

If we tell you that your proposal is a relevant project, or we do not give you our opinion within the agreed timescale, you can appeal in writing to:

- The Scottish Ministers (in relation to Scotland);
- The Secretary of State for Environment, Food and Rural Affairs in England;
- The Welsh Minister in Wales;

for a "direction" as to whether the work is a relevant project.

Publishing our decision

Once we have told you our decision in relation to an application for opinion, or you receive an assessment in response to a Notification informing you that the project is likely to have a significant effect on the environment, we will publish these decisions on an "EIA Public Register" held at Forestry Commission offices. This will show information about our decision, whether a

project is a relevant project, our decision about the granting of consent and any directions that may have been made by the Secretary of State or the Scottish or Welsh Ministers.

Getting our Consent

In the vast majority of cases, the Forestry Commission would strongly advise applicants to proceed with the Notification or application for opinion, whichever is relevant, prior to submitting an application for consent. Nonetheless, where you are certain that an application for consent is required, it is possible to apply for consent without completing the previous steps.

How to apply

We must have the following information so that we can make a decision: -

a) a map showing the area where the project is proposed, and the extent of any planting, regeneration, constructions, works or operations (This should be a clear Ordnance Survey map at a scale of 1:10 000 or 1:2 500);

b) a description of the nature of the relevant project;

c) any other information that might be relevant e.g. species maps, plans, photographs etc.

(You may already have supplied sufficient information for the above if you have asked for our opinion under the EIA regulations)

d) an Environmental Statement for the work (see below);

e) a copy of the publicity notice that you must place in newspapers (see below).

The right information for an Environmental Statement (ES)

Before you start to prepare your ES, we would encourage you to meet us and discuss the significant environmental issues that will need to be covered, or ask for information to help you. At an early stage, it is strongly recommended that you contact the appropriate countryside bodies* and request any information they may have that is relevant to the project. *[Please note that there may be a small charge for providing this information].*

*

- In England - Natural England, English Heritage, Environment Agency;
- In Wales - Countryside Council for Wales, Environment Agency;
- In Scotland - Scottish Natural Heritage, Scottish Environmental Protection Agency

In addition we would advise that you hold a scoping meeting with countryside bodies and other relevant organisations and stakeholders to help determine the issues that must be covered in the Environmental Statement.

Preparing the ES

There is no set format for an ES but it must contain the standard information contained in **Appendix 3**. Your Statement must include everything from the list that relates to your application, placing the emphasis on the significant environmental effects. You can also get more advice about preparing an Environmental Statement in our booklet - *“Undertaking an Environmental Impact Assessment in Forestry and preparing an Environmental Statement - May 2017”*, available from www.forestry.gov.uk.

It may help to facilitate your application if you let us have a draft copy of your ES before preparing the final copy. This will help us to decide if you have covered and addressed all the relevant issues. If we need more information to help us decide about your application, you must supply

this. You can get a copy of this booklet on the Forestry Commission Grants and Licences section of the website.

Publicity about the application

If you have applied for our consent and prepared an ES, you must publish a notice giving the details outlined below. We will agree at least two newspapers in which the notice must appear. It must also be published electronically and by any other reasonable means that we agree with you.

The notice must:

- a) state that an application for our consent under the Regulations has been made;
- b) indicate where (and at what times) copies of the application for consent can be inspected (the local Forestry Commission office or other location(s) we agree);
- c) state the address where people can get copies of the application;
- d) give details of any charge that may be made for copies - to cover printing, copying and distribution costs only;
- e) state that comments about the application must be made to the Forestry Commission within 30 days of the date of the notice.
- f) You must also include the following statement: *“The Forestry Commissioners may decide either to grant consent subject to the standard conditions required by Regulation 18 of the EIA Regulations, or subject to such further conditions as they see fit or refuse consent.”*

Consultation about the application

The Forestry Commission may also give details of your application to the appropriate countryside body as well as the local authority, and other public body with an interest in the application. They are required to give us their comments within 30 days. This is in addition to your own consultation with these bodies and other stakeholders which you may have undertaken as part of preparing your application and Environmental Statement.

