

Operations Note 040

9 November 2017

EIA Assessment Process for Deforestation leading to Open Habitat Wildfires

Purpose

To ensure a consistent approach to the assessment of proposals for deforestation or heavy tree reduction, and potential impacts of proposal for wildfire risk.

This note provides:

- criteria and processes to ensure Wildfire Risk is fully considered when screening and scoping proposals for deforestation under EIA (Forestry)
- a protocol for Forest Services engagement with relevant Fire and Rescue Authorities
- a standardised approach/process as guidance for Fire and Rescue Authorities when responding to consultation on proposals for deforestation/reduction of tree cover and implications of proposals for wildfire prevention/risk and response.

Context

The risk of wildfire incidents and impacts may increase where open habitats are converted from forests and woodlands, especially heathlands and grasslands. Failure to adequately address wildfire risk may threaten human life, property and the wider environment. Whilst incidents will always be a threat, the risk and impact of significant wildfires can be reduced.

Between financial years 2009/10 to 2014/15 the following were reported and attended by the Fire and Rescue Services of England:

- over 252,731 wildfires incidents in England, of which 28,723 were on forestry and woodlands (11%) and 51,453 were on open habitats (20%)
- wildfire incidents have burnt a total area of 33,078 hectares, including 1,576 hectares of forests and woodlands (4.8%) and 23,231 hectares of open habitats (79%)
- in total 8,412 hectares of Sites of Special Scientific Interest (SSSI) have been burnt from 6,000 incidents.

Source: DCLG Fire and Rescue Service's Incident Reporting System, analysed by Forestry Commission England's Evidence and Analysis Team in SDt. Further details on wildfire incidents, including report covering the last six years, can be requested from the Evidence and Analysis Team within Strategic Development (SDt).

A key element in the prevention of significant wildfire incidents and the reduction of its impacts is based on the level of inherent resilience in the land use type and how this is affected by management practices. The effectiveness of response to a wildfire can be greatly enhanced by the presence of planned and effective control measures.

All but extreme wildfire incidents and impacts can be mitigated and adapted using appropriate control/response measures. This enhanced resilience is best achieved through effective planning and prevention measures delivered through consultation with key stakeholders.

Context

The Environmental Impact Assessment (Forestry) Regulations 1999 require that potential environmental impacts arising from proposals for deforestation are assessed. This assessment includes potential impacts (direct and indirect) on: human beings; flora; fauna; soil; water; air; climate, the landscape; the interaction between any of the foregoing; material assets (including the architectural and archaeological heritage) and the cultural heritage. Where proposals are assessed as potentially having impacts of significant magnitude and the impacts cannot be mitigated through negotiated modification of project proposals, then a full Environmental Statement may be required. This should fully detail the project proposals and impact so that consultation and fuller assessment of likely significant effects of the project on the environment can be made.

The Government Policy on 'When to convert woods and forests to open habitat in England' states that evidence indicates that open habitats generally present greater wildfire risk than woodland. This is a particular issue for lowland heathland. Forest Services will routinely look at the impact of wildfire risk in the screening exercise for all proposals for converting woodland to open habitat that are over thresholds for environmental impact assessment. Where we require an environmental statement, and wildfire risk is identified as an issue, the practitioner should liaise with the local fire authority to seek to agree appropriate mitigation and control measures.

The National Risk Register and Assessment defines wildfire as a natural hazard, that authorities, such as Fire and Rescue Authorities, as defined in the **Civil Contingencies Act (2004)**, must assess, plan and advise.

The risk rating of 'Severe Wildfire' and 'Forest and Moorland Fires' will have been assessed in Community Risk Registers by Local Resilience Forums. Further guidance may be provided in the relevant community risk register to determine appropriate wildfire prevention measures.

The **Fire and Rescue Service Act (2004)** places duties on Fire and Rescue Authorities who discharge these using Fire and Rescue Services. The duties include providing information, publicity and encouragement to prevent fires and the provision of fire safety (including advice), as well as firefighting for the purpose of extinguishing fires and protecting life and property in the event of fires in its area.

Both the **Chief Fire Officers Association** and **Natural England** define wildfire as a key threat and assess it as a significant risk in their adaptation report/plans in response to the **Climate Change Risk Assessment (2012 and 2016)**.

Forestry Commission England's [National Emergency Plan](#), held on Forest Services intranet, provides a list of Subject Matter Advisers (SMA) for contingency planning requirements. Whilst the Wildfire SMA are defined to help during response, they can also be used to advise on prevention, such as mitigation, adaptation, control measures and wildfire prevention tool kits as well as help interpret the Forestry Commission Practice Guidance "*Building Wildfire Resilience in Forest Management Planning*".

Guidance

Flow chart of EIA process and Wildfire assessment

The below provides the six phases of the EIA process including the decisions needed and outcomes. [Phases 1 to 6 are supported by flow charts of the EIA process](#) with work streams for the Forestry Commission, Applicants and Fire and Rescue Service(s).

