

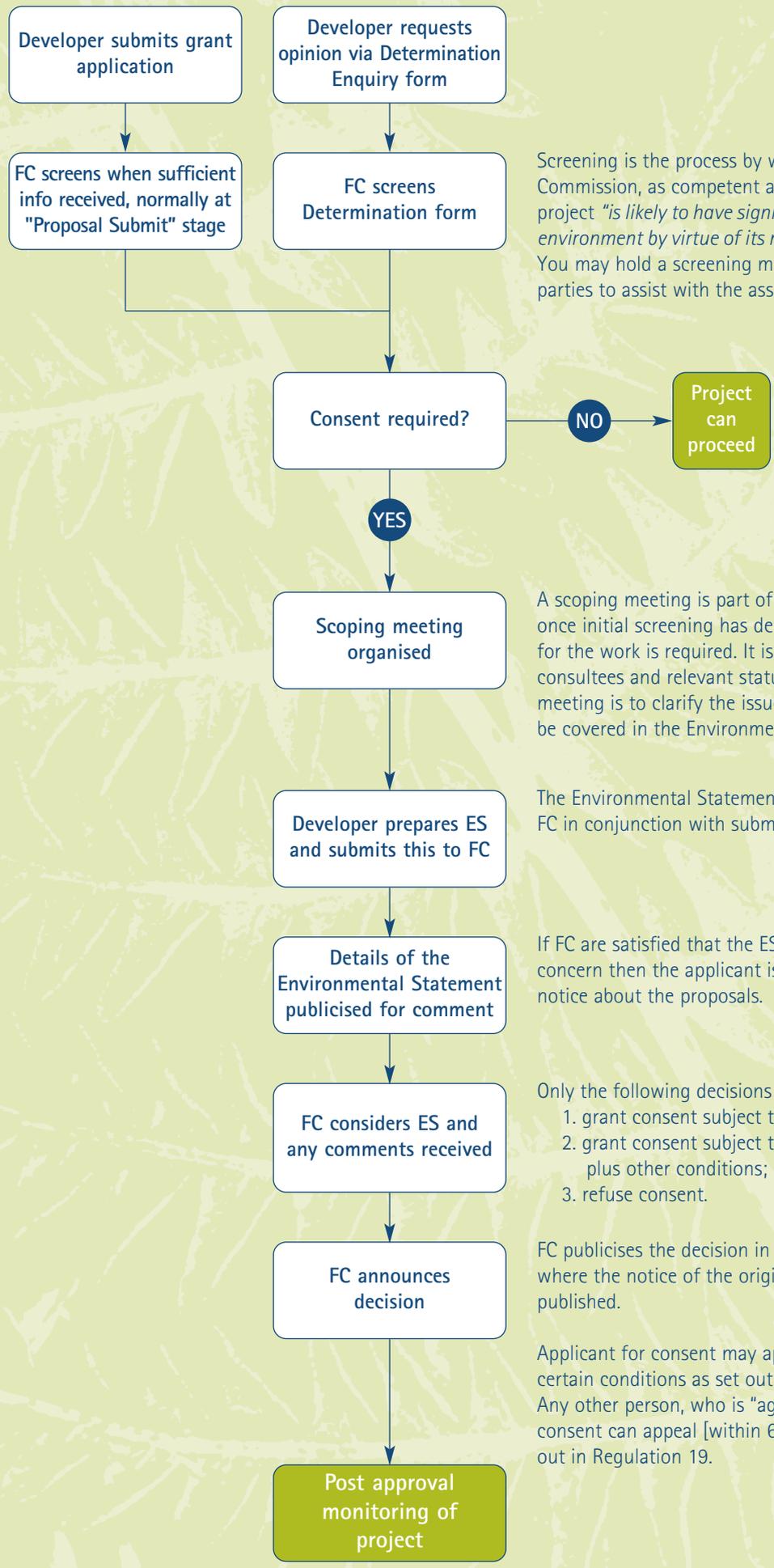
Environmental Impact Assessment of Forestry Projects



Forestry Commission



Flow chart of EIA process



Screening is the process by which the Forestry Commission, as competent authority decides whether a project "is likely to have significant effects on the environment by virtue of its nature, size or location". You may hold a screening meeting with interested parties to assist with the assessment of likely impact.