Giving our decision about your application

We will give you our decision (and the reasons for it) in writing, once the 30 day period for comments has expired and we have considered the environmental information, any representations and any other material considerations. A notice giving details of our decision will be published in the same newspapers in which the initial notice about the application appeared. We will also inform anyone from whom we have received representations in relation to the application.

Standard consent conditions

When granting consent, we will specify the date by which you must start and finish the work. The start date will be no later than five years from the date of the consent and the finish date will be no later than ten years from the date of the consent.

An additional standard condition of consent will place a requirement upon the applicant to monitor significant adverse effects on the environment. However, any such requirement will be proportional to the nature, location and size of the project, and existing monitoring arrangements in accordance with other legal obligations may be sufficient.

We may also apply other, non-standard, conditions to the consent that we deem necessary to ensure that the environment is protected from the impact of the project. These may be in addition to the normal felling licence conditions.

Appealing our decision to grant or without consent

If you have applied for consent, you can appeal if the Forestry Commissioners have:

- a) refused the application; or
- b) have granted consent with conditions (additional to the standard conditions); or
- c) we have asked you to start and finish the work within a period that is less than the maximum period permitted by the Regulations.

Appeals must be sent to:

- *The Scottish Ministers (in relation to Scotland);*
- *The Secretary of State for Agriculture, Food and Rural Affairs in England;*
- *The Welsh Ministers in Wales;*

You must do this within 28 calendar days of receiving notice of our decision or within any other period that the appropriate Minister may agree.

In addition, any person who feels aggrieved by the granting of consent can make an application to the court if they feel that the consent was given in a way inconsistent with the Regulations, or if the interests of the person applying to the court have been substantially prejudiced by a failure to comply with the Regulations. They must do this within 6 weeks of consent being granted.

Non-compliance with the Regulations

If we discover that you have carried out work that would have required our consent, or have breached the conditions of consent, we may serve you with an Enforcement Notice. A breach of the conditions of our consent, or the need for consent, may arise if you fail to implement any mitigating factors that were identified and submitted to the Forestry Commission within an application or notification.

An Enforcement Notice will require you to do one or more of the following:

- a) stop the work;
- b) apply for consent;
- c) restore the land to its condition before the work was started;
- d) carry out work to secure compliance with the conditions of the consent;
- e) remove or alleviate any damage to the environment that has been caused by the work.

Failure to comply with an Enforcement Notice carries a penalty upon conviction of an unlimited fine.

Appealing against an enforcement notice

You can appeal against the serving of an Enforcement Notice to:

- *The Scottish Ministers (in relation to Scotland);*
- *The Secretary of State for Agriculture, Food and Rural Affairs in England;*
- *The Welsh Ministers in Wales;*

You must do this within 28 calendar days of receiving notice of our decision or within any other period that the appropriate Minister may agree.

Appendix 1 – Descriptions of projects likely to have significant effects on the environment

<i>Column 1 Type of project</i>	<i>Column 2 Description of land covered, or proposed to be covered, by the project</i>	<i>Column 3 Size of area of land covered, or proposed to be covered, by the project</i>	<i>Column 4 Likelihood of the project having significant effects on the environment</i>
Afforestation	The land, or part of the land, is in a sensitive area which is a National Park or an Area of Outstanding Natural Beauty	2 hectares or less	Unlikely to have significant effects
Afforestation	The land, or part of the land, is in a sensitive area which is a National Park or an Area of Outstanding Natural Beauty	More than 2 hectares	Likely to have significant effects
Afforestation	The land, or part of the land, is in a sensitive area which is not a National Park or an Area of Outstanding Natural Beauty	Area of any size	Likely to have significant effects
Afforestation	No part of the land is in a sensitive area	2 hectares or less	Unlikely to have significant effects
Afforestation	No part of the land is in a sensitive area	More than 2, but no more than 5, hectares	Unlikely to have significant effects, unless written notification of assessment is given by the competent authority under regulation 3A
Afforestation	No part of the land is in a sensitive area and all of the the area is a low-risk area	More than 5, but no more than 50, hectares	Unlikely to have significant effects, unless written notification of assessment by the competent authority is given under regulation 3B
Afforestation	No part of the land is in a sensitive area and the area is a low-risk area	More than 50 hectares	Likely to have significant effects
Afforestation	No part of the land is in a sensitive area and the area is not a low-risk area	More than 5 hectares	Likely to have significant effects