Application Phase

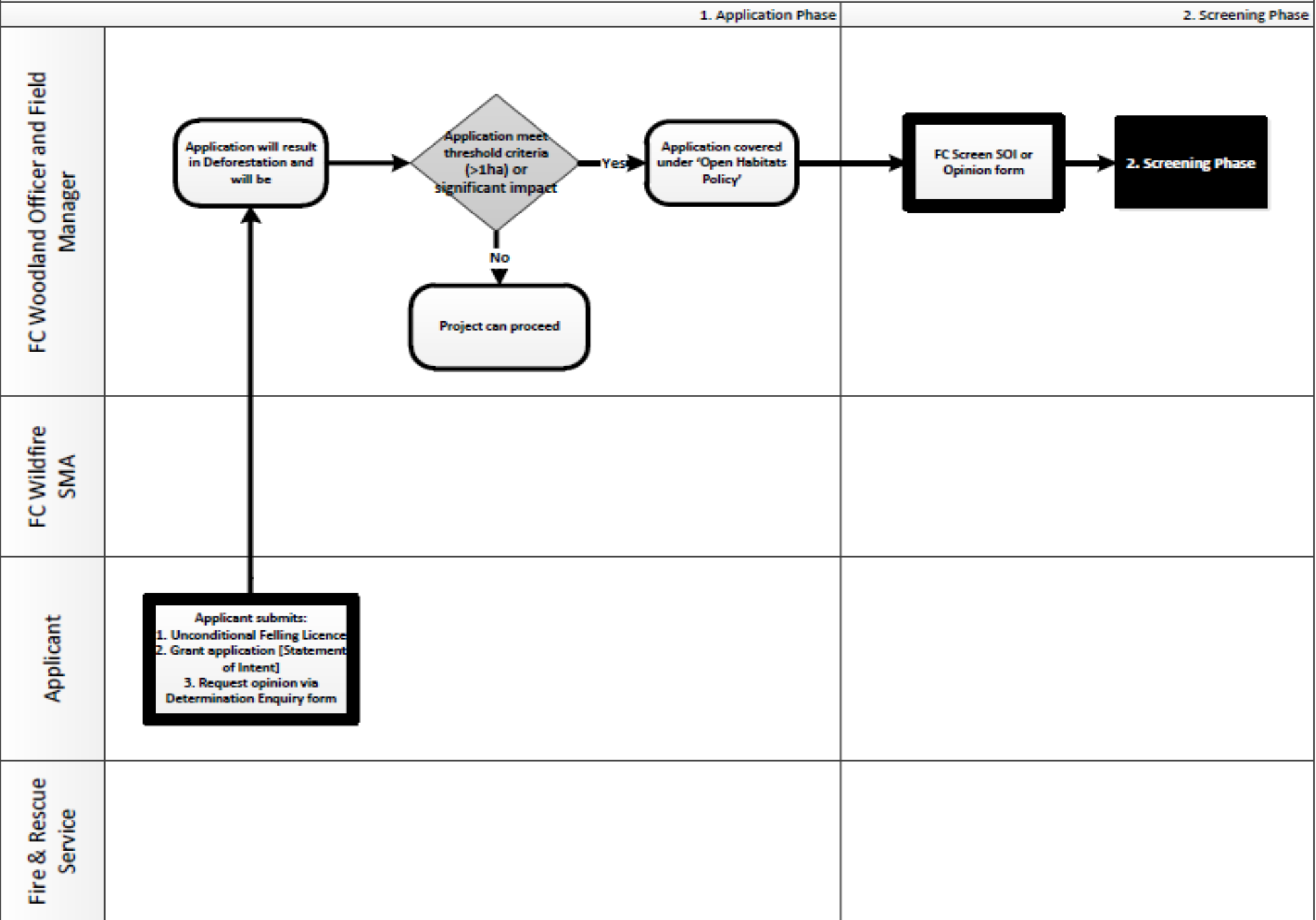
Proposals for EIA opinion may arise through:

- direct application for Forest Services opinion with regard proposals for deforestation
- through an application for unconditional felling licence
- grant application (Statement of Intent)

Thresholds exist over which EIA must be considered – though projects under these thresholds may justify consideration with respect to EIA regulations where impacts may be significant.

EIA may also be relevant as a result of unregulated activity such as unlicensed felling

1. Application Phase



Screening Phase

Applications to undertake deforestation will initially be submitted to a screening process. The Area Team screening will determine if the application requires consent or not. Advice should be sort from the Forestry Commission England Wildfire Subject Matter Adviser.

Woodland Officer/ Field Manager key decision is; will the habitat created by deforestation increase wildfires incidents and severity? i.e. Upland or lowland heath, moor, bog or grasslands

FCE Wildfire Subject Adviser key decisions are; will the changes adversely impact wildfire threat on EIA Environmental Factors? (see [ANNEX A – Table 1](#))

Where there is an adverse impact the FCE Wildfire Subject Adviser will contact the relevant Fire and Rescue Service/s and request from the Area Team:

- that the applicant provides a Wildfire Risk Assessment
- for the applicant to invite wildfire stakeholders (see [ANNEX B](#) for a list of possible stakeholders) to EIA Screening meeting, including a possible site meeting.

The above information will be required to provide evidence for the FCE Wildfire Subject Adviser to answer the following questions:

- Will wildfire impact be significant?
- Is the stated wildfire mitigation and adaptation appropriate?

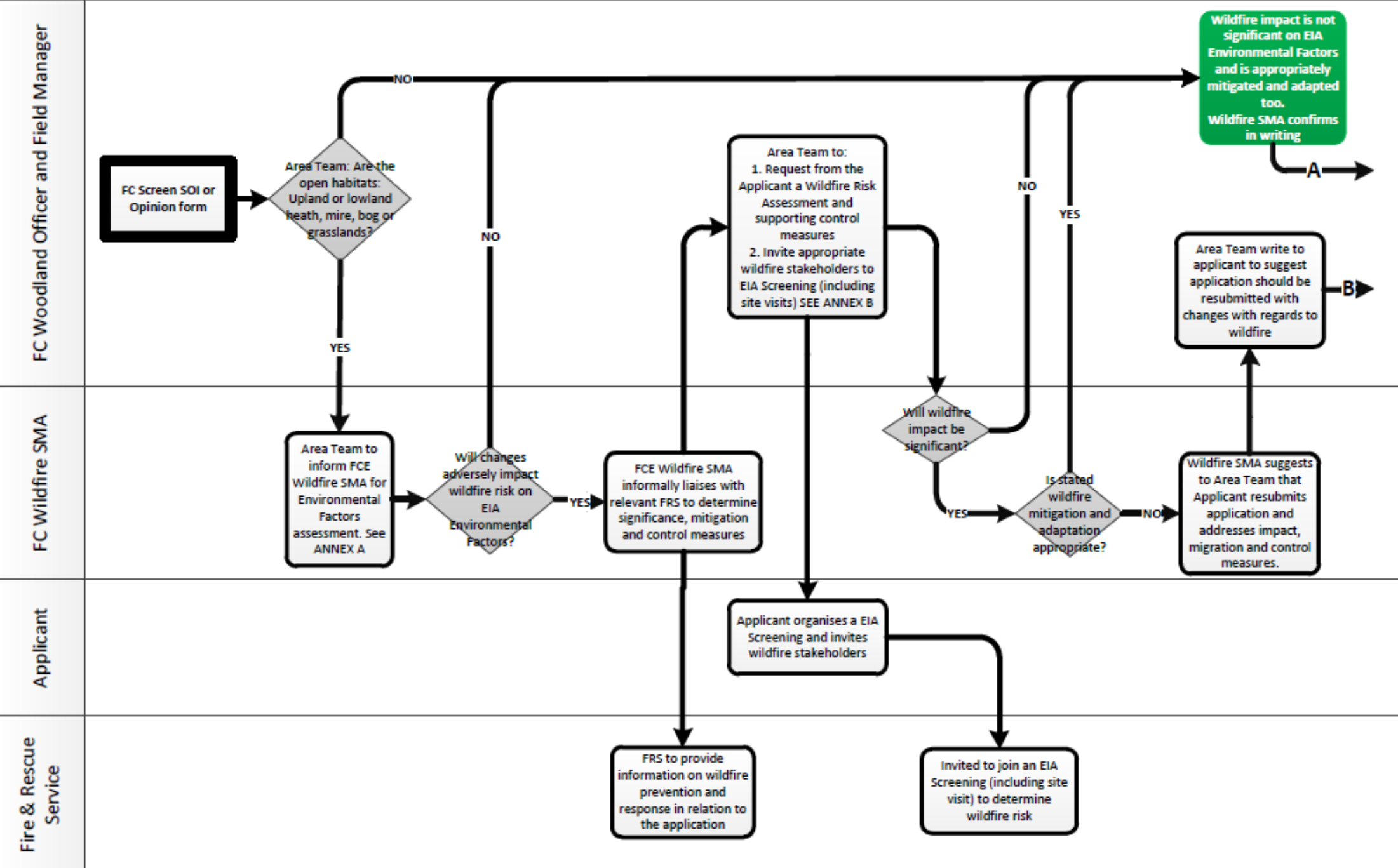
If the changes adversely affect EIA Environmental Factors then the FCE Wildfire Subject Matter Adviser will informally contact the relevant Fire and Rescue Service's.