A scoping meeting is part of the EIA process and follows once initial screening has determined that FC consent for the work is required. It is usually held with consultees and relevant statutory bodies. The aim of this meeting is to clarify the issues of concern that need to be covered in the Environmental Statement (ES).

The Environmental Statement would be submitted to the FC in conjunction with submission of the RDC proposal.

If FC are satisfied that the ES addresses all the issues of concern then the applicant is required to make a public notice about the proposals.

- Only the following decisions can be made: -
1. grant consent subject to the standard conditions;
 2. grant consent subject to the standard conditions plus other conditions;
 3. refuse consent.

FC publicises the decision in the same newspapers where the notice of the original application (ES) was published.

Applicant for consent may appeal [within 28 days] under certain conditions as set out in Regulation 17. Any other person, who is "aggrieved" by the granting of consent can appeal [within 6 weeks] to the Court as set out in Regulation 19.

Environmental Impact Assessment of Forestry Projects



Introduction

This booklet describes how the Environmental Impact Assessment Regulations are applied to the forestry related projects, afforestation, deforestation, forestry roads and quarries. If the Forestry Commission decides that proposals for one of these projects will have a significant effect on the environment then, under these Regulations, the proposer must obtain our consent for the work. The proposer will be required to submit an Environmental Statement as part of the application for consent.

This booklet gives general guidance about how applications are screened, holding a scoping meeting, getting information to assist with preparing the Environmental Statement (ES), publicising the ES and about the decisions that the Forestry Commission can make.

The EIA legislation

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 came into force on 6th September 1999. These Regulations have been further amended by The Environmental Impact Assessment (Forestry) (England and Wales) (Amendment) Regulations 2006 and The Environmental Impact Assessment (Scotland) Amendment Regulations 2006.



Definitions used in the Regulations

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

- a) **Appropriate Authority** - The Secretary of State for Environment, Food and Rural Affairs in England, the National Assembly for Wales, and the Scottish Ministers.
- b) **Countryside bodies**
 - England** - Countryside Agency, English Nature, Environment Agency;
 - Wales** - Countryside Council for Wales, Environment Agency;
 - Scotland** - Scottish Natural Heritage, Scottish Environmental Protection Agency, Deer Commission for Scotland, Historic Scotland, Crofters Commission;
 - Northern Ireland** - Environment and Heritage Service;and any other body designated by statutory provision as having specific environmental responsibilities.
- c) **Determination** - Taken from Regulation 15 "Determination of applications" and is the process by which we make our decision about the application for consent.
- d) **Forestry projects** - the types of project work that the Forestry Commission must assess under these Regulations are deforestation (conversion to another land use), afforestation, forestry roads and forestry quarries.
- e) **Opinion** - Our consideration of the proposals from which we will decide whether or not the project is a relevant one. If it is, the applicant must apply for consent and provide an ES.
- f) **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.
- g) **Screening** - the process by which the Forestry Commission decides 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, and is often carried out by correspondence and in the form of a scoping report.
- h) **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 an Environmental Statement.
- i) **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 in both a national and local newspaper.
- j) **Thresholds** - Area limits set by the Regulations below which it is not expected that the project will have a significant effect on the environment.
- k) **Sensitive area** - definitions of sensitive areas are given in [Appendix 1](#).

Screening - making the decision

The Forestry Commission will assess whether:

- the proposed project is one of the following categories - afforestation, deforestation, forest roads or quarries;





- the area is above the relevant threshold (includes extensions to similar areas of work);
- the project is likely to have a significant effect on the environment.

Our consent will be required to carry out the work if your proposals meet each of these requirements. You will be asked to provide an Environmental Statement as part of your application for consent. This will allow us to decide whether to give consent to the project.

Definition of relevant projects

Under the 1999 Regulations, proposals are considered to be relevant projects (i.e. to require an EIA) if they fall within the categories listed below **and the work proposed is likely to have a significant effect on the environment.**

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:

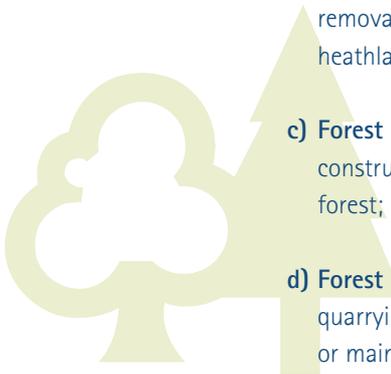
removal of woodland to convert the land to another type of land use (e.g. heathland);

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.