<i>Column 1</i> <i>Type of project</i>	<i>Column 2</i> <i>Description of land covered, or proposed to be covered, by the project</i>	<i>Column 3</i> <i>Size of area of land covered, or proposed to be covered, by the project</i>	<i>Column 4</i> <i>Likelihood of the project having significant effects on the environment</i>
Deforestation	The land, or part of the land, is in a sensitive area which is a National Park or an Area of Outstanding Natural Beauty	0.5 hectares or less	Unlikely to have significant effects
Deforestation	The land, or part of the land, is in a sensitive area which is a National Park or an Area of Outstanding Natural Beauty	More than 0.5 hectares	Likely to have significant effects
Deforestation	The land, or part of the land, is in a sensitive area which is not a National Park or an Area of Outstanding Natural Beauty	Area of any size	Likely to have significant effects
Deforestation	No part of the land is in a sensitive area	1 hectare or less	Unlikely to have significant effects
Deforestation	No part of the land is in a sensitive area	More than 1 hectare	Likely to have significant effects

<i>Column 1</i> <i>Type of project</i>	<i>Column 2</i> <i>Description of land covered, or proposed to be covered, by the project</i>	<i>Column 3</i> <i>Size of area of land covered, or proposed to be covered, by the project</i>	<i>Column 4</i> <i>Likelihood of the project having significant effects on the environment</i>
Forest road works	The land, or part of the land, is in a sensitive area	Area of any size	Likely to have significant effects
Forest road works	No part of the land is in a sensitive area	1 hectare or less	Unlikely to have significant effects
Forest road works	No part of the land is in a sensitive area	More than 1 hectare	Likely to have significant effects
Forest quarry works	The land, or part of the land, is in a sensitive area	Area of any size	Likely to have significant effects
Forest quarry works	No part of the land is in a sensitive area	1 hectare or less	Unlikely to have significant effects
Forest quarry works	No part of the land is in a sensitive area	More than 1 hectare	Likely to have significant effects

Definition of “sensitive areas”:

The full definition of “sensitive areas” can be found in Schedule 2 of the Regulations. Broadly speaking, however, these are as follows:

- a) Sites of Special Scientific Interest;
- b) National Parks;
- c) The Broads;
- d) A World Heritage Site;
- e) Scheduled Ancient Monuments;
- f) Area of Outstanding Natural Beauty;
- g) A European site under the Habitats and Species Regulations
- h) Ramsar sites
- i) National Nature Reserves
- j) Nature Reserves

Definition of “low-risk areas” (for afforestation):

The full definition of “sensitive areas” can be found in Regulations 3B. In addition to Sensitive areas defined above, a Low Risk Area is land which is **not**:

- a) in a sensitive area;
- b) land where the level of peat in the ground is 50cm or more in depth;
- c) an Important Bird Area as identified by the Royal Society for the Protection of Birds;
- d) identified as affecting water bodies failing, or at risk of failing, due to acidification;
- e) a nature reserve;
- f) common land;
- g) the subject of a commitment under Article 28 of Regulation (EU) 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005;
- h) land classified as “the best and most versatile agricultural land” according to the Agricultural Land Classification;
- i) a habitat of the type in the list published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006, as being of principal importance for the purpose of conserving biodiversity;
- j) registered as a battlefield by the Historic Buildings and Monuments Commission for England;
- k) registered as a park or garden under the Historic and Ancient Monuments Act 1953.

Appendix 2 – Information for inclusion in an Application for Opinion

Schedule 2A to the Regulations sets out what must be contained within an application for opinion. This is set out below:

1. A description of the project including, in particular—
 - (a) a description of the physical characteristics of the whole project and, where relevant, of demolition works; and
 - (b) a description of the location of the project, with particular regard to the environment sensitivity of geographical areas likely to be affected.
2. A description of the aspects of the environment likely to be significantly affected by the project.
3. A description of any likely significant effects, to the extent of the information available on such effects, of the project on the environment resulting from—
 - (a) the expected residues and emission and the production of waste, where relevant; and
 - (b) the use of natural resources, in particular soil land, water and biodiversity.”.