The FCE Wildfire Subject Matter Adviser will provide the Area Team confirmation in writing of the below:

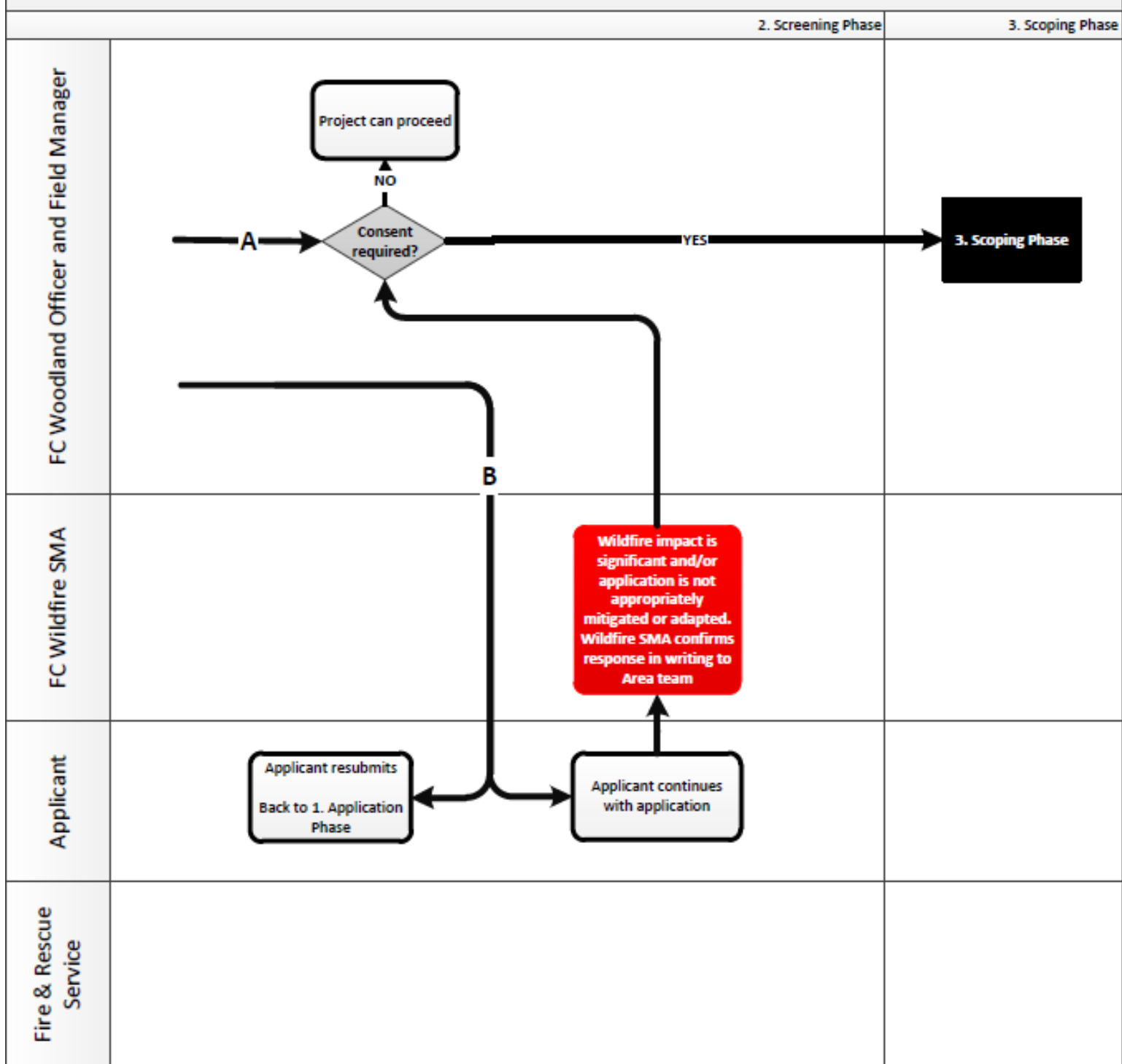
- decisions that will define the impact as not significant.
- decisions that will define the impact as significant.

Where the impact is still significant the Wildfire Subject Matter Adviser will advise the Area Team for the applicant to review their proposal and resubmit their application.

