

Operations Note 055

Date: 9 June 2021

Amending woodland creation projects: Implications for stakeholder engagement

Purpose

Woodland creation applicants and grant agreement holders are being contacted regarding the Forestry Commission's (FC) England Woodland Creation Offer (EWCO) and the possibility of transitioning to EWCO.

Those applicants and agreement holders choosing to make the transition have the option to amend their forestry proposal (application) or project (agreement) as part of the transition. For example, they may take the opportunity to consider increasing the area of the planting. An amendment such as this may be possible depending on the nature of the amendment, but there may be regulatory implications in doing so.

This document provides guidance on when an amendment to a proposal or project may require re-assessment by the FC. It covers the potential for a proposal or project to be re-entered onto the FC Consultation and Decision Public Registers (PR), re-assessment of existing Environmental Impact Assessment (EIA) and other regulatory decisions, and the need for formal consultation or notification with statutory bodies, and new regulatory decisions resulting from the proposed amendment.

Scope

This guidance covers amending an **existing** proposal (an application) or forestry project (an agreement), e.g., an increase to the original proposal or project area. Please use the following guidance where this is the case. This guidance is **not** for use where an existing proposal or forestry project is to be withdrawn or removed completely and replaced with a new project in another location. In this instance, the existing proposal or project should be withdrawn, and the new proposal will be treated as an entirely **new** and separate application.

Background

In accordance with the Ministerial Statements of 1984 and 1996, woodland creation proposals in receipt of public funds are published on the FC's Consultation and Decision Public Registers (PRs) to notify the public of proposed new forestry projects in their area (Consultation PR), and the FC's decision on those projects (Decision PR).

During the proposal's assessment stage, the FC is also required to formally consult with other statutory bodies where proposed forestry projects affect priority landscapes and protected sites and features.

Additionally, the FC, as the relevant authority, is required to make assessments on the environmental impact of forestry proposed projects through the Environmental Impact Assessment (EIA) (Forestry) Regulations 1999 and must record and publish its EIA decisions.

To enable effective engagement with statutory bodies and stakeholders, directly or via the consultation PR, it is essential that the FC has accurate information with which to record the extent of any proposed forestry project. This helps to ensure that the FC consults on the correct spatial location and reports the correct area (in hectares) for the proposed project.

The FC will record when stakeholder engagement or consultation took place, with whom, what their feedback on the proposed project was, and how their feedback was used.

Process

Informing the FC of the amendment

If the agreement holder wishes to make an amendment to their proposal or project, they (or their authorised agent) **must** provide the FC with sufficient details of the amendment. This information must include all of the following:

- a [Land Information Search \(LIS\)](#) constraints check, to identify if there are any new constraints
- a [MAGIC](#) constraints check, to identify if there are any new constraints
- an updated map or shapefile of the proposal or project area, and an updated area (ha) measure
- a full description of the changes proposed and, where relevant, the reasons why
- (**if applicable**) evidence of renewed stakeholder engagement. This will be applicable where an amendment significantly changes the original project

There must also be sufficient detail in the amended proposal or project to demonstrate compliance with the [UK Forestry Standard](#). This may mean undertaking stakeholder engagement to gather relevant information on the effects of the amendment.

Stakeholders

Requirements for renewed stakeholder engagement will be different in each case, but where new or additional land is being added to a proposal or project, it is expected that the agreement holder will seek advice and feedback from the following sources:

- subject to the new constraints checks, any statutory bodies with an identified interest in land affected by the amendment
- local records centers for biodiversity and historic environment, to show that any existing recorded assets can or will be mitigated for, and that specific features at risk from proposed forestry projects will be protected
- neighbours and other local community interests, to make sure any unintended consequences of the amendment are mitigated

Amending a project - when is Consultation PR, EIA (or other regulatory) re-actions and/or stakeholder engagement required?

Table 1 – When is Consultation PR, EIA (or other regulatory) actions and/or stakeholder engagement required?