Information compiled in relation to the above must take into account the following, which can be found in Schedule 3 to the Regulations, and is the criteria by which the Forestry Commission will reach an opinion.

Characteristics of the project

1. The characteristics of the project must be considered having particular regard to—
 - (a) the size and design of the project;
 - (b) cumulation with other existing or approved projects;
 - (c) the use of natural resources, in particular land, soil, water and biodiversity;
 - (d) the production of waste;
 - (e) pollution and nuisances;
 - (f) the risk of major accidents or disasters relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge;
 - (g) the risks to human health (for example, due to water contamination or air pollution).

Location of the project

2. The environmental sensitivity of geographical areas likely to be affected by projects must be considered, with particular regard, to—
 - (a) the existing and approved land use;
 - (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;
 - (c) the absorption capacity of the natural environment, paying particular attention to the following areas—
 - (i) wetlands, riparian areas, river mouths;
 - (ii) coastal zones and the marine environment;
 - (iii) mountain and forest areas;

- (iv) nature reserves and parks;
- (v) areas classified or protected under national legislation, Natura 2000 areas designated by member States pursuant to Directive 92/43 and Directive 2009/147;
- (vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in legislation and relevant to the project, or in which it is considered that there is such a failure;
- (vii) densely populated areas;
- (viii) landscapes and sites of historical, cultural or archaeological significance.

Types and characteristics of the potential impact

3. The likely significant effects of the project on the environment must be considered in relation to criteria set out in paragraphs 1 and 3 above, with regard to the impact of the project on the factors specified in Schedule 4, taking into account—

- (a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
- (b) the nature of the impact;
- (c) the transboundary nature of the impact;
- (d) the intensity and complexity of the impact;
- (e) the probability of the impact;
- (f) the expected onset, duration, frequency and reversibility of the impact;
- (g) the cumulation of the impact with the impact of other existing or approved projects;
- (h) the possibility of effectively reducing the impact.”.

Appendix 3 - Information for inclusion in environmental statements

Schedule 1 to the Regulations sets out what must be contained within an Environmental Statement. This is set out below.

Part I

1. Description of the project, including in particular—

- (a) a description of the location of the project,
- (b) a description of the physical characteristics of the whole project, including where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases,
- (c) a description of the main characteristics of the operational phase of the project (in particular, any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used,
- (d) an estimate, by type and quantity of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation) resulting from the operation of the proposed project.

2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the applicant, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

3. A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof, without implementation of the project as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.

4. A description of the factors specified in paragraph 1 of Schedule 4 likely to be significantly affected by the project: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects and landscapes.

5. A description of the likely significant effects of the project on the environment resulting from, amongst others:

- (a) the construction and existence of the project, including where relevant, demolition works;
- (b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;
- (c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;
- (d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);
- (e) the cumulation of effects with existing or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;

- (f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;
- (g) the technologies used.

6. The description of the likely significant effects on the factors specified in paragraph 1 of Schedule 4 must cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent or temporary, positive and negative effects of the project. This description must take into account the environmental protection objectives established at Union or Member State level which are relevant to the project.

7. A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.

8. A description of the measures envisaged to avoid, prevent, reduce or if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description must explain the extent to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and must cover both the construction and operational phases.

9. A description of the expected significant adverse effects of the project on the environment deriving from the vulnerability of the project to risks of major accidents or disasters which are relevant to the project concerned. Relevant information available and obtained through risk assessments pursuant to legislation such as Directive 2012/18/EU of the European Parliament and of the Council on the control of major accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC or Council Directive 2009/71/Euratom establishing a Community framework for the nuclear safety of nuclear installations or UK environmental assessments may be used for this purpose provided that the requirements of the Directive are met. Where appropriate, this description must include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.

10. A non-technical summary of the information provided under paragraphs 1 to 9.

11. A reference list detailing the sources used for the descriptions and assessments included in the statement.

PART II

1. A description of the project comprising information on the site, design, size and other relevant features of the project.

