

# [Detailed guide: EIAs: notify the Forestry Commission, get an opinion or apply for consent](#)

You may have to notify the Forestry Commission or ask for its opinion about environmental impact, depending on the scale and location of the forestry project you're proposing. Once you've had a Forestry Commission response you may have to apply for consent. These formal processes are written into the Environmental Impact Assessment (EIA) regulations – see the [overview guidance for general information on EIAs](#)).

## **Notification**

If your forestry project is for afforestation, small scale in nature and/or located within a low risk area you may simply be able to notify the Forestry Commission of your proposal, using the [EIA enquiry form](#), in order to get its decision. Check the [afforestation thresholds table](#) to see if you're eligible for this process, and which notification procedure would apply.

If you're eligible for basic notification, the Forestry Commission will give its decision within 28 days, unless it asks you for more information.

If you're eligible for full notification, the Forestry Commission will give its decision within 42 days, unless it asks you for more information.

If the Forestry Commission asks for more information, you'll get a request in writing and the decision period will be restarted once you've provided the requested information.

## **Opinion**

For all other eligible forestry projects, the Forestry Commission will give an opinion on whether or not you, the applicant, must apply for consent to carry out any work. Below is the process for getting its opinion.

### **1. Bring your proposal together**

When planning your project, you should use your own forestry experience or seek advice from a professional forestry agent, and should engage with local and statutory stakeholders who may have an interest in the land on which your project will lie, as required.

Gather information from on the site and from as many other sources as possible and use that information to design a [UK Forestry Standard](#) compliant forestry project. You should consider liaising with Natural England and the Environment Agency at this stage, and submit their comments along with your

EIA enquiry application.

## **2. Complete an EIA enquiry form**

Once your project proposal has been drawn together, complete the relevant EIA enquiry for your project(s).

- Download the EIA enquiry form to [create new woodland.](#)
- Download the EIA enquiry form for [deforestation.](#)
- Download the EIA enquiry form for [forest roads and/or quarries.](#)

## **3. Send your details to the Forestry Commission**

Send your completed form with the following information/documentation to [your local Forestry Commission admin office](#)

- a map identifying the area and showing the extent of the project – this should be a clear Ordnance Survey map at a scale of 1:10,000 or 1:2,500
- information on the characteristics of the project and any likely significant effects on the environment – significant effects are specified in Appendix 2 of the [EIA screening guidance](#) (PDF, 942KB, 21 pages)

document

- any other information or evidence that you have gathered and is relevant, eg species maps, plans, photographs etc, including a description of any features of the project or measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment

If the Forestry Commission reasonably requires further information in order to form an opinion, it will contact you. If, at any time, it becomes aware of proposals that require it's consent, the Forestry Commission may give it's opinion to the person whom it believes should have asked it.

## **4. When to expect an opinion decision**

The Forestry Commission will only begin to form an opinion when all the relevant information has been received. If the Forestry Commission has asked you for more information, the process may take longer. It will normally form an opinion within 28 days of receiving all the relevant information, but in exceptional circumstances it may take longer than this period to form an opinion. If this is the case, the Forestry Commission will let you know in writing.

Decisions last for a period of 5 years or any shorter period specified.

## **5. If consent is not required**

If the Forestry Commission decides that consent is not required, it will inform you in writing.

## **6. If consent is required**

If the Forestry Commission decides that consent for the work is required, it will inform you in writing. If you wish to progress with your project you will be required to produce an Environmental Statement and application for consent in order to get a decision about whether or not the work can proceed.

## **When the Forestry Commission publicises the decision**

After notifying you of their decision, the Forestry Commission will publish the decision on a Public Register for 28 days. This will notify the public of the decision on your project.

## **Grant applications for EIA project types**

If you're applying for a Forestry Commission grant to deliver a EIA project type you may not be required to submit an EIA Enquiry Form, as the information provided in your grant application may meet the information requirements of the Enquiry Form.

Additionally you should note that grant applications take longer to assess than EIA projects, so the final EIA decision for Notification or Opinion won't be given until the final grant offer is ready to be made. This may be significantly longer than 28 or 42 days.

## **Apply for consent**

If the Forestry Commission decides your project has a significant impact on the environment, you must get its consent for the work before you start.