2. Screening Phase (PART A)



2. Screening Phase (PART B)



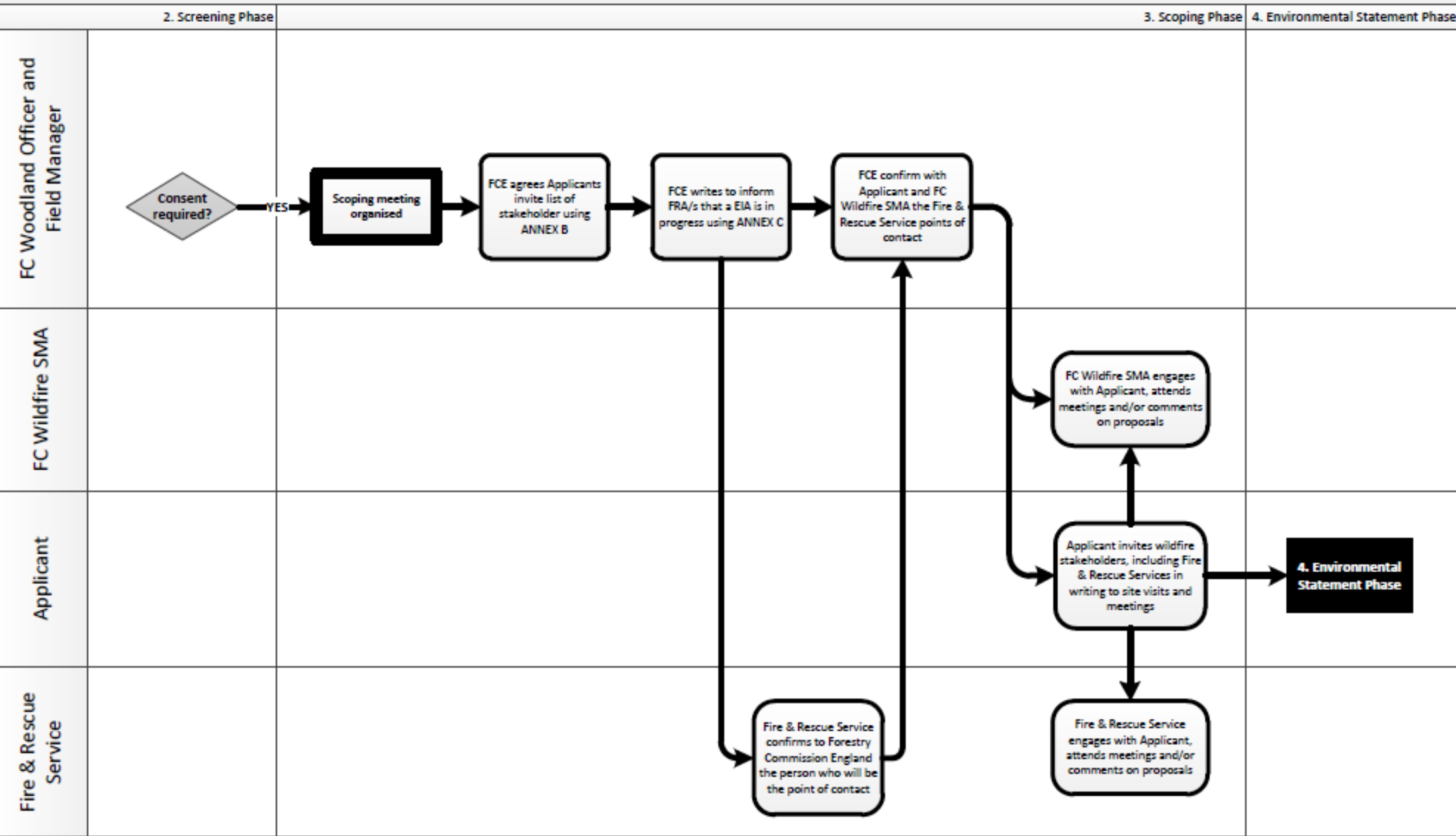
Scoping Phase

FCE will agree a list of appropriate wildfire stakeholders with the applicant to contact for site visits and meetings. This will ensure appropriate liaison with Fire and Rescue Services is started. [ANNEX B](#) provides a list of possible wildfire stakeholders and considerations for the applicant.

FCE will write to the relevant Fire & Rescue Service/s to inform them that they are part of an EIA Assessment and request they provide a point of contact. See [Annex C](#) for a template of a letter.

Once FCE has received back the above information both the Applicant and FCE Wildfire SMA will be advised. The applicant will then contact the Fire & Rescue Service and FC Wildfire SMA to invite them to site visits and meetings.

3. Scoping Phase



Environmental Statement Phase

The applicant should work in partnership with wildfire stakeholders, including the FCE Wildfire Subject Matter Adviser and Fire & Rescue Service/s, to develop wildfire mitigation and control measures in evolving the Environmental Statement. The wildfire prevention toolkits defined in [ANNEX D](#) should be used to achieve this as well as the Forestry Commission's Practice Guidance.

FCE will write to the relevant Fire & Rescue Service(s) to request if the applicant has complied with the requirements of the Open Habitats Policy as defined in Table 3.

Table 3 - Assessment of compliance with Open Habitats Policy: 5.4.3

Criteria	Status
Has the practitioner liaised with the local fire authority?	Yes/No
Has local fire authority agreed appropriate mitigation and control measures with the applicant?	Yes/No

When communicating with the Fire and Rescue Service(s) the points in [ANNEX E](#) should be considered. Mitigation and control measures should consider the Wildfire Prevention Toolkits defined in [ANNEX D](#). A template defined in [ANNEX F](#) can be used to ensure the agreement from the Fire & Rescue Service/s is appropriate and reasonable.

The response from the Fire and Rescue Service(s) should be provided to the FCE Wildfire Subject Matter Adviser before a decision is taken to publish the Environmental Statement.

Where Fire and Rescue Service(s) do not feel able to agree the mitigation and control measures, the FCE EIA Officer will advise the applicant to resubmit their Environmental Statements before the decision is publicised for comment.