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.

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 will usually not be dealt with under the Forestry EIA Regulations but under the parallel Town and Country Planning EIA Regulations.

Thresholds

The table at **Appendix 1** shows the area thresholds for each category of forestry project. If the area of the work you are proposing falls below these thresholds then it is not likely to be a relevant project and our consent under the EIA Regulations will not be required. You may still of course require a felling licence or to get our approval if you have applied for grant to carry out the work under a specific country grant scheme.

If your project is above these area thresholds, our consent for carrying out the work *may* be required. We will assess the environmental impact of the work proposed in the application and let you know whether or not you need to apply for consent. You may also need to obtain the consent of other organisations for afforestation projects of any size if the area affected by the project contains a 'sensitive area' (see Appendix 1.)



Proposals that extend a project area previously below the area thresholds

Where a project has been completed since 6 September 1999, work proposals of the same type on adjacent land (including that on land in different ownerships) that extend it beyond the thresholds may need our consent. This also applies where the accumulated area of all adjacent existing projects plus the new proposals, exceeds the thresholds.

Getting our opinion

You must provide the following so that we can give our Opinion about whether the work you are proposing is a relevant project (that requires our consent):

- a) 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);
- b) a brief description of the proposed work and its possible significant effects on the environment;
- c) any other information that might be relevant, e.g. species maps, plans, photographs etc.
- d) EIA determination enquiry form available from the Forestry Commission website.

In the majority of instances this information will be provided as part of a grant scheme application (woodland creation) or an application for a felling licence (deforestation or woodland removal) or Forest Plan. It is essential that you give us as much information as possible as this will make our assessment of the proposals more straightforward.

If, at any time, we become aware of proposals that require our consent (which has not been previously applied for), we will give our opinion to the person whom we believe should have asked us.

Timescale for giving our opinion

We will give our opinion, in writing, within 28 days of receiving the necessary information. However, if we need more information from you to help us decide, then we will let you have a decision within 28 days of receiving this information. If our decision will take longer we will seek to agree an appropriate period with you.

Appealing about 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, for a "direction" as to whether the work is a relevant project to:

- The Scottish Ministers;
- The Secretary of State for Environment, Food and Rural Affairs;
- The National Assembly for Wales in Wales

Publishing our decision

Once we have told you our decision we will publish this on an "EIA Public Register". You can see a copy of this on the Forestry Commission website <http://www.forestry.gov.uk/forestry/infd-5yjjhk>. This will show our opinion about whether a project is a relevant project, our decision about the granting of consent and any directions that may have been made by the appropriate authority.

Getting our Consent



If we decide that your proposals require consent under the Environmental Impact Assessment Regulations you must submit a formal application for consent to carry out the work. The following paragraphs explain how to do this and how you can get help to prepare your Environmental Statement

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. (This should be a clear Ordnance Survey map at a scale of 1:10 000 or 1:2 500);
- b) a brief description of the proposed work and the possible significant effects on the environment;
- 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 or submitted a Woodland Grant Scheme or Forest Plan application).

- d) an Environmental Statement for the work;
- e) a copy of the publicity notice that you must place in newspapers (see opposite).

Getting the right information in your Environmental Statement (ES)

Before you start to prepare your ES, you must meet us and discuss the significant environmental issues that will need to be covered. You can also ask for information to help you. We also strongly recommend 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 the administration of 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,
Historic Scotland, Crofters Commission, Deer Commission for Scotland*

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

Once the meeting has been concluded the developer should prepare a Scoping Report that records the outcome of the discussions that took place. The format and detail of Scoping Reports varies however, in principle, a Scoping Report should identify the content and extent of the information to be provided by the developer to the Forestry Commission in the ES. The Report may cover:

- alternatives which should be considered;
- baseline surveys and investigations which should be carried out;
- methods and criteria to be used for prediction and evaluation of effects;
- mitigation measures which should be considered;
- organisations to be consulted during the environmental studies;
- the structure, content and length of the environmental information (or EIS).





