

Supplementary guidance: Afforestation projects seeking an EIA opinion / assessment in England

For use in completion of the EIA Enquiry form for afforestation

Introduction

We, the Forestry Commission (FC), assess afforestation projects in England from you, the applicant, as part of our responsibilities under the **Environmental Impact Assessment (Forestry) Regulations (England and Wales) 1999**.

Guided by principles interpreted from the EIA regulations and by UK Forestry Standard (UKFS), we ensure that afforestation projects do not have significant effects for the environment (ecology, economy and society).

The Regulations create a two-stage process for forestry projects: the Opinion/Assessment stage, and the Consent stage.

- The FC must initially form an Opinion or make an Assessment as to whether a project will likely have a significant effect on the environment. The vast majority of projects, particularly those developed in consultation with the FC, are not likely to have a significant effect
- For those few projects that will have a significant effect, a further application to the FC will be required in order to apply for our Consent

We do not initially assess every project in detail. Only those projects where the area of the project work exceeds certain regulatory area thresholds, or where significant environmental impacts are likely, do we screen the project.

- A project, with an area below a prescribed threshold and which does not, when combined with any neighbouring projects, break that threshold, is unlikely to have a significant environmental effect and should not need our consent
- A project, with an area above a prescribed threshold but which is supported by evidence that environmental effects have been avoided, or that appropriate mitigation will be in place to maintain and protect existing environmental features, is unlikely to have a significant environmental effect and should not need our consent
- If our opinion is that a project will have a significant environmental effect, and is therefore a relevant project, then you must apply to us for consent to carry out the work before it is begun. You will be required to prepare an Environmental Statement as part of the consent process

The 2017 transposition of the EIA (Forestry) Directive (2014/52/EU) into UK law requires you, the applicant, to obtain relevant environmental information and to use this information to inform the design and implementation aspects of your afforestation project and, where possible, to minimise any significant environmental impacts.

To help you obtain the necessary environmental information for your afforestation project, regardless of its size, the associated EIA Afforestation Enquiry form (section 10) identifies the environmental themes that must be adequately researched and evidenced. Compliance with the requirements of the [UK Forestry Standard \(UKFS\)](#) can demonstrate that these themes have been addressed.

Supplementary Guidance - EIA Enquiry Form

These themes are:

- Land use
- Protected habitats, habitat fragments and protected species
- Water related issues
- Landscape character
- Historic and cultural environment
- Open Access land

Information and planning

We want to see you fully develop projects that effectively address the environmental constraints that may exist within, around or be influenced by your project.

We will provide you with guidance to help in the development of your afforestation project prior to assessing it under the EIA regulations. There are significant opportunities for afforestation, in the right place, and this guidance note steers you to relevant sources of data and who to contact for additional environmental information and interpretation.

Undertaking online searches can quickly identify if, where and what environmental and other constraints exist on or adjacent to your project area that may require protection from, or mitigation for, the environmental impact of your project. (Use [FC Land Information Search](#) and <https://magic.defra.gov.uk/> in the first instance). DEFRA has also published a significant amount of environmental data, freely available via online map browsers for you to research and use (see <https://data.gov.uk>).

As a project proposer, you will need to initiate stakeholder engagement with relevant Government Agencies, non-governmental organisations (NGOs), communities and neighbours (as required), and obtain whatever relevant environmental records are available for any constraints that are identified, prior to seeking our opinion. Local stakeholder engagement can further help identify environmental features not currently recorded, giving greater opportunity for you to protect the environment.

By using the environmental and stakeholder information you collect, and following the relevant UKFS guidelines on woodland creation to inform the design of the afforestation project, you should be able to demonstrate that there are minimal environmental effects to consider, or, where an effect is perceived, be able explain how any mitigation that you propose will be implemented to protect any environmental features identified.

By submitting well-researched and evidenced projects for assessment, we are better placed to make timely judgements on any likely environmental and other impacts created by your project.

For example, choosing locations for afforestation where environmental constraints do not impede you, or where good woodland design mitigates the negative effects of woodland creation on the environment, should, for most well designed projects, avoid the need for EIA consent being required.

Quicker decision-making resulting from the use of available environmental information to develop your project will help generate more significant afforestation investment in the future, using the principle of *the right tree in the right place*.

Your notification or application for EIA Opinion may not be accepted if this information is not provided or is not complete.

Supplementary Guidance - EIA Enquiry Form

The table below suggests how you could consider developing an afforestation project for EIA determination.