4. Environmental Statement Phase (PART A)

3. Scoping Phase

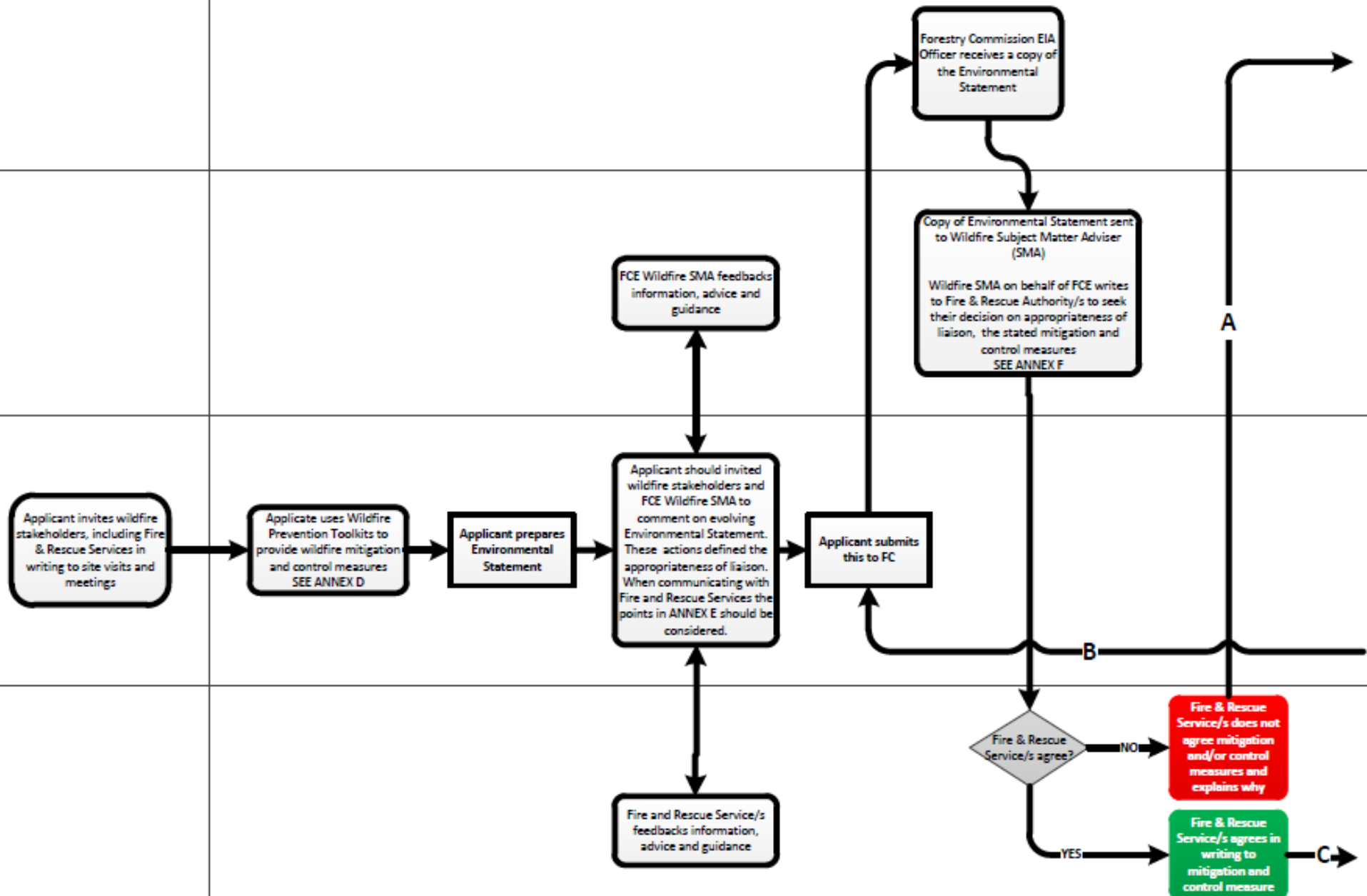
4. Environmental Statement Phase (PART 1)

FCE EIA Officer

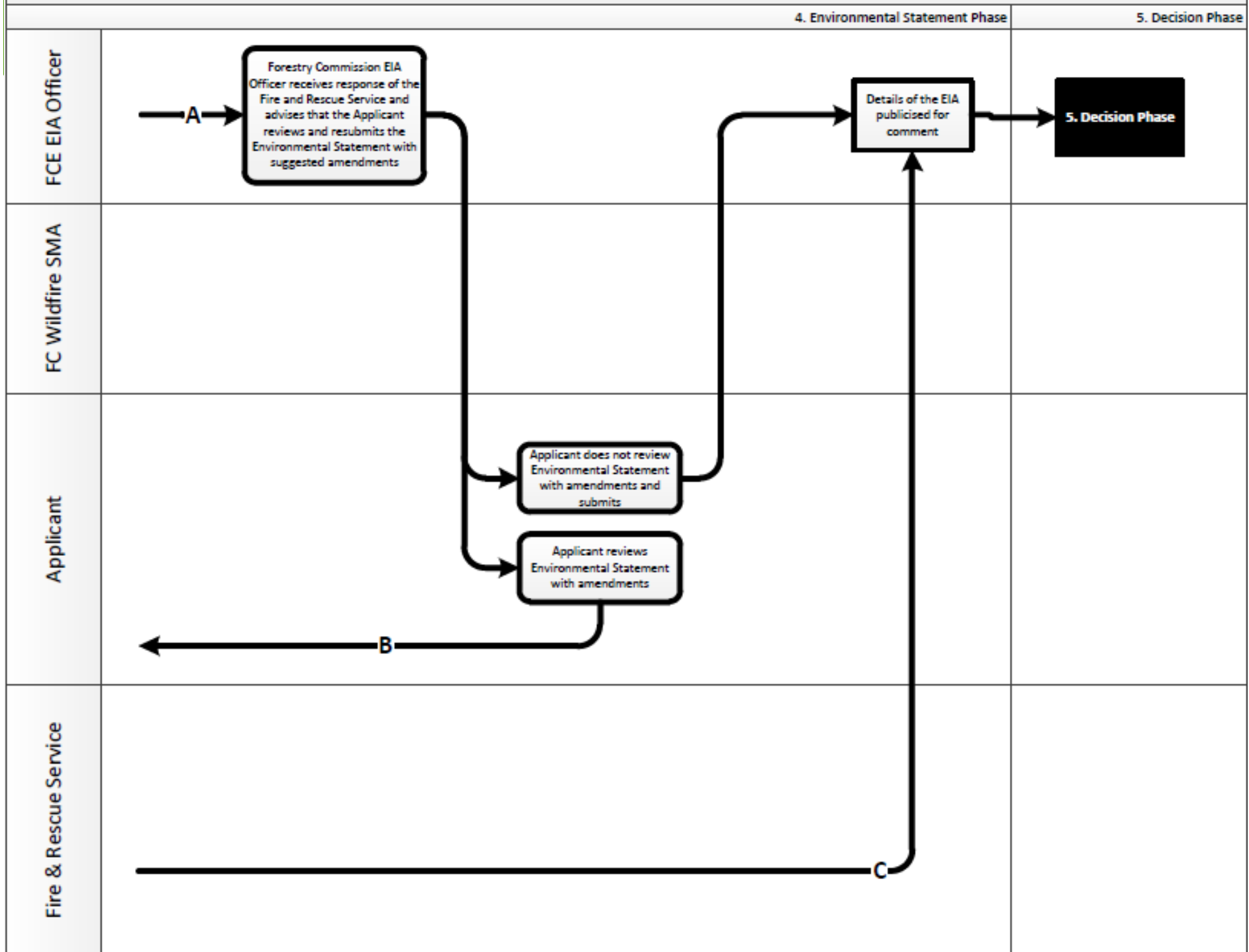
FC Wildfire SMA

Applicant

Fire & Rescue Service



4. Environmental Statement Phase (PART B)



Decision Phase

The Forestry Commission England (FCE) Environmental Impact Assessment Officer will request from the Wildfire Subject Matter Advisor (SMA) a response to comments received from consultees of the Environmental Statement. The FCE Wildfire SMA will consider the Environmental Statement against the EIA Environmental Factor(s) as well as the national interest.

