

# Detailed guide: Assess environmental impact before you create new woodland

Woodland creation means work that involves direct seeding or natural regeneration processes, planting Christmas trees or planting short rotation coppice.

The thresholds of projects to create new woodland are affected by the scale of the project and the sensitivity of the location in which the project 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, or you may simply be able to notify us of your project instead. For very small proposals away from sensitive locations, you could be exempt from assessment by the Forestry Commission.

## Afforestation thresholds table

Project Size (Ha)	Land type – sensitivity	EIA requirements
0ha – 2ha	A sensitive area but not a National Park or Area of Outstanding Natural Beauty (AONB)	Full EIA screening
0ha – 2ha	Everywhere else	No EIA screening
2ha – 5ha	Any sensitive area	Full EIA screening
2ha – 5ha	Everywhere else	(Prior) basic notification
5ha – 50ha	Only in a low risk area	(Prior) full notification
5ha – 50ha	Everywhere else	Full EIA screening
>50ha	Everywhere else	Full EIA screening

## Notification

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

This process gives specific timescales in which the Forestry Commission must give you a decision. However, if you're also applying for a woodland creation grant from the Forestry Commission then you will not receive the decision for a Notification until the Forestry Commission has made a decision on the grant offer.

## About prior basic notification

For afforestation projects between 2 and 5 hectares in non-sensitive areas, prior basic notification will be sufficient to satisfy the requirements under the EIA Regulations. Use the [Land Information Search \(LIS\)](#) and other online

map browsers such as [MAGIC.gov.uk](https://magic.gov.uk) to identify any designations or sensitivities that may be affected by the project.

When you submit prior basic notification to the Forestry Commission, you must include:

- a description of the proposal for the project
- a map or plan sufficient to identify the land that is the subject of the proposed project (including its boundaries)
- information about the proposer and any agent or manager of the proposer

Within 28 days of first giving us notification, we may ask you to give further information. If you don't get an assessment from the Forestry Commission within 28 days then you can assume that the project is unlikely to have significant effects on the environment and no further action will then be required under the EIA Regulations.

## About prior full notification

For afforestation projects between 5 and 50 hectares that are fully within low risk areas, prior full notification will be sufficient to satisfy the requirements under the EIA Regulations. Use the [Land Information Search \(LIS\)](#) and other online map browsers such as [MAGIC.gov.uk](https://magic.gov.uk) to identify any designations or sensitivities that may be affected by the project.

Full notification submitted to the Forestry Commission on the EIA enquiry form must include:

- a description of the proposals for the project, including evidence that the proposals are consistent with good forestry practice
- information about the land that the project covers or affects, including a map or plan sufficient to identify the land and its boundaries, habitats and water features
- information about the proposer and any agent or manager of the proposer

It must also include evidence that the proposer has consulted on the project with (for example):

- the person responsible for maintaining the Local Environment Records for the area (in respect of biodiversity)
- the Environment Agency (in respect of the possible impact of the project on any water features)
- the relevant local authority (in respect of the possible impact of the project on the landscape)
- the person responsible for maintaining the Historic Environment Records for the area (in respect of the possible impact of the project on the historic environment)
- any potentially affected neighbours

Within 42 days of first giving us notification, we may ask you to give further information. If you don't get an assessment from the Forestry Commission within 42 days then you can assume that the project is unlikely to

have significant effects on the environment. No further action will then be required under the EIA Regulations.

[Submit an EIA enquiry form for afforestation.](#)

[Send your form to the FC admin hub](#)

## **EIAs and grant applications for woodland creation**

If you're applying for a Forestry Commission grant then you may not be required to submit a separate EIA enquiry form, as the information in your grant application may meet the Forestry Commission's requirements to assess environmental impact.

## **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 begin.

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

## **Further information**

You can find out more about the process with the:

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

- [EIA scoping](#)  
(PDF, 652KB, 31 pages)

if you're applying for consent

See additional advice on  
[EIA requirements for woodland creation](#)  
(PDF, 574KB, 20 pages)

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

# Appeals

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

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## [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 it's 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 it's 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 it's 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: Tree felling: overview**

## **Tree felling licence**

It's an offence to fell trees without a licence if an exemption does not apply. Full details are available in the booklet

[Tree felling – getting permission](#)

(PDF, 1.69MB, 8 pages)

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Everyone involved in the felling of trees, the owner, agent and timber merchant or contractor must ensure that a licence has been issued before any felling is carried out, unless they are certain that one of the exemptions apply. If there's no licence or other valid permission, or if the wrong trees are felled, anyone involved can be prosecuted.