Your initial proposal	<ul style="list-style-type: none">•Which EIA threshold does your proposal fit into?•See Annex 1 to establish relevant thresholds
Site information	<ul style="list-style-type: none">•Survey the site and record features and findings on a map•Gather relevant land records and environmental information from e.g. FC Land Information Search (LIS), Magic.defra.gov.uk etc.•Identify and engage with relevant stakeholders
Proposal design	<ul style="list-style-type: none">•Use gathered evidence to inform and design an integrated, UKFS compliant woodland creation proposal•Test final design proposals with local stakeholders and address any comments or concerns
EIA enquiry	<ul style="list-style-type: none">•Submit your draft proposal, EIA Enquiry Form and associated evidence to the Forestry Commission for EIA determination and / or consent

The EIA Enquiry Form

The available environmental information, site survey and stakeholder engagement should enable you to develop a UKFS-compliant project that can then be summarised on the EIA Enquiry Form, ready for seeking our determination. The EIA Enquiry Form is the principle document for communicating your request for an EIA determination for a forestry project.

You will need to fully answer the following questions on the EIA Enquiry Form:

Part 1: Applicant details

You are required to identify the applicant. This is the person with primary control of the land in respect of the project being proposed. They are who the EIA Opinion, Assessment or Consent will be granted to, and who is ultimately responsible for all aspects of the project planning, development and implementation.

Part 2: Applicant category

You are required to tick the box associated with what your interest in the land is. This is important in determining how long your interest in the project might last.

Part 3: Applicant type

You are required to tick the box associated with how you control the management of the land. This is important in determining how long your interest in the project might last (for example, if you are a tenant).

Part 4: Property details

You are required to provide a property / project name, a 6 figure Ordnance Survey grid reference for the centre of the main part of the project, the nearest town and the local authority (District or County).

Part 5: Agents or woodland manager details

The Agent or Woodland Manager is the person who is authorised, through the Applicant signing this form, to represent the Applicant's project through the EIA process.

Part 6: Projects on sensitive sites or areas.

For nationally important land designations (those listed in the table in Part 6 of the form), you are required to answer **Yes** or **No** to each designation in turn. Identify those designations which your project will directly impact on, or through proximity, may be affected or influenced by your project.

You must also declare that you understand your legal obligations with regards these designated areas, where they apply to your project.

You can complete this check using the [FC Land Information Search](#).

Supplementary Guidance - EIA Enquiry Form

Part 7: EIA thresholds: Projects on non-sensitive and Low Risk sites

Complete this table by answering **Yes** or **No** to the series of questions to confirm which EIA threshold applies to your project.

Where the project is not within a Sensitive site (Part 6 of the form), you are required to confirm which of the EIA projects thresholds and EIA decision type apply to your project. You should check if the whole of the project is within a Low Risk from afforestation area.

The proximity of your afforestation project to protected sites can influence how those sites are affected. If your project enters a 300m buffer zone around the outside of a protected site, you should contact the relevant authority for the protected site and obtain information from them on any potential impact from or mitigation for your project.

Part 8: Consideration of Protected Species.

You are required to confirm that you have undertaken appropriate records and field checks on Protected Species, by ticking the relevant boxes. This must be supported by evidence of the checks undertaken (for example, copies of data searches or reports from local records centres or experts).

Part 9: Overview of projects

You are required to provide an accurate assessment of the area (hectares) of your project, along with detail of the Conifer / Broadleaf split (as a percentage) of the afforestation, across the whole project.

You must provide a brief but detailed overview of your afforestation project. This should outline your aims and objectives, the key environmental and stakeholder evidence you have gathered during planning, any mitigation (if any is required) you have developed, and how you have adapted your project to address any environmental, social or economic impacts. It should also cover the proposed species for planting, locations for open ground and site access and projects for tree protection, aftercare, etc.

This should be complemented by a plan of the project area, detailing the location of existing environmental features and other constraints, proposed species, locations for open ground and site access, etc.

Part 10: Environmental checks

Land use

Q10 A – What is the current use of the land?

The identification of recent land use (up to the last three years) will help us assess the likelihood of any semi natural habitats or habitat features of interest being present within or near the project area, and/or, if the project will have an impact on availability of highly productive farmland.

Supplementary Guidance - EIA Enquiry Form

What you need to do when considering current land use:

- A thorough walk over survey will help identify the primary land use(s) on land within and adjacent to the project area.
- Where possible, cross reference the land owner's Rural Payments Agency (RPA) land code annual returns with results from a walkover survey, and resolve any differences.
- Clearly show land use types on a project plan/map, including land use on adjacent fields, and Tick the relevant boxes on the EIA Enquiry form. NB: Use more than one plan/map if appropriate to help show opportunities and constraints.