Scenario	Is Consultation PR required for the amended proposal or project?	What EIA (or other regulatory) actions are required for afforestation?
<p>1. Changes to existing area, or adding a new mapped area (ha):</p> <ul style="list-style-type: none"> • Change to the proposal or project boundary but not the overall proposal or project area(ha). • Decrease to the proposal or project area. • Increase to the proposal or project area(s). Please note: Open ground should not normally exceed 20% of a proposal or project area and, as per UKFS, should not be less than 10%, except for very small (<2ha) proposals and projects. Individual grants schemes may have their 	<p>Decrease within existing area: No.</p> <p>Change to proposal or project boundary or Increase in proposal or project area or adding a new proposal or project area: Yes</p>	<p>Decrease, change in the proposal or project boundary; increase in proposal or project area; or adding a new proposal or project area.</p> <p>The FC will need to assess the impact of the change in relation to:</p> <ul style="list-style-type: none"> • The potential inclusion of land identified as sensitive under EIA Regs or UKFS guidelines, including because of changes to assessment of peaty soil depth. • The potential change in EIA thresholds and EIA decision type (e.g., Opinion rather than Notification) based on a change in land sensitivity or in the proposal or project area (ha). • Changes to any Habitats Regulations Assessment (HRA) that had been carried out previously, or completion of one which will now be required. • Changes in constraints identified in the original proposal or project, including protected sites and features. Statutory bodies will need to be re-notified or re-consulted.

<p>own rules on % of open ground.</p>		<ul style="list-style-type: none"> Any other issues that are unique to the proposal or project and site sensitivities. <p>Please note: Open ground changes are not likely to change the EIA decision, but may do so if moving from very low to very high levels of open ground, or vice versa.</p>
<p>Scenario</p>	<p>Is Consultation PR required for the amended proposal or project?</p>	<p>What EIA (or other regulatory) actions are required for afforestation?</p>
<p>2. Changes to species composition</p>	<p>Changes to species composition:</p> <ul style="list-style-type: none"> <25% increase in conifer or broadleaf species: The FC will need to assess on a case-by-case basis if there is a reason to republish the proposal or project. ≥25% increase in conifer or broadleaf: Yes. 	<p>Changes to species composition:</p> <p>The FC will need to assess the impact of the change: Changes in species composition must remain UKFS compliant.</p> <ul style="list-style-type: none"> Modest species composition changes are unlikely to change an existing EIA decision, but the EIA decision may need to be re-considered in cases with larger species composition changes (landscape, biodiversity).
<p>3. Changes to stocking density</p>	<p>Changes to stocking density:</p> <p>No.</p>	<p>Changes to stocking density:</p> <p>The FC will need to assess the impact of the change: Changes in stocking density have potential to affect e.g., ground water resources or have a visual impact on landscape.</p> <ul style="list-style-type: none"> Modest stocking density changes are unlikely to change an existing EIA decision, but the EIA decision may need to be re-considered with larger stocking density changes e.g., moving from very low density to very high density, or vice versa.

Scenario	Is Consultation PR required for the amended proposal or project?	What EIA (or other regulatory) actions are required for afforestation?
<p>4. Changes to tree protection (guards, fences, etc.)</p>	<p>Changes to tree protection: No.</p>	<p>Changes to tree protection: The FC will need to assess the impact of the change:</p> <ul style="list-style-type: none"> An EIA decision is unlikely to change but might do so if changes have a significant impact on e.g., visual amenity because of change from guards to fencing, or where they inhibit legal public access.
<p>5. Changes to access</p> <ul style="list-style-type: none"> Providing new public access or alteration of existing access (e.g., a permissive footpath) Car parks, paths and roads 	<p>Changes to access: No.</p>	<p>Changes to access: The FC will need to assess the impact of the change:</p> <ul style="list-style-type: none"> An EIA decision is unlikely to change by adding permissive public access, but might do so where the FC identifies a particular issue - such as a proposal or project on a common, or on open access land which requires consultation with the Local Access Forum (LAF). <p>Additionally, where access improvements are for forest paths, roads, and car parks, then EIA forestry regulations may need to consider those elements of the proposal or project.</p>
<p>6. Changes to ground preparation</p>	<p>Changes to ground preparation: No.</p>	<p>Changes to ground preparation: The FC will need to assess the impact of the change:</p> <ul style="list-style-type: none"> An EIA decision is unlikely to change but might do so if changes include moving from low impact ground preparation to high impact such as ploughing, and especially where these would have a significant effect on

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		soil disturbance of organic rich soils, or on mineral soils which may wash into local watercourses.
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FC processing

Proposed amendments to forestry proposals and projects that do not provide the necessary evidence for the FC to reassess the impact of the change will be returned to the proposer with an explanation of what other information is required – see 'Process' section of this document.

