

## Response ID ANON-QXK1-FEX2-T

Submitted to Environmental Impact Assessment – Joint Technical Consultation (planning changes to regulations on forestry, agriculture, water resources, land drainage and marine works)

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### Introduction

1 What is your name?

Name:

Caroline Harrison

2 What is your email address?

Email:

caroline@confor.org.uk

3 Postal Address (optional)

Text box for respondent's telephone number and postal address if willing to provide, if not - please type no:

Postcode:

4 Telephone number (optional)

Telephone number (optional):

5 Are you responding on behalf of an organisation?

Yes

If yes, please give the organisation's name:

Confor: Promoting forestry and wood (Confederation of Forest Industries). Confor is the the voice of the forestry sector. Confor is a membership organisation that promotes sustainable forestry and wood-using businesses. Confor represents some 2,000 members.

and your role/job title:

England National Manager

### Consultation criteria

6 Copies of responses to this consultation will be made available to the public on request.  If you do NOT want your response – including your name, contact details and any other personal information – to be publicly available, please click on the No button below.

No - I want my response to be confidential. :

No

Text box for reason for response to be kept confidential and NOT published:

Which country/ies and which regulations does your response concern?

7 Which county or countries does your response concern?

England, Wales

8 Which Environmental Impact Assessment regulations does your response concern? Please click on all that apply.

The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended

### Co-ordinated and joint procedures

9 Do you agree or disagree with these proposals?

agree

Please use this text box for any views on these proposals:

It is imperative that clear channels of communication are open between each regulating body and between the regulating bodies and the applicants.

There has been so little large scale woodland creation in England and Wales, due to a range of factors, including a negative perception of the EIA process and its associated timescales and costs, that only 10 afforestation projects have required EIA consent in the past 10 years. Consequently Forestry Commission have little expertise of the EIA process and its requirements. There is even less expertise amongst potential applicants and/or their managing agents. Clear and concise guidelines for assessors and applicants are very important.

## Screening

10 Do you need information on this?

yes

What information from us would help you comply with these new requirements?:

Confor understands that it is an EU requirement for upfront screening and clarity over what is required from the upfront screening process is welcome. However, Confor would ask for a clear statement from the Forestry Commission as to what the minimum requirements are for the Directive to be transposed. Sight of the new detailed list would be welcomed to reduce the risk of applications being "gold plated".

In addition Confor understands that the national habitats and species data is very coarse and of poor quality. An exercise to update and improve this data would further streamline the screening process.

## Thresholds

### Thresholds for afforestation projects

#### Thresholds for afforestation projects in England

11 Please give us your views on the following proposals for increasing afforestation thresholds in England. Pleased click if you have a preferred option.

Option c - Retain the current thresholds in non-sensitive areas (5 hectares) but, in the low risk areas, increase the threshold from 5 to 100 hectares.

Please provide your views in the text box below:

Confor would question why the current threshold of 2 hectares in National Parks is being maintained. There is land identified within National Parks that is non-sensitive and suitable for woodland creation that would deliver considerable benefits in terms of Natural Capital and ecosystem services. Confor proposes that the threshold within National Parks (in England and Wales) is increased to 50 hectares.

#### Proposals for ensuring environmental protection if the threshold in England is increased

12 Please give us your views for the following proposals for ensuring environmental protection if the threshold in England is increased

Option a) Retain the current approach: no requirement to notify Forestry Commission England of proposals under threshold before starting work:

Confor does not support this option.

Option b) Notify Forestry Commission England of the proposal and provide information that confirms it complies with the UK Forest Standard – demonstrating how woodland design will mitigate any adverse environmental impact – and allow 28 working days for Forestry Commission England to review this before starting work:

This is Confor's preferred option. If a proposal is UKFS compliant then there should be a presumption in favour of approval without further consultation. This would free up Forestry Commission to focus their limited resource on non-compliant schemes.

Option c) Notify Forestry Commission England of the proposal and provide information that confirms it complies with the UK Forestry Standard – demonstrating how woodland design will mitigate any adverse environmental impact - and allow 42 working days for Forestry Commission England to review this, including placing on a public register for local stakeholders to comment before starting work:

Confor does not support this option.

### Thresholds for afforestation projects in Wales

13 Please give your views on increasing the thresholds in non-sensitive areas in Wales to one of two levels:

increase the afforestation threshold for non-sensitive areas from 5 hectares to 50 hectares

If you would like to provide more information on your views on increasing the thresholds in non-sensitive areas in Wales, please write them in the following text box.:

It is important to note that the Woodland Opportunities Map is a Glastir map. As such it gives an artificially high score for projects in areas that Welsh Government deem they would like to see Glastir funds spent, this means that it indicates better scores in areas of pollution, poverty and people, i.e. the areas of highest populations and a lower score in areas of very low population, (where the land for woodland creation is available!)