Biodiversity

Q10 B – Have any semi natural habitats, habitat features or priority species been identified within or which may be affected by the project?

It is important to take biodiversity into account when making investment decisions that are likely to impact on the environment; there are legal and policy requirement to do so. Understanding of the location and status of species and habitats or habitat fragments on your project area is essential for effective conservation and management of biodiversity, and cost effective delivery of your investment.

Biodiversity data is readily available and should therefore be used by you to account for the effect and/or impact of your project on biodiversity, and to avoid situations which may result in replacing one important habitat with another one.

For afforestation projects, features such as ponds, veteran trees, ancient hedgerows, species rich pasture, wet flushes and spring lines, areas of deep peat (>50cm), scrub and many other forms of uncultivated land, have the potential to harbour remnant priority habitats or important species; the creation of new woodland habitat should seek to avoid and/or protect these features, not harm them.

You can check which protected habitats and species require particular attention via these links to the Joint Nature Conservation Committee (JNCC) web page;

- [priority species](#), and
- [semi natural habitats](#)

UKFS guidance seeks to avoid negative environmental effects being generated by the afforestation project through well informed, planned and designed projects. If it isn't possible to avoid impacting on identified or recorded environmental features, a mitigation hierarchy must be employed.

- **1st level - Avoid:** Select an alternative location with less sensitivity.
- **2nd level - Mitigate:** Provide a detailed description of what mitigation measures can be introduced to reduce the impact of the afforestation project, how they will work and how they will be maintained.
- **3rd level - Compensate:** Provide a detailed description of what compensation measures can be introduced to reduce the impact of the afforestation project, how they will work and how they will be maintained.

Supplementary Guidance - EIA Enquiry Form

What you need to do when considering protected and important habitats and species:

- A thorough walk over survey will help identify any semi natural habitat or habitat remnants or other habitat features within or near the project area. The location of any such features identified should be recorded on a project plan/map.
- Use <https://magic.defra.gov.uk/>, [FC Land Information Search](#), <http://nbnatlas.org> or <https://woodlandwildlifetoolkit.sylva.org.uk/> to research map-based environmental data. Look for nationally designated sensitive sites (e.g. SSSIs etc), recorded priority habitats, important and recorded species, and other mapped environment features of likely interest, and that are, or may be present on the project area or adjacent land.
- Request copies of environmental records of any semi natural habitat and/or species recorded within or near the project area from your Local Environment Record Centre (LERC) <http://www.alerc.org.uk/>; a fee is generally payable.
 - The LERC is an effective mechanism for accessing environmental information which may be held across many public and voluntary organisations. Such centers provide a one-stop information source, often serving a specific county or grouping of local authorities. Their main function is to collate, manage and disseminate biodiversity information but they may also hold other types of environmental data, and can also advise you on evidence gathering.
- Where a statutory designation, such as a Site of Special Scientific Interest (SSSI), is within 300m of the edge of the project area, seek the advice of Natural England on enquiries@naturalengland.org.uk. They will advise on likely effect from woodland creation on the designated interest. This is particularly important for water dependent protected sites where extensive woodland creation might significantly and adversely impact on the biodiversity or hydrology of that protected site.
- Contact your [local wildlife trust](#); they may also be able to provide information and advice on habitats and species from records or expertise they have.
- A scoping survey (often called '[extended phase 1 survey](#)') is a useful way of assessing whether a species-specific survey is needed, where it's not clear if priority species are present, if at all. If there are records or recent sightings of priority species, use a [trained ecologist](#) to carry out a survey, at the right time of year, using methods that are appropriate for the species and the area.
- EIA Regulations allow existing surveys and reports to be reused, where they are relevant and up to date. However, surveys should ideally be from the most recent survey season (this can vary depending on the species).

Make and keep a copy of the information from map data, records and reports, advice and other evidence gathered.

Note: some sites, such as NBN Atlas have controls on how the information they publish can be used. Read the terms and conditions for the use of published data and credit any data providers in any reports or plans you produce.

Supplementary Guidance - EIA Enquiry Form

Drinking water

Q10 C.i. – Have any public or private drinking water supplies been identified within or which may be affected by the project?