Your application will need to include an Environmental Statement and you will have to scope the project. For more help, read the [EIA scoping environmental statement guidance](#).  
(PDF, 652KB, 31 pages)

The Forestry Commission is required to provide formal consent for certain 'relevant projects' under the EIA Regulations. The process for getting its consent is outlined below.

In most cases, the Forestry Commission would strongly advise applicants to proceed with the notification or application for our opinion, whichever is relevant, prior to submitting an application for consent. But if you're certain that an application for consent is required, it's possible to apply for consent without completing the previous steps.

## **1. Make preliminary enquiries**

Speak to your local Forestry Commission woodland officer about your project and the need to apply for consent. They will help you to decide which countryside organisations may need to be involved with providing information that might help the preparation of the Environmental Statement.

## **2. Hold a scoping meeting**

This meeting between you, the Forestry Commission, relevant countryside organisations, consultees and interested parties, such as neighbours, will help to identify the particular issues that the environmental statement must address.

## **3. Prepare an Environmental Statement (ES)**

The purpose of an ES is to provide the Forestry Commission and other interested parties with as full an understanding of the consequences of the proposals as possible.

## **4. Prepare the application**

You will need to include:

- a map showing the area where the project is proposed, and the extent of any planting, regeneration, constructions, works or operations – this should be a clear Ordnance Survey map at a scale of 1:10 000 or 1:2 500
- a description of the nature of the relevant project
- any other information that might be relevant e.g. species maps, plans, photographs etc
- the Environmental Statement for the work
- a copy of the publicity notice that you must place in newspapers (this should only be done once the ES has been finalised with the Forestry Commission)

Note: you may have already supplied some of this information if you've previously asked for the Forestry Commission opinion under the EIA regulations. This information can be reused to help inform your ES. You can also use other relevant and equivalent ES from other similar projects as part of your application for consent, rather than having to recreate the required evidence.)

## **5. Send the application**

Send the documents to your [local admin hub](#).

The Forestry Commission may ask for multiple copies of the application documents to send to appropriate consultees.

## **6. Publicise the ES and consult**

- Once the Forestry Commission is satisfied that the ES addresses all the

issues of concern as agreed at the scoping meeting then you must make a public notice.

- Place the public notice (advertisement) in local newspapers and/or electronically, as directed by the Forestry Commission. You're responsible for the cost of this notice.
- Full details about the contents of the notice are given in the Environmental Impact Assessment of Forestry Projects.
- You must make copies of the application and the ES available in public places such as the local library, post office etc. The Forestry Commission will advise you about suitable locations.
- The Forestry Commission will give details of your application to the appropriate consultees and statutory bodies as well as the local authority with an interest in the application. They're required to give us their comments within 30 days.
- Proposals to carry out new planting or felling will appear on the Register of New Planting and Felling.

## **7. The Forestry Commission responds**

The Forestry Commission will respond with one of 3 possible decisions. You will either be:

- granted consent subject to the standard conditions (that the work must be started within 5 years from the date of consent and finished no later than 10 years from the date of consent)
- granted consent subject to the standard conditions (above) plus other additional conditions
- refused consent

## **8. The Forestry Commission publicises the decision**

After notifying you and other interested parties about their decision, the Forestry Commission will advertise their decision in the same newspapers in which the notice of the application for consent was placed and will be responsible for the cost of this notice.

## **Appeals**

You can [make a complaint or appeal against a Forestry Commission decision.](#)

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# **[Detailed guide: Environmental Impact Assessments for woodland: overview](#)**

The Forestry Commission is responsible for administering the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as

amended.

These regulations affect 4 forestry projects. These are:

- afforestation: creating new woodland, including by use of direct seeding or natural regeneration processes, planting of Christmas trees or planting of short rotation coppice
- deforestation: felling trees to use the land for a different purpose
- forest roads: the formation, alteration or maintenance of private ways on land used (or to be used) for forestry purposes, including roads within a forest or leading to one
- forestry quarries: quarrying to obtain materials required for forest roadworks on land that is used or will be used for forestry purposes, or on land held or occupied with that land

## Forestry projects and thresholds

The regulations give each of these projects a range of area thresholds depending on sensitivity to environmental impact. Lower thresholds are given for projects that lie within sensitive areas, such as a National Park or Area of Outstanding Natural Beauty (AONB).

