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Environmental Impact Assessments

Explaining what EIAs are, applying for a screening decision and preparing an Environmental Statement.

This replaces Business Link

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Introduction

An Environmental Impact Assessment (EIA) is a formal process that, in this context, aims to protect uncultivated land and semi-natural areas from being damaged by agricultural work, and to guard against possible negative environmental effects from the restructuring of rural land holdings.

Agricultural projects which may be covered by the Environmental Impact Assessment (Agriculture) (England) (No 2) Regulations 2006 include projects which increase levels of fertiliser or soil improvers, cultivate the soil, sow seed, drain land and clear existing vegetation or use herbicides. A restructuring project is one which adds or removes field boundaries or re-contours the land.

If you are planning work on your land, you'll need to decide if your project will be an uncultivated land project or a rural restructuring project. In both cases, you will have to apply to Natural England for a screening decision.

This guide explains what an EIA is, how to apply for a screening decision, what to include in an Environmental Statement and where to obtain further useful information on EIAs.

What is an Environmental Impact Assessment?

Since October 2006, Natural England has been responsible for overseeing the Environmental Impact Assessment (Agriculture) (England) (No. 2) Regulations 2006.

The new regulations protect any uncultivated or semi-natural land from damage caused by improvements to the land for agricultural purposes. They cover two types of project:

- those that increase the productivity for agriculture of uncultivated or semi-natural land - eg by physical or chemical cultivation, draining or clearing vegetation - which will take place on two hectares or more (in total) of uncultivated or semi-natural land
- those that physically restructure rural land holdings by changing four kilometres or more of field boundaries or recontouring the land through addition, removal or redistribution of 10,000 cubic metres or more of earth or rock

If you are planning work which falls in either of the above categories, you should apply to Natural England who will consider the work that you are planning and the environmental impact that it will have, before deciding whether or not you may carry out the work.

There are also lower thresholds for restructuring works on land within or partly within a sensitive area.

What is uncultivated or semi-natural land?

Land is considered to be uncultivated if it has not been physically or chemically cultivated in the last 15 years.

Semi-natural areas are defined largely by the plants and wildlife they support. They may have been subjected to low levels of active cultivation within the last 15 years, although many will not have been cultivated at all.

In summary, semi-natural areas will include:

- species-rich hay meadow (upland or lowland)
- unimproved grassland (including calcareous, acid and neutral grassland)
- coastal and floodplain grazing marsh

- scrub consisting of self-seeded wild shrubs and trees
- fen, marsh and swamp
- dwarf shrub heath (ie moorland and heathland)
- peat bogs
- bracken
- land above the tree-line (ie usually over 600 metres above sea level)
- standing water and canals

For more information on land planning, see the guide on [planning land use](#).

EIAs and cross compliance

To qualify for full payment under the Single Payment Scheme and other direct payments - eg the Environmental Stewardship schemes - you must meet all relevant cross compliance requirements. These requirements are split into two types:

- Statutory Management Requirements (SMRs)
- requirements to keep your land in Good Agricultural and Environmental Condition (GAEC)

For more information on SMRs and GAECs, see the guides on [cross compliance: the basics](#), [Statutory Management Requirements \(SMRs\)](#) and [standards of Good Agricultural and Environmental Condition \(GAEC\)](#).

GAEC 5 - Environmental Impact Assessment

GAEC 5 aims to take account of the environmental importance on uncultivated land and semi-natural areas. It applies to you if you intend to increase the productivity of 2 hectares or more of land that's either not been cultivated within the last 15 years or that is semi-natural. You can [download GAEC 5 - Environmental Impact Statement from the Rural Payments Agency \(RPA\) website \(PDF, 994KB\)](#).

Applying for an agricultural EIA screening decision

If the work you are planning falls under the EIA (Agriculture) (England) (No. 2) Regulations 2006, you must apply to Natural England for a 'screening decision'.

You must not begin, or carry out, any work on your project without a screening decision allowing the project to proceed.

[Find information on the EIA \(Agriculture\) regulations on the Natural England website.](#)

You should send your application to:

Environmental Impact Assessment Unit
 Natural England
 Government Buildings
 Block 3
 Burghill Road

Westbury-on-Trym
Bristol
BS10 6NJ

Your application must include:

- a plan that clearly identifies the relevant land
- a brief description of the nature, extent and purpose of the project and its possible effects on the environment
- any other information or representations you wish to provide

After receiving the application, Natural England will aim to respond within 35 days. If the project is unlikely to have a significant effect on the environment, it will be allowed to proceed. However, if it is likely to have a significant effect, it may not proceed without consent.