The Drinking Water Directive (EC directive 98/83/EC) was transposed into UK law through the Water Supply (Water Quality) Regulations 2016 for public water supplies, enforced by the Drinking Water Inspectorate, and the Private Water Supplies Regulations 2016, enforced by Local Authorities.

Where an afforestation project has the potential to include sources of public or private water supply or associated infrastructure, you will need to consult with Environment Agency, water companies and local authorities about location of supplies, abstraction points, wells, boreholes etc. as they each have a duty to protect public and private water supplies to ensure compliance with drinking water standards specified in the Regulations.

What you need to do to consider a drinking water supply or supply infrastructure:

- A thorough walk over survey will help identify any water bodies that provide drinking water or any water supply infrastructure such as abstraction points, wells and bore holes, pumps, ponds and open / covered reservoirs within or near the project area, which will normally be obvious features to spot. The location of any such features identified should be recorded on a project plan/map.
- Check widely to confirm if any water supplies exist. In particular speak to;
 - The land owner / manager and relevant neighbours, who may have knowledge of water supply sources and infrastructure in the local area;
 - The Local Authority and or local water company, who may have records of water supply infrastructure or records from drinking water quality testing;
 - The Environment Agency - email enquiries@environment-agency.gov.uk or seek mapped information at the EA's '[What's in your backyard](#)'. Clearly state that you are seeking information and advice on the location of drinking water supplies and associated supply infrastructure.
- Where water supply features are identified, and from other information and records gathered, consider how you will avoid impacts to drinking water resources from woodland creation.
 - Develop a written methodology for how you will address potential effects from woodland creation on these features and test these with relevant stakeholders for acceptance.
 - Remember, some water infrastructure may sit outside of, but still be impacted by the design of your woodland creation proposals e.g. from future shading by woodland, or water acidification from conifer near riparian zones etc.
- When considering your project, we recommend referring to the UKFS water guidelines in relation to the storage and use of forest chemicals / fuels / oils etc. and in planning

Supplementary Guidance - EIA Enquiry Form

for the avoidance of spillage and ground or surface water contamination from activities supporting woodland creation and subsequent establishment.

Make and keep a copy of the information from map data, records and reports, advice and other evidence gathered.

Water quantity and quality

Under the Water Framework Directive, the Forestry Commission is identified as a public body; we are duty bound to have regard to River Basin Management Plans, in which 'forests' are specifically identified as a potential 'pressure' on the water environment.

We are required to ensure that afforestation projects do not cause any further deterioration to groundwater resources, where they are recorded as being at poor quantitative status, or to surface waters where acidification has been identified as an issue as a result of inappropriate forest cover.

Equally, enhancing the condition / status of aquatic ecosystems through afforestation measures may have been specifically identified in a River Basin Management Plan. Where afforestation may counteract or prevent causes of water quantity / quality failure, we would encourage appropriately designed and scaled woodland creation in those locations.

Q10 C.ii. – Is the project in an area identified by the Environment Agency where groundwaters are at poor quantitative status?

What you need to do when considering groundwaters at poor quantitative status, if your afforestation project is 50 hectares or larger:

- Use the [FC Land Information Search](#) and the EA's '[What's in your backyard](#)' map to check if the project area falls within a water body identified as where groundwaters are at poor quantitative status.
- If groundwaters at poor quantitative status are identified as an issue on or adjacent to the project area, and the project is larger than 50 hectares in size;
 - Seek the advice of the Environment Agency on the potential effects of woodland creation on groundwaters at poor quantitative status by emailing enquiries@environment-agency.gov.uk.
 - Provide sufficient information on the proposed tree species choice / species mix, the stocking densities and the location of tree planting within the project area, to enable the Environment Agency to fully consider the potential effect on groundwaters.

Make and keep a copy of the information from map data, records and reports, advice and other evidence gathered.

For projects within areas of groundwater at poor quantitative status, and where consultation advice is that woodland creation remains appropriate, (with or without modification of the initial project design), you should use the advice received, and the UKFS water guidelines, to review the design elements of the woodland creation project,

Supplementary Guidance - EIA Enquiry Form

such as species choice / species mix, stocking densities and location of tree planting within the project area, and make sure they meet the recommendations received through consultation.

Q10 C.iii. – Is the project in an area identified by the Environment Agency where acidification of surface water is an issue?