2. A description of the likely significant effects of the project on the environment.

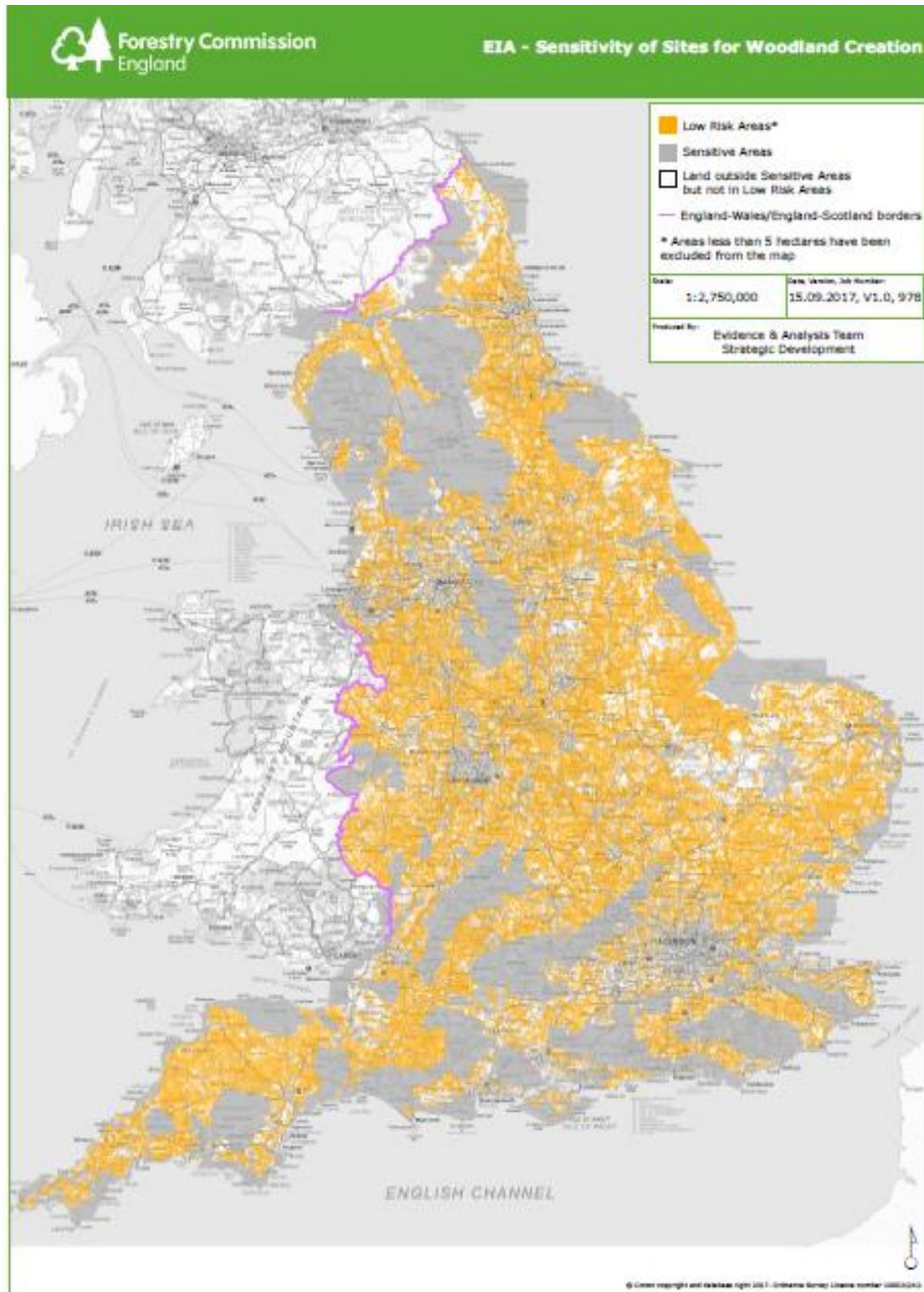
3. A description of the features of the project or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment.

4. A description of the reasonable alternatives studies by the applicant which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment.