The FCE Wildfire SMA will provide in writing to the FCE EIA Officer the following confirmation:

- That wildfire risk has been appropriately addressed and defines any other conditions required.
- That wildfire risk has not been appropriately addressed and defines any other conditions required. This will include the following:
 - wildfire risk is still adverse
 - mitigation is not appropriate
 - control measures are not appropriate
 - fire & Rescue Service/s were not reasonably liaised with and/or did not agree mitigation and control measures.

5. Decision Phase

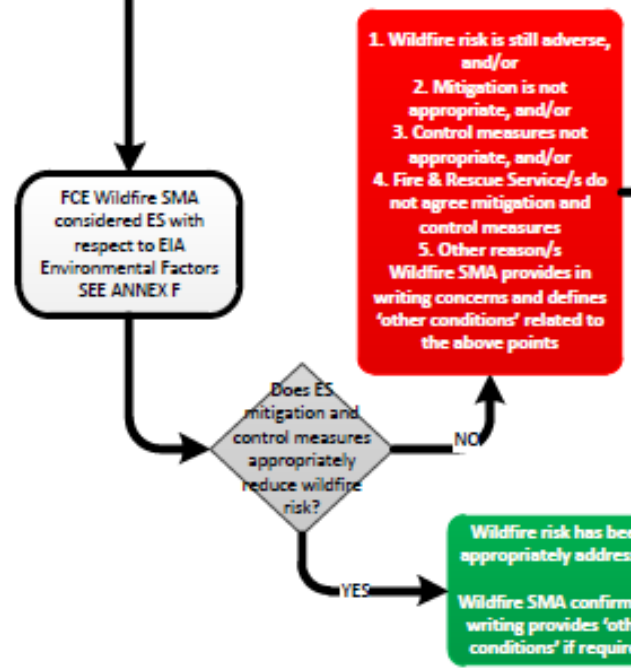
4. Environmental Statement Phase

5. Decision Phase

FC Woodland Officer and Field Manager



FC Wildfire SMA



Applicant

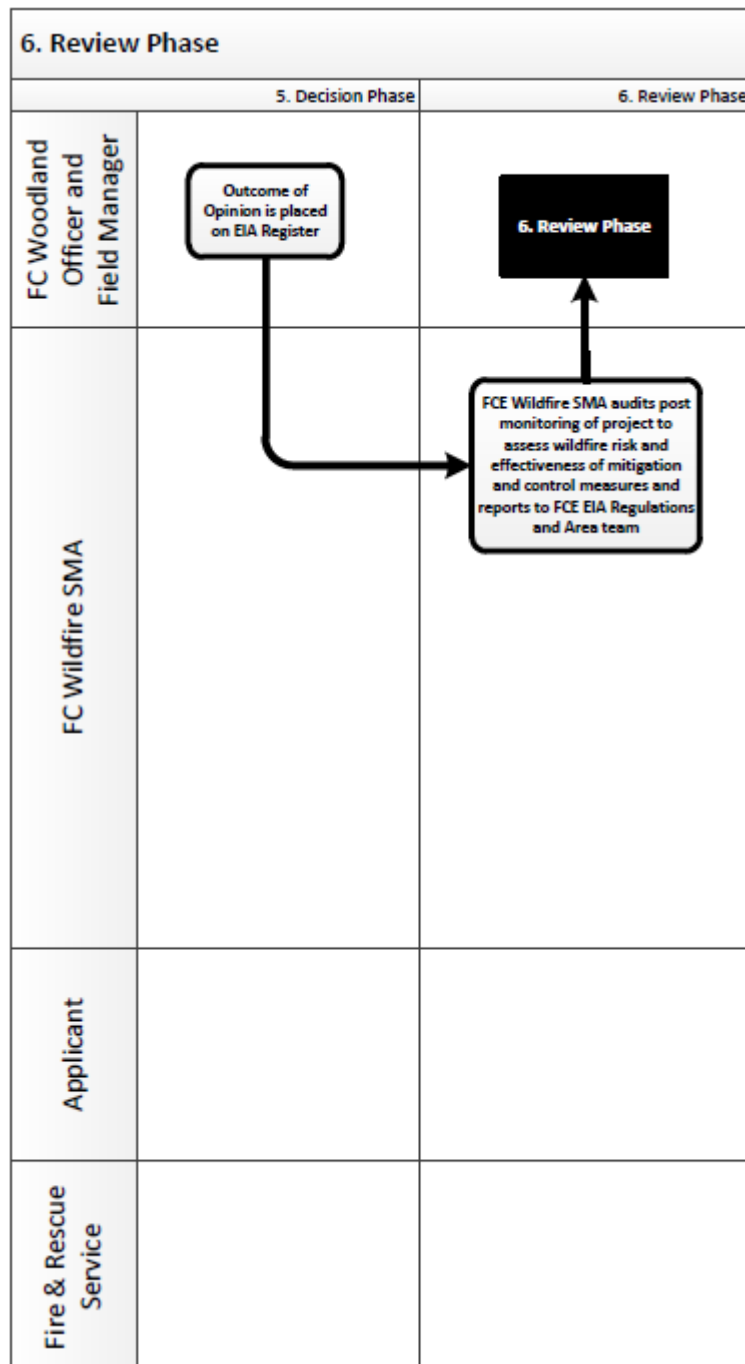
Fire & Rescue Service

Review Phase

Review Phase

The Forestry Commission England (FCE) Wildfire Subject Matter Advisor will audit post approvals of Environmental Impact Assessments (EIA) based on risk, including pre-Open Habitat Policy (2010) applicants that state wildfire mitigation and adaptation control measures.

The audit will assess wildfire risk and effectiveness of mitigation and adaptation control measures. Results will be reported to the FCE EIA Officer and relevant Area Team for action.



Sources of further advice

Integrated Risk Management Plan: Wildfire (2008). Department of Communities and Local Government.

Building Wildfire Resilience in Forest Management Planning: practical guidance (2014). Forestry Commission.

National Operational Guidance Programme – Wildfire Incidents (2016). UK FRS
Scottish Wildfire Operations Guidance (2013). Scottish Government.

Versions

Version 1 issued 9 November 2017

Annex A

When scoping the impact of project proposals on environmental factors the potential impact on wildfire risk should be considered. Table 1 provides information to help in determining /recording whether wildfire risk and impact has been appropriately addressed in both screening and scoping proposals and in any required Environmental Statement.