What you need to do when considering poor water quality due to acidification:

- Use the [FC Land Information Search](#) and the EA's '[What's in your backyard](#)' map to check if the project area falls within a water body identified as 'failing' or at 'risk of failure' due to acidification of surface water.
- If acidification of surface water is identified, and its status is 'failing' or at 'risk of failure' within or adjacent to the project area;
 - Refer to the FC publication '[Managing forests in acid sensitive water catchments](#)' on the process for assessing whether planting can go ahead. Briefly, this will require that you:
 - Carry out a map analysis to identify what proportion / percentage of the water catchment is to be planted, and what area is already forested.
 - For any catchment of more than 100ha in size, if the sum of existing and proposed woodland cover (excluding open space) exceeds 30%, you may be required to carry out a detailed critical load assessment.
 - If a critical load assessment is needed, it is recommended that the analysis be undertaken by a technical expert, with the report helping to determine if the project can go ahead, or if it might need to be modified.

Make and keep a copy of the information from map data, records and reports, advice and other evidence gathered.

For projects within areas of surface water acidification, where an assessment identifies that woodland creation remains appropriate, (with or without modification of the initial project design), you should use the assessment outcome, and the UKFS water guidelines, to review the initial design elements of the woodland creation project, such as species choice / species mix, stocking densities and location of tree planting within the project area, and make sure they meet the assessments recommendations.

Flooding

Q10 C.iv. – Is the project adjacent to a main river and / or does it affect flood defence structures or facilities?

The Flood and Water Management Act 2010 makes provisions about water, including provision about the management of risks in connection with flooding and coastal erosion.

The main flood risks around afforestation projects on floodplains are from making flood risk worse through synchronisation of flood flows, or from holding back flood waters and

Supplementary Guidance - EIA Enquiry Form

adversely affecting property upstream. However, this is only likely to be an issue for large planting schemes in small water catchments, or where other significant projects such as deforestation are also proposed.

Afforestation projects adjacent to a main river, where local byelaws may exist, might restrict new planting projects, and projects near an area occupied by flood defence structures or flood defence facilities may generate an increased risk of flood impact, and should be assessed by the relevant authority.

What you need to do when considering a flood risk impact, particularly for projects over 10 hectares and/or not within a woodland creation grant flood target area:

- A thorough walk over survey will help identify any water bodies, riparian zones, flowing water, springs and flushes. The location of any such features should be recorded on a project plan/map.
- Use EA's ['What's in your backyard'](#) map browser to find information on flood related datasets and flood risk constraints.
- Where flood risk issues are identified, seek the advice of the Environment Agency by emailing enquiries@environment-agency.gov.uk and/or the Lead Local Flood Authority about flood risk planning.
 - Specifically, seek the advice on the potential effects of woodland creation on the flood plain or in riparian zones, and to determine if any existing flood defence or other structures would be adversely affected, or byelaws breached, by your afforestation project.
 - Provide sufficient information on the proposed tree species choice / species mix, the stocking densities and the location of tree planting within the project area, to enable the Environment Agency and/or Local Flood Authority to fully consider the potential effect on flood risk.
- Seek the advice of the relevant water company, Local Authority and any relevant neighbours who may also have views on the appropriateness of the afforestation project where it concerns emergency planning in relation to incidents of flooding.
- Use the [FC Land Information Search](#) map browser to check if the project area falls within a flood risk area identified as a priority for woodland creation, in respect of woodland creation alleviating flood risk.
- A thorough walk over survey will help locate any flowing water bodies, flood plain boundaries, flood defences or other flood infrastructure on the site. The location of any such features identified should be recorded on a project plan/map.

For projects within areas of flood risk, where an assessment identifies that woodland creation remains appropriate (with or without modification of the initial project design), you should use the assessment outcome, and the UKFS water guidelines, to review the initial design elements of the woodland creation project, such as species choice / species mix, stocking densities and location of tree planting within the project area, and make sure they meet the assessments recommendations.

Supplementary Guidance - EIA Enquiry Form

Landscape character

Q10 D.i. – What are the local and national landscape character types?

National Character Areas (NCA): The 159 distinct natural areas in England are each defined by a unique combination of landscape, biodiversity, geodiversity, history, and cultural and economic activity. Their boundaries follow natural lines in the landscape rather than administrative boundaries. The NCA profile documents explain how you can access and use environmental evidence and information about places.

Local landscape character statements are usually produced by the local or unitary authorities. They will help you determine if afforestation projects, their scale, location, connectivity with other woodland or open habitats, and the type of woodland proposed (conifer plantation, native or mixed woodland etc) is likely to be considered visually appropriate in the location you propose.

Q10 D.ii. – Does the local / national landscape character support creation of woodland cover in this location?