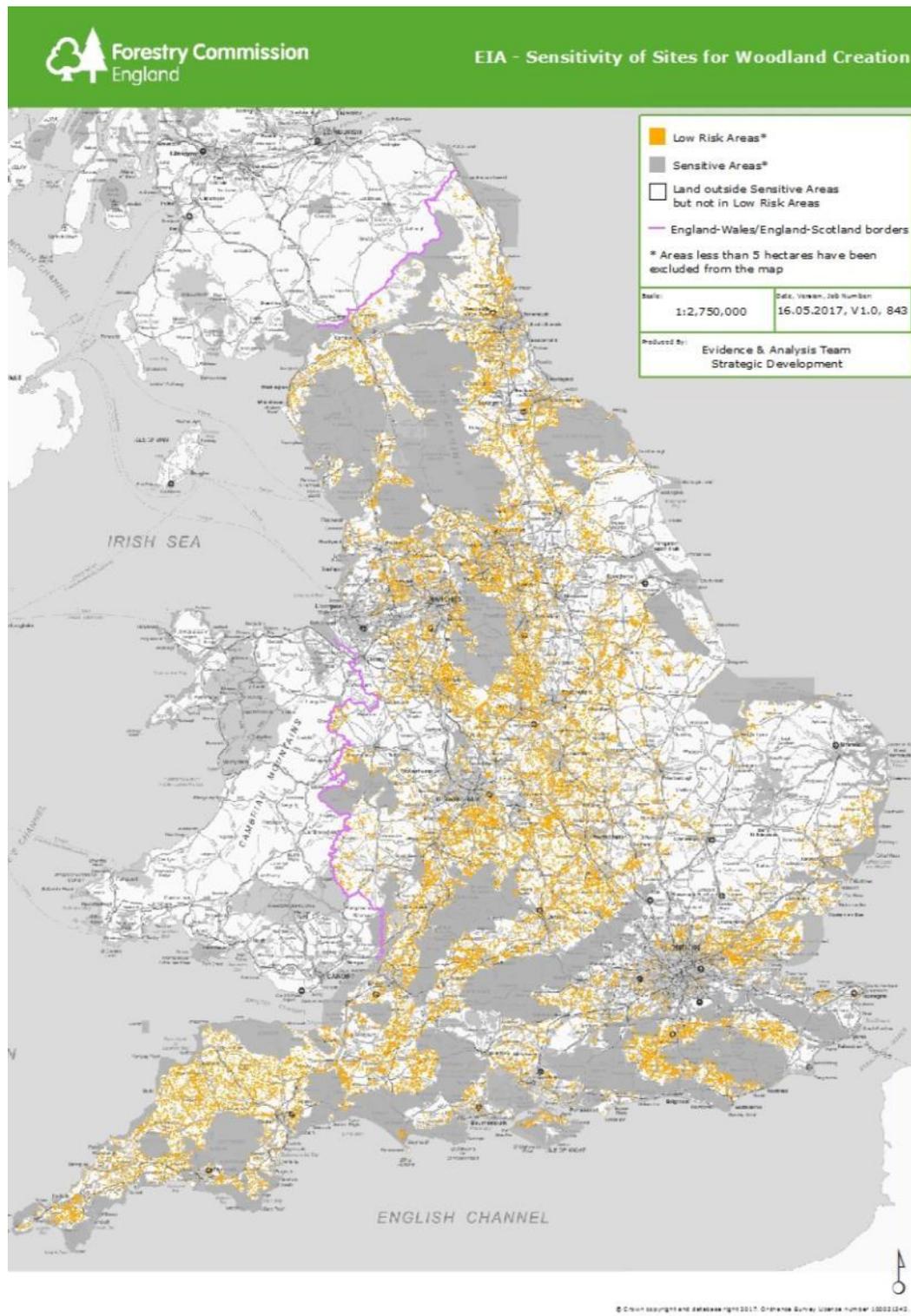
5. A non-technical summary of the information provided under paragraphs 1 to 4.”.

Appendix 4 – Map of Low Risk Areas

An online map version of this map is available at <https://www.forestry.gov.uk/england-lis>



NB: The Low Risk area shown here **includes** land currently entered into entry level stewardship scheme (2017).



NB: The Low Risk area shown here **excludes** land currently entered into entry level stewardship scheme (2017).