Timescales

The FC will process amendments as quickly as possible.

- where the Consultation PR is required, this takes 28 days
- where formal consultation is required with a statutory body, the FC must wait for the statutory body to provide its response. We aim for 28-day turnaround, but sometimes it will take longer

Final decisions on the approved amended projects will be published on the FC's Decision PR.

Amendment approval

The reassessment process the FC undertakes may uncover some negative impacts from the amendments proposed and these will need to be fully resolved before the project can be approved and work can commence.

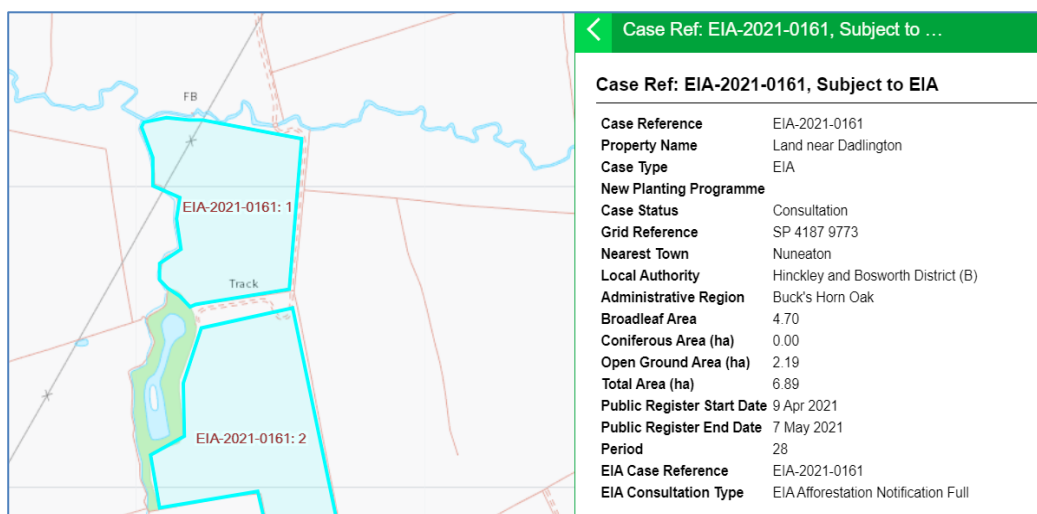
Proposers must wait for an amendment to be approved before undertaking any work, even if that work is on a previously approved part of the project.

Forestry Commission Public Registers

Cases can be viewed on the FC Public Registers at assessment stage (Consultation PR) and at decision stage (Decision PR). Click on the following link to view the FC Public Registers <https://www.gov.uk/guidance/consultation-and-the-public-registers/>.

Consultation Public Register

Example of a case on the Consultation Public Register



Case Ref: EIA-2021-0161, Subject to EIA	
Case Reference	EIA-2021-0161
Property Name	Land near Dadlington
Case Type	EIA
New Planting Programme	
Case Status	Consultation
Grid Reference	SP 4187 9773
Nearest Town	Nuneaton
Local Authority	Hinckley and Bosworth District (B)
Administrative Region	Buck's Horn Oak
Broadleaf Area	4.70
Coniferous Area (ha)	0.00
Open Ground Area (ha)	2.19
Total Area (ha)	6.89
Public Register Start Date	9 Apr 2021
Public Register End Date	7 May 2021
Period	28
EIA Case Reference	EIA-2021-0161
EIA Consultation Type	EIA Afforestation Notification Full

Sources of further advice

- FC Public Registers: <https://www.gov.uk/guidance/consultation-and-the-public-registers>
- FC EIA guidance: <https://www.gov.uk/guidance/environmental-impact-assessments-for-woodland-overview>
- UK Forestry Standard: <https://www.gov.uk/government/publications/the-uk-forestry-standard>

Please contact your local Woodland Officer if you require any further advice. The following link provides a list of the FC's Woodland Officers and the Areas that they cover: <https://www.gov.uk/government/organisations/forestry-commission/about/access-and-opening>.

Versions

Version 1.0 issued 09.06.2021