Your afforestation project needs to demonstrate how its design takes account of the local visual and landscape and cultural characteristics and how it integrates with the wider landscape, while delivering multiple ecological, economic and/or social benefits. UKFS Landscape will provide useful guidance in making such an assessment.

What you need to do when considering landscape character:

- A walk over survey will help identify any particular visual aspects into and out of the site, and identify topography, aspect, soils, water and other features that will influence the initial design and species choice of a woodland creation project.
- Take plenty of photographs.
- Identify the immediate and/or near adjacent National Character Areas using <http://magic.defra.gov.uk>. Using the [NCA profiles](#), consider the visual impact your afforestation project may have on them. Provide a methodology for mitigating any conflicts with the landscape characterisation.
- Consult with the Local Planning Authority if your afforestation project is greater than 10ha; use feedback from them to look at adapting the project if the local authority identifies any considerations to overcome.
 - NB: Local Authorities are a statutory consultee for FC where afforestation projects are over 10ha. They need to be assured that your afforestation project is appropriate, when consulted, so it is beneficial for them to have prior knowledge of the proposal to avoid delays at a later stage in the EIA determination process.
- Stakeholder engagement, in particular with neighbours on impacts such as loss of view, loss of light, obstruction of access, risk to water supply etc. Show any buffers or other areas or forms of mitigation agreed on the project plan/map.

Supplementary Guidance - EIA Enquiry Form

- EIA needs to consider other afforestation projects on adjacent land, and potentially at a landscape scale, to determine the effects of coalescence. You should identify the location of any other afforestation projects that are less than five years of age and show them on your project plan/map.
- Landscape Visual Impact Assessment (LVIA). For larger afforestation projects or for afforestation projects in sensitive landscapes, we recommended a qualified specialist is employed to assess the landscape sensitivities and site features and to produce an integrated afforestation plan detailing internal and external design solutions.
 - You should check to see if other similar reports have been written previously for that location; EIA Regulations allow for existing surveys and reports, where they are relevant (and up to date) to be reused.

Make and keep a copy of the information from map data, records and reports, advice and other evidence gathered.

Protected landscapes

National Parks, Areas of Outstanding Natural Beauty, Heritage Coasts and some World Heritage Sites are each designated for specific landscape character features.

You should consult with the relevant authority in such landscape designations and discuss the potential for your project to integrate into the landscape, or how to mitigate any potential impacts from your project.

Historic and cultural environment

Q10 E – Have any local historic environment records identified features within or which may be affected by the project?

Heritage assets recorded on or adjacent to your afforestation project area could be adversely affected by ground preparation, root growth or infrastructure. The setting of the historic feature is an intrinsic part of the features' value and therefore also an important consideration.

What you need to do when considering historic and cultural environment:

- A thorough walk over survey to be familiar with any potential historic environment features e.g. ridge and furrow or barrow mounds.
- Request any historic environment records recorded on your project site and adjacent land from your local Historic Environment Records (HER); a fee is generally payable.
 - The HER is an effective mechanism for accessing historic environment information which may be held across many public and voluntary organisations. Such centers provide the primary one-stop information source, often serving a specific county or grouping of local authorities. Their main function is to collate, manage and disseminate historic environment information, but they may also hold other types of environmental data, and can also advise you on evidence gathering, survey and searches.

Supplementary Guidance - EIA Enquiry Form

- The land owner may already have obtained valuable historic information as a result of a recent agri environment application, and this can be used to inform the design and layout of the tree planting proposed.
- For uncultivated land, especially heathland or upland moor etc. it is usual for an archaeological walk over survey to be requested, if one has not previously been undertaken to an appropriate standard.
- EIA Regulations allow for existing surveys and reports to be reused, where they are relevant and up to date. However, surveys should ideally be recent and for the specific locality where the project is proposed.
- Open space can be a useful tool in conserving historic assets, their vistas and setting, and can provide a diverse habitat structure for the woodland.

Make and keep a copy of the information from map data, records and reports, advice and other evidence gathered.

Open Access land

Q10 F.i. – Is the project in an area of Open Access land as defined by the Countryside and Rights of Way Act (CROW) 2000?

The *Countryside and Rights of Way Act 2000 (CROW)* normally gives a public right of access to land mapped as 'open country' (mountain, moor, heath and down) or registered common land. These areas are known as 'open access land'. The public can use open access land on foot and can carry out any activities normally allowed by the law on footpaths, bridleways and other public rights of way, as well as any additional permission the land owner may grant.