Use the threshold information to work out if you're exempt from needing a Forestry Commission EIA decision all together or if you need:

- to give notification (basic or full)
- to get an opinion

The Forestry Commission will respond with a decision and you may need to apply for consent to carry out your work. Where you need a decision from the Forestry Commission, you must not carry out any work until you have received that decision.

[Find out more about giving notification, requesting our opinion and applying for consent.](#)

Each of the 4 projects have thresholds tables that the Forestry Commission uses to understand the scale of your work. You must check the thresholds table to work out if you need an EIA.

[See this thresholds table, guidance and EIA enquiry form if you're planning to create new woodland.](#)

[See this thresholds table, guidance and EIA enquiry form if you're planning to fell trees in order to permanently remove woodland cover and change land use.](#)

[See this thresholds table, guidance and EIA enquiry form if you're planning work on roads or quarries to be used for woodland and forestry purposes.](#)

## **EIA enquiries**

To help with our decision, we need you to complete an EIA enquiry form, along with a plan or map of the project area and any other relevant information that you've gathered about the site and from stakeholders.

The enquiry form to use will depend on whether the forestry project that you're proposing involves creating new woodland, felling trees for deforestation, or working on roads and/or quarries – see the guidance listed above.

## **Notification**

If your forestry project is afforestation (woodland creation), small scale in nature and/or located within a low risk area, you may simply be able to notify us of your proposal using the EIA enquiry form to get our decision.

## **Grant applications for woodland creation**

If you're applying for a Forestry Commission grant for woodland creation then you may not be required to submit an EIA Enquiry Form, as the information provided in your grant application may meet the Forestry Commission's requirements to assess environmental impact.

## **Applying for consent**

If our opinion is that the proposed project is a relevant project under the regulations, and that it will have a significant impact on the environment, then you must get our consent for the work before you start. Your application will need to include an Environmental Statement. You can find guidance on scoping and preparing an Environmental Statement below, under 'Further information'.

In some cases, we may ask for more information before we can make this decision. The Forestry Commission will write to you detailing which information is required, and will wait for you to provide that information before proceeding with our decision.

## **Penalties and Enforcement Notices**

If the Forestry Commission discovers that you're carrying out work subject to EIA regulations without consent, or that you've breached the terms of a previously granted consent, we may serve an Enforcement Notice.

### **Who can be served an Enforcement Notice**

An Enforcement Notice can be served on:

- the person carrying out the work, possibly the contractor
- the land owner

- any other people who have sufficient interest in the property (allowing them to carry out the work without the need to get permission from anyone else)

## Further information

You can find out more about the process with the:

- [EIA screening guidance](#)  
(PDF, 942KB, 21 pages)
- [EIA scoping and Environmental Statement guidance](#)  
(PDF, 652KB, 31 pages)

if you're applying for consent

If you have any questions, you can [contact your nearest Forestry Commission area office](#).

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## [Detailed guide: Assess the environmental impact of work on roads or quarries in forests](#)

The thresholds of projects for forestry roads and quarries are affected by the scale of the project and the sensitivity of the location for the road or quarry. Use the tables below to see which threshold your project falls into. You must apply for our opinion where your project requires EIA screening.

You may need to repair, improve or create new infrastructure through your woodland or across open land to reach your woodland, and you may need to quarry for materials to build that infrastructure.

You must check with your local planning authority to see if they will grant you permitted development rights for your infrastructure proposal. If they don't grant permitted development, you may need to apply for planning permission. The local planning authority should assess all your infrastructure proposals when considering your planning application, and you shouldn't need to ask the Forestry Commission for its opinion under the EIA Forestry regulations.

If they do grant permitted development, you need to check the thresholds table below to see if you'll need the Forestry Commission's opinion under the EIA Forestry regulations.

## Forest road/quarries thresholds table

Land type	Proposed project area	Action
The land, or part of the land, is in a sensitive area	Area of any size	Application for EIA opinion required
No part of the land is in a sensitive area	1 hectare or less	No EIA required
No part of the land is in a sensitive area	More than 1 hectare	Application for EIA opinion required

Use the [Land Information Search \(LIS\)](#) and other online map browsers, such as [MAGIC.gov.uk](#) to identify any designations or sensitivities that may be affected by the project. The sensitivities will determine the particular area threshold that must be used.

## Getting our opinion and applying for consent

If you do not qualify for an exemption or notification then you must apply to the Forestry Commission for our opinion. Your afforestation project may have impacts on the environment which, when seeking our opinion, will highlight the need for our consent to be given before the project can commence.