Preparing the ES

There is no set format for an ES but it must contain the standard information contained in [Appendix 2](#). 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 - "Preparing an Environmental Statement for a Forestry Project", only available as a PDF download from <http://www.forestry.gov.uk/forestry/infd-5yjghk>.

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, then under the Regulations you are required to supply this additional information.

Publicity about the application

If you have 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.



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 relevant Forestry Commission Conservator within 28 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

We will also give details of your application to the appropriate countryside body as well as the local planning authority with an interest in the application. They are required to give us their comments within 28 days.

Giving our decision about the application

We will give you our decision (and the reasons for it) in writing, once the 28-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.



We may also apply other 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 Grant Scheme or Felling Licence conditions.

Appealing against our decision

If you have applied for consent, you can appeal about the decision we make to:

- *The Scottish Ministers;*
- *The Secretary of State for Environment, Food and Rural Affairs in England;*
- *The National Assembly for Wales in Wales;*

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

You may only 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.

Appeal about the granting of consent by any other person

In addition, any person who feels aggrieved by the granting of consent can make an application to the Court if they feel that their interests are prejudiced. They must do this within 6 weeks of consent being granted.

Carrying out work without our consent or breaching the conditions of consent

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. This 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.

Appealing against the Enforcement Notice

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

- *The Scottish Ministers;*
- *The Secretary of State for Environment, Food and Rural Affairs in England;*
- *The National Assembly for Wales in Wales;*

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

Getting more information

If you require more information or help, including how to make appeals, contact your local Forestry Commission office or: **Grants and Licences, Forestry Commission Headquarters, 231 Corstorphine Road, Edinburgh EH12 7AT**



Appendices

Appendix 1

Thresholds above which the Forestry Commission must make a determination as to whether consent for the project is required

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
Afforestation	2 hectares where the land is in a National Park, Area of Outstanding Natural Beauty (AONB) or National Scenic Area (NSA). No threshold in other sensitive areas <i>(see list below)</i>	5 hectares
Deforestation	0.5 hectare where the land is in a National Park, AONB or National Scenic Area (NSA). No threshold in other sensitive areas <i>(see list below)</i>	1 hectare
Forest Roads	All projects	1 hectare
Forest Quarries	All projects	1 hectare

Definition of "sensitive areas":

For the purposes of the Table shown in Appendix 1 the definitions of "sensitive areas" are as follows:

- a) National Nature Reserve or Site 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) Natural Heritage or National Scenic Areas;
- h) A site designated as a Special Area of Conservation (SAC) or identified as a candidate Special Area of Conservation;
- i) The New Forest Heritage Area;
- j) A site classified or proposed as a Special Protection Area.

Appendix 2

Schedule 1 – Environmental Impact Assessment (Forestry) Regulations 1999

Information for inclusion in environmental statements

Part 1

- 1) Description of the project, including in particular:
 - a) a description of the physical characteristics of the whole project and the land-use requirements during the construction and operational phases;
 - b) a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;
 - c) an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light heat, radiation, etc) resulting from the operation of the proposed project.
- 2) An outline of the main alternatives studied by the developer and an indication of the main reasons for the developer's choice, taking into account environmental effects.
- 3) A description of the aspects of the environment likely to be significantly affected by the proposed project, including, in particular, human beings, fauna, flora, soil, water, air, climatic factors, material assets including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors.
- 4) A description of the likely significant effects of the proposed project on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the project, resulting from:
 - a) the existence of the project;
 - b) the use of natural resources;
 - c) the emission of pollutants, the creation of nuisances, and the elimination of waste, and the description by the developer of the forecasting methods used to assess the effects on the environment.
- 5) A description of the measures proposed to prevent, reduce and, where possible offset, any significant adverse effects on the environment.
- 6) A non-technical summary of the information provided under paragraphs 1 to 5 above.
- 7) An indication of any difficulties (technical deficiencies or lack of knowledge) encountered by the developer in compiling the required information.



Appendix 2 continued

Part 2

- 1) A description of the project comprising information on the site, designs and size of the project.
- 2) A description of the measures envisaged in order to avoid, reduce and if possible, remedy significant adverse effects.
- 3) The data required to identify and assess the main effects that the project is likely to have on the environment.
- 4) An outline of the main alternatives studied by the developer and an indication of the main reasons for the choice made, taking into account the environmental effects.
- 5) A non-technical summary of the information provided.

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