Afforestation projects on open access land should maintain the existing levels of access to areas of open access land. In many cases this access is used in a linear a-b fashion e.g. paths and desire lines. Therefore it may be possible to consider afforestation without adversely affecting the existing user experience and the open access status. However, planning for afforestation projects on open access land must consider landscape, protected habitats, Commons status, open access use, routes and views, numbers of users etc.

If there are no open access land identified within or affected by your afforestation project area, use the information from the online searches, consultation and stakeholder engagement you have held to evidence that there is minimal effect from woodland creation.

What you need to do when considering open access land:

- Review [Natural England's Open Access map](#) to see if your project is affected by open access land, and to determine the extent of the open access land.

Supplementary Guidance - EIA Enquiry Form

- Engage with the [Local Access Forum](#) over projects to afforest 'open access land'. We will have to consult with them over any afforestation project on open access land, so reaching agreement with them at an early stage will be beneficial to your project.
- Engage with local stakeholders who have an interest in access and using the land e.g. on Commons, and use their local knowledge to inform the design of your project.
- Undertake a thorough walk over survey to be familiar with any regular user routes or areas where groups of people meet and congregate, as well as determine other physical and ecological attributes of the site. Show the location of any routes, points of interest and, if relevant, vistas on your map.

When applying for an EIA (Forestry) Opinion/Assessment, provide evidence of Open Access engagement and responses or other information obtained, and using a simple table, record the woodland creation design decisions made that show that there is no detrimental impact to Open Access use.

Part 11: Stakeholders

Use the table provided, or similar, to record the individuals and organisations who have been contacted regarding the project; record date contacted, date of response and brief description of views presented.

The afforestation project application should demonstrate how views and perceived negative effects have been addressed and/or how the project has been adapted to capture opportunities to improve it.

Part 12: Declarations

You are required to sign a declaration to confirm your interest in the project, what information you are submitting, and that it, as part of your EIA Opinion application is accurate and complete.

Part 13: Applying for EIA Consent

IMPORTANT: ONLY COMPLETE THIS SECTION IF YOU REQUIRE EIA CONSENT

If you expect your project to have a significant effect on the environment, because of its location within a Designated site or area, or its scale, or for some other factor, you can ask for our Consent under the Regulations, rather than wait for an Assessment or Opinion on whether the project is a relevant project.

However, we strongly recommend that you apply for our Opinion or Assessment of your project first, and allow us to evaluate if EIA Consent would be required.

Using information collected

Where environmental features, interests and/or constraints are identified, and using the evidence gathered, develop a written explanation of how you will mitigate or address the potential effects on the wider environment of a woodland creation within and adjacent to the project area, with particular regard to issues identified.

- You could use a simple table to record the woodland creation design decisions made, and show how you have used the evidence gathered and the guidelines in UKFS to mitigate any detrimental impacts on environmental features, interests and/or constraints identified and, where possible, show that tree planting will benefit the local environment.

Clearly identify the location of semi natural habitats, priority species, site features and other environmental constraints and opportunities within or near the project area, including any settings or spheres of influence, on a project plan/map. Use more than one plan/map if appropriate to help show opportunities and constraints.

- Your plan/map should start to demarcate where afforestation will be possible with minimal constraint, and where it will be constrained by the need for suitable mitigation to protect, buffer or avoid existing semi natural habitat and/or species interests, important site features and settings, and other environmental factors identified during the planning phase.

When seeking an EIA determination, provide copies of the mapped data, reports, surveys and any other information relevant to the project that you have gathered.

NB: If there are no significant biodiversity considerations within or affected by the project, use the information you have gathered to evidence that there is minimal environmental effect from the project.

Maps

Project map(s) will show the boundary of the forestry project and identify details of the operations you intend to undertake. Additional maps should be used as required to show further information about the site, its constraints and surrounding influences.

Applicants can get free copies of an Ordnance Survey MasterMap® (OSMM) map by completing the [Map Request Form available from our website](#). You should allow two weeks for the delivery of the OSMM maps requested.

If you do not use OSMM, you must provide us with an original map or a good quality photocopy. **Please note:** We will return applications that include maps that are not presented to an acceptable standard, without registering the project.

If you would like to submit an application using digital mapping data, rather than OSMM, you should contact the local FC office to ensure the data to be submitted will be in an acceptable format and standard.

Before you mark the map, check that:

- The map is up-to-date, and of Ordnance Survey origin;
- It is presented at a suitable scale of either 1:10,000, 1:5000 or 1:2,500;
- The map scale is shown, and relevant detail is not hidden by folds, marks or labels;
- At least two horizontal and two vertical Ordnance Survey grid lines are shown.