There is a right of appeal to the Secretary of State against Natural England's decision. An appeal must be brought within three months of the relevant decision.

In cases where consent is needed, you must produce an Environmental Statement, and make an application to Natural England.

Preparing your Environmental Statement

If Natural England decides, after assessing your project, that it is likely to have a significant effect on the environment, you will need Natural England's consent before the project can proceed. You will also have to put together an Environmental Statement (ES) to submit to Natural England in order to obtain consent for the project. The ES will give a detailed description of your project and its environmental impacts.

The information you should put in your ES is laid out in Schedule 3 of the Environmental Impact Assessment (Agriculture) (England) (No. 2) Regulations 2006.

You should always include:

- a description of the location, design and size of the project
- any proposed measures to prevent, reduce or offset any significant adverse effects of the project on the environment
- the information required to identify and assess the effects which the project is likely to have on the environment
- an outline of the main alternatives to the proposed project and an indication of the main reasons for the choice made
- a non-technical summary of the information above

You should also include as much of the following information as is 'reasonable' to assess the environmental effects of the project:

- a description of the physical characteristics of the project, land use requirements, production processes and an estimate of expected residues and emissions

- an outline of the main alternatives to the proposed project and an indication of the main reasons for the choice made
- a description of the environmental aspects likely to be significantly affected by the proposed project - eg flora, fauna or soil quality
- a description of the likely significant effects of the project on the environment and any measures to prevent, reduce or offset any significant adverse effects
- a non-technical summary of the information above
- an indication of any difficulties encountered in compiling the required information

If you are unsure what information to include in the ES, you can ask Natural England to give an opinion on what information should be provided. This is called a ‘scoping opinion’.

When they receive the completed ES, Natural England will consider the application. They will then make a decision on whether they will grant you consent for the project. If consent is granted, it may be made subject to any conditions Natural England thinks are necessary.

A decision will be given within six weeks - unless they need to ask you for additional information - in which case it may take longer.

There is a right of appeal to the Secretary of State against Natural England’s decision either not to grant consent or to grant consent subject to conditions. The appeal must be brought within three months of the decision.

Organisations that can help

Further information on EIAs is available in other guides on this website, and from the following organisations.

The EIA Unit of Natural England is responsible for overseeing the Environmental Impact Assessment (Agriculture) (England) (No. 2) Regulations 2006. They will process any applications for screening decisions or consent, and will be able to advise you on requirements and how your application is proceeding.

You can call the Natural England EIA helpline on 0800 028 2140 or [contact them by email] (eia.england@naturalengland.org.uk)(<mailto:eia.england@naturalengland.org.uk>).

Planning Aid is a free, voluntary service from the Royal Town Planning Institute (RTPI), offering independent professional advice and help on planning. You can [find planning aid information on the RTPI website](#) or you can call the Planning Aid advice line on 0121 693 1201.

One of the major roles of the Department for Environment, Food and Rural Affairs (Defra) is to help the farming industry operate as efficiently as possible. Defra administers European support policies that provide around £3 billion to UK agriculture. They also oversee a number of agencies that work with arable farmers, imports and exports of crops and implement pest and disease controls. You can call the Defra helpline on 08459 33 55 77.

The RPA is responsible for licences and schemes for growers as well as for running the Single Payment Scheme (SPS). For more information about SPS and how it can help your

farming business, you can call the RPA helpline on 0845 603 7777. You can also [read the guide on the SPS](#).

In England, the Farm Advisory System advises farmers about cross compliance. For further information, call the Cross Compliance helpline on 0845 345 1302. Alternatively, [find information on cross compliance requirements on the Cross Compliance website](#).

The National Farmers' Union (NFU) represents the farmers and growers of England and Wales. It aims to promote successful and socially responsible agriculture and horticulture, while ensuring the long-term viability of rural communities.

You can [read about the work of the NFU on their website](#).

Farmers are likely to come into contact with local authorities over a number of farming, land use, food standards and environmental regulations. Your local authority may also be able to provide further information or resources.

Further Information

Planning Aid Advice Line

0121 693 1201

Natural England EIA helpline

0800 028 2140

Cross Compliance helpline

0845 345 1302

RPA Customer Service Centre

0845 603 7777

Defra helpline

08459 33 55 77

Forestry Commission helpline

0117 906 6000

[Download GAEC 5 - Environmental Impact Statement from the RPA website \(PDF, 994KB\)](#)

[Planning aid information on the RTPI website](#)

[Cross compliance guidance](#)

[Organisation information on the NFU website](#)

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- [Cross Compliance: an overview](#)

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