Table 1 – Screening and scoping the impact of open habitats deforestation on wildfire and EIA Environmental Factors

Ref	Environmental factors	Will the proposal impact negatively on wildfire risk and therefore affect Environmental factor?	Has wildfire impact on Environmental Factor been appropriately considered?	Has wildfire risk and impact been adequately mitigated / adapted?
A	human beings	Yes / No	Yes / No	Yes / No
	fauna			
	flora			
B	soil			
	water			
	air			
	climate			
C	landscape			
	material assets			
D	cultural heritage			
	the interaction between the factors mentioned in paragraphs (a) to (c) above."			

Annex B: Wildfire stakeholders for screening and scoping

In order to inform our opinion the following organisations should be considered when seeking views and gathering evidence:

- Fire and Rescue Service/s (who are acting on behalf of the Fire and Rescue Authority).
- Local Authority/s (the Emergency Planning Officer who will advise on their 'Community Risk Register' which will define the level of wildfire risk and state control measures)
- Representative/s of the Local Wildfire Groups defined by its chairperson
- Adjacent landowner and/or managers
- Owners of national infrastructure and assets that could be adversely impacted upon by a wildfire from/to the site (e.g. Highways England or their agents/contractors, Utility Companies, Airport companies, National Health Service, Network Rail etc.)
- Representative/s of the Local Resilience Forums defined by its chairperson, using their Community Risk Register to define wildfire risk and control measures.

Annex C: Notification of EIA template letter to fire and rescue authority

GLS Reference: Ref
GLOS/FLA Reference: Ref
To Chief Fire Officer
XXX Fire and Rescue Service
Headquarters
XXXX
XXXX
XXXX XXX

Dear CFO XXX

ENVIRONMENTAL IMPACT ASSESSMENT (FORESTRY) (ENGLAND AND WALES) REGULATIONS 1999 – SCOPING PHASE: WILDFIRE RISK

Proposal:

- Name of applicant. XXXX
- Location. XXXX
- Description of proposal XXXX

Within the borders of XXXX Fire and Rescue Service an Applicant has made the above application to Forestry Commission England to change woodland to open habitat.

This proposed change comes within the scope of the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 (the EIA Regulations). The Forestry Commission England is the enforcing authority for these Regulations. As defined in the Government Policy *“When to convert woods and forests to open habitats in England”* the landowner during the Scoping Phase should liaise with the Fire and Rescue Authority. More details can be found here: <http://www.forestry.gov.uk/england-openhabitats>

Open habitat presents a greater risk of wildfire than woodland so to comply with the EIA Regulations in this case, the landowner must prepare an ‘Environmental Statement’ that at the minimum includes:

- wildfire Risk Assessment;
- wildfire Response Plan; and
- wildfire Management Plan that provides mitigation and control measures that reduce the potential increases in wildfire risk.

The purpose of this is to demonstrate that the proposed change will not adversely affect the environment through wildfire.

Further details can be found here: <http://www.forestry.gov.uk/england-eia>

In preparing their Environmental Statement, the landowner is required to liaise with relevant fire authorities. We expect them to do this in the near future and the reason we are contacting you now is to forewarn you of this so that you will respond appropriately.

The purpose of the liaison is to ensure that fire authorities are (a) fully aware of the proposed change and (b) satisfied with the assessment of risk and the mitigation and control measures that have been proposed.

If the Applicant fails to liaise with relevant fire authorities, Forestry Commission England will ask the Applicant to resubmit. Therefore, in order to confirm that the landowner has complied with the EIA Regulations, **Forestry Commission England, as the enforcing authority, requires confirmation in writing that relevant fire authorities are aware of the proposals and are satisfied with them.**

Further details can be found in the Forestry Commission's Practice Guide "Building Wildfire Resilience in Forest Management Planning" here: www.forestry.gov.uk/pdf/FCPG022.pdf

A Wildfire Risk Assessment template can be found here: [http://fcnotes/website/pdf.nsf/pdf/FCPG022_\(risk-assessment-template\).pdf/\\$FILE/FCPG022_\(risk-assessment-template\).pdf](http://fcnotes/website/pdf.nsf/pdf/FCPG022_(risk-assessment-template).pdf/$FILE/FCPG022_(risk-assessment-template).pdf)

When you are contacted by the applicant, you may wish to involve both wildfire response and prevention specialists if you have this expertise within your service; however this depends on the scale of the proposal.

The Chief Fire Officers Association, Fire Brigades Union and Forestry Commission England have agreed an 'Operations Note' to provide further guidance. More details can be found here: <http://XXXXXXXXXXXXXXXXXX>

It would be helpful if you could identify a person who will be the point of contact for this assessment, which we will pass on to the applicant and our staff for further communications. We request that you complete the below section, make a copy for your files and return it to us within 14 working days:

Name:	<input type="text"/>
Rank:	<input type="text"/>
Station/Dept:	<input type="text"/>
Email:	<input type="text"/>

ON040 – EIA assessment process for deforestation leading to open habitat wildfires.

Telephone:

If you are unable to confirm the above, have any queries or require further details please contact us. **If the point of contact changes during this assessment we request that you update us as soon as possible.**

If you have any queries or require further details please contact us.

Yours sincerely

XXXXX

Field Manager/Woodland Officer
SE&L, SW, E&EM, NE&York, NW&WM Area

Annex D: Wildfire prevention toolkit

We would recommend at as a minimum the creation of higher risk habitats such as lowland/upland heath and grasslands will require the following wildfire prevention tools defined in table 2 with guidance provided in the appendices of Forestry Commissions Practice Guidance *“Building Wildfire Resilience in Forest Management Planning”*.

Table 2 – Wildfire prevention toolkits

Wildfire Prevention Toolkit	Screening	Scoping	Environmental Statement	FC Practice Guide
Wildfire Risk Assessment	Wildfire Risk Assessment required of present and post proposal hazards	Wildfire Risk Assessment required for: <ul style="list-style-type: none"> • Present hazards • Post proposal hazards 	To be updated at least every 5 years or after land use change or operations.	See Appendix 1
Wildfire Management Zones	Required if available	<ul style="list-style-type: none"> • Post proposal hazards (no mitigation or control measures) • Post proposal hazards (with mitigation and control measures) 	To be updated at least every 5 years or after land use change or operation and provided in a format suitable for the relevant Fire and Rescue Authority/s use.	See Appendix 2
Wildfire Response Plan				See Appendix 3
Wildfire Management Plan	Required if available	Required if available	Required ES section and will identify mitigation and adaptation control measures and should be integrated within wider site management practices. Section will include the following; Wildfire Risk Assessment, Wildfire Prevention Measures, Wildfire Management Zones and Wildfire Response Plan	Page 8 and 9

Annex E: Communicating with Fire and Rescue Authorities

The following has been agreed between Forestry Commission England, Chief Fire Officers Association and Fire Brigades Unions

Fire and Rescue Authority

A Fire and Rescue Authority has a statutory duty to make provision for the purpose of fire safety and fire fighting in its area and to plan, assess and advise. These duties are exercised by a Fire and Rescue Service¹. We strongly recommend that you approach the local fire and rescue service covering the area/s concerned in order to identify their wildfire specialists who may be able to assist with the development of the EIA assessment process.