Marking the map

- Clearly show the location of the EIA project route and boundary;
- Mark the grid reference of the centre of the project;
- If the point of access to the area is not obvious, mark this on the map also;
- NB: Do not use a map used for a previous application.

Annex 1 – EIA project thresholds

Identified below are details of the different land sensitivity and location scenarios that may apply to your project and the EIA enquiry thresholds that apply to them.

Land sensitivity	Location of Project / Type of location	Proposed planting area in hectares	Process
Sensitive areas	The project, or part of the project, is within or immediately adjacent to a designated site. SPA, SAC, LNR, NNR, RAMSAR, SM, The Broads, World Heritage Sites, SSSI. (See full list on next page)	All projects are assessed	Submit an EIA Enquiry form for Full Screening
	The Project, or part of the Project, is in a National Park or an Area of Outstanding Natural Beauty. No other site designations apply to the project area.	Less than 2 hectares	No screening or assessment required
		2 hectares or more	Submit an EIA Enquiry form for Full Screening
Low Risk areas (as mapped)	All of the Project is fully within a Low Risk Area	More than 5, but no more than 50 hectares	Submit an EIA Enquiry form or an application for grant aided woodland creation Full Notification Assessment <i>(Includes 28 day period on Public Register)</i>
		More than 50 hectares	Submit an EIA Enquiry form for Full Screening
Other areas Not Sensitive, but not fully within Low Risk areas.	No part of the Project is in a Sensitive Area, but part of it can be in a Low Risk area.	Less than 2 hectares	No screening or assessment required
		More than 2, but no more than 5 hectares	Submit an EIA Enquiry form or an application for grant aided woodland creation Basic Notification Assessment
		More than 5 hectares	Submit an EIA Enquiry form for Full Screening

Supplementary Guidance - EIA Enquiry Form

The full definition of 'sensitive areas' can be found in Schedule 2 of the EIA Regulations. In summary and for the purposes of the Table shown in Annex 1 (above), the description of 'sensitive areas' is as follows:

- a) A European site under the Habitats and Species Regulations (SPA, SAC)
- b) Area of Outstanding Natural Beauty
- c) Local Nature Reserve, as defined by local authorities (LNR)
- d) National Nature Reserve (NNR)
- e) National Park
- f) Ramsar site
- g) Scheduled Monument (SM)
- h) Site of Special Scientific Interest (SSSI)
- i) The Broads
- j) World Heritage Site

Annex 2 - Low Risk land identification

Identified below are designations classified as sensitive in the EIA regulations, as well as other defined land uses or habitats with a specific sensitivity to large scale afforestation. Designations and features classified as having sensitivity to large scale afforestation, listed below, are therefore excluded from Low Risk areas, as mapped.

Land subject to the environmental designations, land uses and/or habitats (listed below) are sensitive to large scale afforestation and are excluded from the areas of Low Risk mapping.	
Landscape designations classified as sensitive under EIA Forestry Regulations.	Sites of Special Scientific Interest (SSSI)
	National Parks (NP)
	The Broads
	World Heritage Site (WHS)
	Scheduled Monuments (SM)
	Areas of Outstanding Natural Beauty (AONB)
	A European site under the Habitats and Species Regulations (Special Area of Conservation (SAC) and Special Protected Area (SPA) <i>(already classified as EIA sensitive area)</i>)
	Ramsar sites
	National Nature Reserve (NNR)
	Local Nature Reserves
Additional features, land use or other sensitivities that are excluded from areas mapped as Low Risk.	Registered battlefields
	Registered parks and gardens
	Priority Habitat Inventory
	Acid Vulnerable Catchments
	Best and Most Versatile Agricultural land (Land Classes 1-3a)
	Common Land
	Land within Higher Level Stewardship agreements
	RSPB Important Bird Areas
Deep peat	
Low Risk Areas (as mapped)	IMPORTANT NOTE: Designations or features that might still apply in mapped Low Risk areas include local archaeology, local parks and gardens, employment sites and housing allocations, and water less than good quantitative status. This list is not exhaustive. It is important that projects protect local environmental features from negative impacts as well as national features.

Annex 3 - Low Risk map

EIA - Sensitivity of sites to woodland creation

The diagram below shows the Sensitive and Low Risk data layers. You can view the layers in detail on the [FC Land Information Search](#) or on <https://magic.defra.gov.uk/>.

