

# Detailed guide: EIA (Agriculture) regulations: apply to make changes to rural land

*Updated:* Replaced public register with version updated to 3 August 2018.

The EIA regulations protect rural land in England that's uncultivated or semi-natural from changes in agricultural activities that might cause damage by:

- increasing productivity
- physically changing field boundaries

Uncultivated land is land that hasn't been cultivated in the last 15 years by:

- physical means, such as ploughing or an activity that breaks the soil surface
- chemical means, such as adding fertiliser or soil improvers

Semi-natural land includes [priority habitats](#), heritage or archaeological features, or protected landscapes. It's usually land that hasn't been intensively farmed, such as unimproved grassland or lowland heath.

You must use this guidance to follow EIA regulations if you want to change rural land use. Failure to follow EIA regulations means you could:

- be prosecuted
- be fined up to £5,000
- have to restore land to its previous condition

EIA regulations are part of [cross compliance](#), the rules you must follow if you have land in:

- the Basic Payment Scheme
- Countryside Stewardship
- Environmental Stewardship

Failure to follow EIA regulations could affect your payments.

## **When to get permission to change rural land**

Natural England must decide if your proposal to change the use of rural land is likely to have a significant effect on the environment. You must [apply for this decision](#), known as an 'EIA screening decision' before you change rural land. There are several ways to change the use of rural land.

## **Increasing productivity of land for agriculture**

You need a screening decision if you propose to affect uncultivated or semi-natural land by:

- disrupting the soil surface by ploughing, tine harrowing or rotovating
- increasing the use of fertiliser or soil improvers including lime
- sowing seed that will increase grassland productivity
- draining land
- clearing existing vegetation or scrub equal to or above an area of 2 hectares, either physically or using herbicides
- increasing stock density that will result in improved vegetation from grazing

## **Land under 2 hectares**

You can't work on separate projects under the 2ha threshold which are on the same landholding if they go on to exceed 2ha overall.

Natural England also needs to consider proposals to change land under the 2ha threshold that's of regional significance if it:

- is semi-natural
- has heritage features, such as above or below-ground archaeological sites
- has special landscape features, such as a historic parkland

## **Restoring semi-natural grassland or semi-natural heathland**

You need a screening decision if sowing seed for restoration of land disrupts the soil surface as a form of cultivation and increases agricultural productivity.

## **Altering field boundaries**

You need a screening decision if you intend to:

- add or remove field boundaries that are over 4km long
- add or remove field boundaries that are over 2km long for land in protected areas, such as a national park, area of outstanding natural beauty or site of a scheduled monument
- add new fencing on common land that meets the same criteria above (these were previously exempt from the Regulations)

## **Moving or redistributing earth**

You need a screening decision to add, remove or redistribute earth or other material if it's:

- 10,000 cubic metres or more
- an area of 100 hectares or more

For land in a protected area, such as a national park or area of outstanding

natural beauty, you need permission to add, remove or redistribute earth or other material if it's:

- 5,000 cubic metres or more
- an area of 50 hectares or more

You don't need permission to:

- replace nutrients on semi-natural land as long as it doesn't result in increased agricultural output – for example applying low levels of lime or farmyard manure to hay meadows as part of its traditional management
- introduce mixed wildflower seed
- clear invasive non-native vegetation

## **Apply for an EIA screening decision**

You must apply for a screening decision before changing rural land that's equal or over the 2ha threshold, or meets the criteria under the 2ha threshold.

You must provide an Environmental Screening Report (ESR) with your application.

Your ESR needs to include:

- a full description of the project and its effect on the environment
- map and plans for the project and the area likely to be affected
- descriptions of the environmental sensitivity of the project
- landscape, biodiversity and archaeological assessments where required
- details of any mitigation that will lessen the effect of the project
- an appended collection of your evidence

## **Landscape assessment**

You'll need a landscape assessment for projects that:

- add or move field boundaries
- redistribute earth or other materials
- change the structure of your agricultural landscape

Your assessment needs a:

- desk assessment
- field survey carried out by a qualified agent or consultant
- summary assessment of your project's effects on the landscape

Your desk assessment will describe the landscape qualities and the field survey should verify these findings. You can get landscape information from your [local council](#) and by consulting:

- the [Open Spaces Society](#) for projects on open land
- your regional [Federation of Commoners](#) for projects on common land

Your desk assessment needs to include:

- a local landscape character assessment using information from the [National Character Area \(NCA\) profiles](#)
- identification of the project area's landscape qualities
- the potential effects of the project
- a 1:25,000 scale [zone of visual influence \(ZVI\)](#) map of the project

Your field survey will:

- verify the desk assessment with clear photographic and mapped evidence of the landscape and its condition
- summarise the project's effect on the landscape characteristics

Your summary assessment needs to include the effect of your project on the landscape.