Feedback from Confor members in Wales is that 100 hectares is the minimum area needed to create commercially viable woodland so there should be an option for 100 hectares in Wales as well. If not the 50 hectare threshold is preferable but less likely to be financially self sustaining.

### Time period for making screening decisions

14 Do you agree or disagree with our proposals on changing the time for making screening decisions?

agree

Please use this text box for any views on these proposals:

As stated previously if a proposal/application is UKFS compliant there should be a presumption in favour of approval without further consultation and 28 days should be a sufficient timescale for FCE or NRW to give their decision. For proposals/applications that are not UKFS compliant stricter application of the consultation timescales with statutory consultees and being clearer on what further information statutory consultees can request would be welcomed. In practice 90 days should allow for all relevant consultees to input. FCE or NRW, as the authorising bodies, MUST be able to have the authority to make clear and final decisions on cut-off dates for consultee responses.

### Consulting others in the EIA process

15 Do you agree or disagree that we should continue to use non-electronic methods for notices for alerting the public to consultation?

agree

Please use this text box for any views on these proposals:

See previous answer for stricter application of the consultation timescales with statutory consultees.

16 Do you think the public participation procedure in the Marine Works Regulations should be simplified? If so, please say how in the text box below.

Not Answered

If so, please say how in the text box below:

No comment.

### Competent experts

17 Do you agree or disagree with our proposals?

agree

Please use this text box for any views on these proposals:

Confor generally supports the definition of "competent experts". However, if the process of preparing and examining an Environmental Statement is streamlined and simplified as per previous proposals within this consultation, then Confor would argue that an applicant or his/her agent should have the competency to provide answers to queries from the deciding authority. If further information is needed then an open and fair process to contract "competent experts" should be adopted.

### Additional changes to the EIA Agriculture Regulations for clarity and improving the process - definition of "cultivated"

18 Do you agree or disagree with the proposed change to the definition of "cultivated"?

Not Answered

Please use this text box for any views on this proposal:

No comment.

19 Definition of "cultivated" - do you have an alternative proposal?

Not Answered

If yes, please write your alternative proposal in this text box:

No comment.

Additional changes to the EIA Agriculture Regulations for clarity and improving the process - definition of "good environmental condition"

20 Do you agree or disagree with the proposed change to the definition of "good environmental condition"?

Not Answered

Please use this text box for any views on this proposal:

No comment.

21 Definition of "good environmental condition" - do you have an alternative proposal?

Not Answered

If yes, please write your alternative proposal in this text box:

No comment.

Additional changes to the EIA Agriculture Regulations for clarity and improving the process - extending the time limit for an appeal

22 Do you agree or disagree with the proposed change (to alter the time limit within which someone can bring an appeal)?

Not Answered

Please use this text box for any views on this proposal:

No comment.

23 Altering the time limit for an appeal - do you have an alternative proposal?

Not Answered

If yes, please write your alternative proposal in this text box:

No comment.

Additional changes to the EIA Agriculture Regulations for clarity and improving the process - commons

24 Do you agree or disagree that we should continue to exempt common land projects from the EIA Directive?

Not Answered

Please use this text box for any views on this proposal :

No comment.

Marine Works Regulations

25 If you have any views on these points on the Marine Works Regulations, please write them in the text box below

Please write any views about the Marine Works points above:

No comment.

Welsh language

26 Do you think that the policy approach proposed has any implications for the Welsh language? Please put your answer and an explanation (if appropriate) in the text box below.

No

Text box for explanation on Welsh language question:

No comment.

Costs to business from the changes

27 If you have evidence that you would like to supply, please email it to: EIA.consultation@defra.gsi.gov.uk or post it to EIA Consultation, Defra, Nobel House, 17 Smith Square, London SW1P 3JR with your name and the name of your organisation (if appropriate). Thank you.

Text box for views, information and evidence on costs to business of the EIA changes.:

No comment.

Any other comments you would like to make about the consultation.

28 If you have any other comments to make on this consultation, please write them in the text box below.

Text box for any other comments on the consultation:

Confor would ask DEFRA how responses to this consultation will be analysed and weighted. Confor as a membership organisation has worked with other industry bodies and membership organisations in submitting this response namely, The Institute of Chartered Foresters, The Country Land and Business Association and the Woodland Trust. Each organisation represents significant numbers of members and each will be submitting their responses on behalf of their members.

### Consultee Feedback on the Online Survey

29 Overall, how satisfied are you with our online system for responding to the consultation?

Satisfied

30 Please give us any comments you have on this system for on-line responses to the consultation

Text box for views on Citizenspace as a response system:

No comment.