Speaking to appropriate expertise in Fire and Rescue Services

Whilst local FRS personnel may have a good understanding of wildfire response, wildfire prevention specialists may need to be engaged to confirm mitigation and adaptation is appropriate. Where local services have identified that they do not have the relevant wildfire expertise to assist, further advice can be sought from the Chief Fire Officer Association wildfire group.

Submissions and requests covering two or more Fire and Rescue Services

Where applications cover two or more Fire and Rescue Service boundaries, all services should be engaged, and for Environmental Statements all should agree mitigation and control measures should be discussed and ideally agreed between all parties before submission.

Communicating for Screening, Scoping and Environmental Statements

All invitations and communication to a Fire and Rescue Service must be made in writing from Forestry Commission England and applicant. These communications should be recorded.

Initial letters should be sent to the Chief Fire Officer of the relevant Fire and Rescue Service/s. Once the most appropriate persons have been identified (e.g. the service's wildfire subject matter expert), correspondence should be sent to that person.

What should the Applicant include in letters?

The following considerations should be undertaken:

- 1) Clearly state in writing:

¹ At the time of writing (March 2012), measures are in place to allow local police and crime commissioners (PCC) to take over the function of the fire authority if they make a business case to do so. If this happens, the duties of the PCC with regards to fire may be exercised by a 'stand-alone' fire and rescue service or by the 'fire service branch' of a combined police/fire service.

- They are being engaged as part of an Environmental Impact Assessment and may have to agree mitigation and control measures
 - provide website links to further guidance on Forestry EIAs and the Open Habitats Policy
 - State that if they require further details from the Forestry Commission they should contact the Forestry Commission England Wildfire Subject Matter Adviser via email
 - advise them that it is recommended they should contact their in house Wildfire specialist for advice and guidance.
- 2) Request that as a minimum the following personnel should be engaged for all EIA Screenings, EIA Scoping and agreeing Environmental Statement mitigation and control measures, including site meetings and before agreeing mitigation and control measures:
- relevant Commander/Officer responsible for wildfire planning and response policy.
 - if available, the services internal wildfire specialist i.e. Wildfire Tactical Adviser or Wildfire Subject Matter Adviser or in the absence of suitable internal expertise the CFOA wildfire group may be able to provide advice and assistance to the FRS.
- 3) Clearly define the context of the letter:
- they are engaging in an EIA Screening and Forestry Commission England will be seeking their opinion as to whether wildfire risk and impact is relevant
 - they are engaging in an EIA Scoping and Forestry Commission England will be seeking their written agreement wherever possible on mitigation and control measures
 - the Forestry Commission England are seeking written confirmation that the FRS/s agree with the applicant's the mitigation and control measures set out in the Environmental Statement, and if not explain why not.
- 4) Invite and copy in the Forestry Commission England Wildfire Subject Matter Adviser to all meetings and correspondence with Fire and Rescue Service/s.

Annex F: Confirmation of EIA mitigation and control measure template letter to fire and rescue authority/s

GLS Reference: Ref
GLOS/FLA Reference: Ref
To Chief Fire Officer
XXX Fire and Rescue Service
Headquarters
XXXX
XXXX
XXXX XXX

Dear CFO XXX

ENVIRONMENTAL IMPACT ASSESSMENT (FORESTRY) (ENGLAND AND WALES) REGULATIONS 1999 – CONFIRMATION OF WILDFIRE MITIGATION AND CONTROL MEASURES

Proposal:

• Name of applicant.	
• Location.	
• Description of proposal	

With regards the above proposal, Forestry Commission England determined that the applicant had to make an Environmental Statement under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 (the EIA Regulations) due to the increased risk of wildfire caused by converting forestry to open habitat.

That 'Environmental Statement' has now been completed by the applicant and is about to be submitted to Forestry Commission England.

In preparing the 'Environmental Statement', the applicant was required to "liaise" with relevant fire authorities so that fire authorities are (a) fully aware of the proposed change and (b) satisfied with the assessment of risk and the mitigation and control measures that have been proposed.

Further details can be found here: <http://www.forestry.gov.uk/england-eia>
<http://www.forestry.gov.uk/england-openhabitats>

We are writing to you to seek confirmation that the applicant did engage with you, that you were satisfied with their assessment of risk and that you agree with the mitigation and control measures that have been proposed.

Further details can be found in the Forestry Commission’s Practice Guide “Building Wildfire Resilience in Forest Management Planning” here:

www.forestry.gov.uk/pdf/FCPG022.pdf

A Wildfire Risk Assessment template can be found here:

[http://fcnotes/website/pdf.nsf/pdf/FCPG022_\(risk-assessment-template\).pdf/\\$FILE/FCPG022_\(risk-assessment-template\).pdf](http://fcnotes/website/pdf.nsf/pdf/FCPG022_(risk-assessment-template).pdf/$FILE/FCPG022_(risk-assessment-template).pdf)

The Chief Fire Officers Association and Fire Brigades Union have been consulted Forestry Commission England on ‘Operations Note’ to provide further guidance. More details can be found here: <http://XXXXXXXXXXXXXXXXXX>

We request you complete the below form and return it to us within 14 working days:

If you are unable to confirm the above, have any queries or require further details please contact us.

Yours sincerely
XXXXX

Field Manager/Woodland Officer
SE&L, SW, E&EM, NE&York, NW&WM Area

ENVIRONMENTAL IMPACT ASSESSMENT (FORESTRY) (ENGLAND AND WALES) REGULATIONS 1999

CONFIRMATION OF APPROPRIATE LIAISON AND WILDFIRE MITIGATION AND CONTROL MEASURES

Proposal:

• Name of applicant.	
• Location.	
• Description of proposal	

The applicant has carried out satisfactory liaison with the Fire and Rescue Service

Yes

The Fire and Rescue Service agree the mitigation and control measures proposed by the applicant

Yes

Name:

Rank:

Fire & Rescue Service:

Station/Dept:

Signature:

Date:

Please return to:

FAO: WOODLAND OFFICER / FIELD MANAGER XXXX XXXXX

Forestry Commission England

South East & London, South West East & East Midlands, North East & York, North West & West Midlands Area

STREET

TOWN

COUNTY, POSTCODE