## **Biodiversity assessment**

ESRs for uncultivated land projects will need a biodiversity assessment. This includes a desk assessment verified by a field survey where needed. A summary assessment should include your project's effects on biodiversity.

Your desk assessment needs to show what biodiversity is present. You can get biodiversity data from the [MAGIC website](#) and by consulting:

- your local [Biodiversity Records Centre](#)
- the [Wildlife Trust](#)
- The [RSPB](#)

Using data from your consultations, verify:

- what priority habitats are present
- [Local Wildlife Sites](#) and any priority or protected species
- what's next to the site
- whether there's a [Site of Special Scientific Interest \(SSSI\)](#) or priority habitat
- the significance of the biodiversity to the area

Your field survey will be used to verify the findings of the desk assessment including assessing habitat condition. If you're not disputing consultation results, you don't need a field survey. Your summary needs to include the effects of your project on the habitat, and any protected species.

## **Archaeology assessment**

Your assessment needs to verify the effects of the project on any areas of archaeological or historic interest on the site. A qualified person such as the County Archaeologist can provide this information. You can also consult:

- the Protected Landscape Authority, [National Park Authority](#), or your [Area of Outstanding Natural Beauty \(AONB\) Partnership](#)
- [Historic England](#)

- archaeology data from the [MAGIC website](#)

Your consultations will verify:

- any archaeology or historic environment features within or near the project area
- the significance of the archaeology or historic environment
- the project's effect on the archaeology or historic environment
- how to best minimise the effect of the project

It's an offence to provide false or misleading information in your application.

## **Submit your EIA screening application**

Complete the relevant form for projects that:

- increase the productivity for agriculture of uncultivated land or semi-natural areas [Form EIA 1](#)
- physically restructure rural land holdings [Form EIA 1a](#)

Natural England will take between 35 and 90 days (depending on the complexity of your proposal) from receiving your application to decide whether you:

- can proceed
- need to apply for consent to carry out the work

A screening decision is valid for 3 years.

You must get all other permissions and changes to land management agreements you may have before you can start work, such as:

- making sure your proposal doesn't breach the requirements of a Countryside Stewardship agreement
- getting permission from the Environment Agency if your proposal includes spraying within one metre of a watercourse

## **Apply for a consent decision**

Natural England's screening decision will determine whether your proposal is likely to have a significant effect on the environment. You'll need permission, known as a 'consent decision' to carry out works if this is the case.

To apply for a consent decision you need to prepare an environmental assessment report. Use an experienced specialist, such as your environmental consultant to do this. You can discuss your report with Natural England before submitting your application.

Natural England can tell you what your environmental statement and consent application should contain (known as a 'scoping decision'). Natural England

will send you their scoping opinion within 5 weeks of your request. You must base your environmental assessment report on the advice you get from Natural England.

You must start projects that have been granted consent within one year of the consent date and complete it within 3 years. You must re-apply for consent if you miss the deadline.

## **Notice of applications for consent received by Natural England**

There are currently no notices.

## **Consent and screening decisions**

Natural England will publish its consent decision so it's available to anyone local to the relevant land. This may be in a newspaper or a public notice in a town hall or library.

## **Outcome of Natural England's screening decisions**

See the [Environmental Impact Assessment \(Agriculture\) \(England\) \(No. 2\) Regulations 2006: public register](#)  
(PDF, 2.19MB, 330 pages)

for all screening decisions.

## **Appeal against a screening or consent decision**

You must send your appeal to the Secretary of State for Environment, Food and Rural Affairs within 3 months of Natural England publishing the decision notice.

EIA (Agriculture) regulations decision appeals

Department for the Environment, Food and Rural Affairs

Nobel House

17 Smith Square

London

SW1P 3JR

Email: [eia-appeals@defra.gsi.gov.uk](mailto:eia-appeals@defra.gsi.gov.uk)

# Contact

Contact the EIA team for further advice.

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