See the [overview guidance on EIAs](#) for general information about EIAs, or find out more about [getting our opinion and consent](#).

[Download an EIA Enquiry form for forest roads and quarries](#)

Send your form to your [local admin hub](#).

## EIAs grant applications for forest roads and or quarries

If you're applying for a grant to enable forestry roads or quarries, you should not start any work until you have received an EIA determination on your deforestation proposal.

## Further information

You can find more information about EIAs for work on roads and quarries in forests in the [Supplementary guidance for a forest road and/or quarry project seeking an EIA Opinion in England](#)

(PDF, 426KB, 16 pages)

You can find out more about the process with the:

- [EIA scoping guidance](#)  
(PDF, 652KB, 31 pages)
- [EIA screening guidance](#)  
(PDF, 942KB, 21 pages)

if you're applying for consent

## Appeals

You can [make a complaint or appeal against a Forestry Commission decision.](#)

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## [Detailed guide: Assess environmental impact before felling trees](#)

You may intend to fell trees to use land for a different purpose, for example, open habitat restoration.

The thresholds of projects for felling woodland to use the land for a different purpose are affected by the scale of the project and the sensitivity of the location in which tree felling is to take place. Use the table below to see which threshold your project falls into. You must apply for our opinion where your project requires EIA screening.

### Tree felling thresholds table

Scale of project	Sensitive area: not an AONB/NP	Sensitive area: AONB/NP only	Not within a sensitive area
1ha or more	Full EIA screening	Full EIA screening	Full EIA screening
0.5ha to 1ha	Full EIA screening	Full EIA screening	No EIA required
Less than 0.5ha	Full EIA screening	No EIA required	No EIA required

Use the [Land Information Search (LIS)](/government/admin/detailed-guides/827362)

and other online map browsers such as [MAGIC.gov.uk](#) to identify any designations or sensitivities that may be affected by the project. The sensitivities will determine the particular area threshold you must use.

## Converting woodlands to open habitats

You also need to complete the Convert woodland to Open Habitats application form, providing information on why this project is important, and where, when required, you will plant compensatory woodland. See the [Get consent to convert woodland to open habitat guide](#).

## Getting opinion and consent

See the [overview guidance on EIAs](#) for general information about EIAs, or find out more about [getting our opinion and consent](#).

[Download an EIA enquiry form: deforestation.](#)

If you're applying for a grant to enable deforestation, you mustn't start any work until you have received an EIA determination on your deforestation proposal.

Send your form to your [local admin hub](#).

## Penalties

If you carry out work that would have required our consent and have not received it, or breach the conditions of a consent we have given, the regulations allow us to issue an Enforcement Notice, which will require you to rectify the breach of the regulations.

Failure to comply with an Enforcement Notice carries a penalty on conviction of an unlimited fine.

## Further information

You can find out more about the process with the:

- [EIA screening guidance](#)  
(PDF, 942KB, 21 pages)
- [EIA scoping guidance](#)  
(PDF, 652KB, 31 pages)

if you're applying for consent

If you have any questions, you can contact your [nearest Forestry Commission area office](#).

## Appeals

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## [Press release: Biscathorpe residents meet regulators of oil and gas industry](#)

Communities in and around Biscathorpe are being invited to learn more about how the oil and gas industry is regulated.

The public information session for the proposed exploratory oil well in Biscathorpe is being held at Donington on Bain village hall, from 1pm until 8pm on Wednesday 18 July.

Local people will be able to meet with the authorities responsible for ensuring that oil and gas operations are carried out in a way that protects people and the environment.

Regulators attending the event include the Environment Agency, Lincolnshire County Council, Public Health England, the Health and Safety Executive, and the Oil and Gas Authority.

The event comes after Egdon Resources received environmental permits and planning permission to carry out drilling in search for oil at Biscathorpe, near Louth.

A spokesperson for the Environment Agency said:

The UK is recognised globally as a leading example for oil and gas industry regulation. We have some of the strictest controls in the world, as well as some of the toughest penalties and safeguards.

We regulate a huge number of industrial sites across England, and have decades of expertise in the assessment and mitigation of environmental risk, as well as the protection of local communities and their environment. We'd welcome the opportunity to speak with anyone who wants to find out more.