You're advised to engage with neighbours to make them aware of your tree felling plans.

## **UK Forestry Standard**

The [UK Forestry Standard](#) sets out the UK government's approach to sustainable forestry and woodland management, including standards and requirements, regulations and monitoring, and reporting. It applies to all woodland and woodland operations, regardless of who owns or manages it.

## **Register of Woodland Planting and Tree Felling**

The Forestry Commission's Register of Woodland Planting and Tree Felling gives details of proposed tree felling projects.

You can request more information on tree felling proposals that we're consulting on, and you can submit comments on how the proposals may affect you during the consultation stage.

We also publish details of licences that have been issued.

## **Tree preservation order (TPO)**

When you apply for a tree felling licence, you must inform the Forestry Commission if the trees to be felled are covered by a TPO or are in a conservation area.

A TPO is made by the local planning authority (LPA), usually a local council, to protect specific trees and areas of woodland from deliberate damage and destruction. You can contact your LPA to find out if a TPO applies to your

proposed project, or if you're in a Conservation area.

Find out more about when to contact the Forestry Commission about a TPO.

## Woodland management plan

As a woodland owner or manager, you may need to consider creating a detailed woodland management plan that meets the standards and requirements set out in the UK Forestry Standard (see above). Within this plan you can detail long-term tree felling proposals and use the approved plan to apply for a felling licence for up to 10 years.

A woodland management plan will also support your applications for [woodland funding under the Countryside Stewardship \(CS\) scheme](#) and other grant funds as well.

Find out how to write a woodland management plan to support sustainable management of your woodland and apply for funding.

## Environmental information map browsers

The Forestry Commission's Land Information Search (LIS) is a map-based tool that allows you to search for information about land designations or features that might already apply to your land or affect your woodland management proposals. It also shows basic details of approved felling licenses and grant schemes.

Find out more about how to [use the Land Information Search](#).

[Natural England's MAGIC map browser](#) contains a greater range of environmental data and can provide further information on designations and issues that might affect your woodland or woodland management proposals.

## Sites of special scientific interest (SSSI)

Sites of special scientific interest (SSSI) are protected by law to conserve their wildlife, habitat or geology. Natural England can help identify if woodland you own or occupy is an SSSI – this is called being designated.

If you're proposing tree felling on or near an SSSI and will need to apply for a felling licence, you should also complete a [Supplementary Notice of Operations \(SNO\)](#) to provide detailed information on how you will protect the SSSI interest while undertaking the tree felling.

Find out [what you can do on or near an SSSI](#), when you'll need consent for an activity and how Natural England and the Forestry Commission help you manage your woodland site of special scientific interest.

## Scheduled monuments

If you plan to carry out work to any trees on a scheduled monument, you may

need to obtain scheduled monument consent before you start works. [Find out more about the licence you need.](#)

You can use the Forestry Commission's [Land Information Search](#) or Natural England's [MAGIC map](#) to check if a scheduled monument restriction applies to your proposed project.

## European protected species (EPS)

An EPS mitigation licence may be required from Natural England under the Conservation of Habitats and Species Regulations (2017) if felling operations could adversely affect any EPS.

The majority of felling operations will be able to proceed without a mitigation licence even in the presence of EPS, providing that good practice guidance is followed.

Find out more about European Protected Species (EPS) restrictions in the guide on [how to protect wildlife and habitats and apply for wildlife licences so you can legally operate in woodlands and forests.](#)

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## [Detailed guide: Tree felling licence: when you need to apply](#)

### Who can apply for a licence

Anyone can apply for a felling licence, but it must be issued in the name of the owner or lessee of the property. Lessees must ensure that their lease entitles them to fell trees. Where an owner or lessee uses an agent, the agent must demonstrate that they are authorised represent the applicant – use the [agent authority form](#).

In some circumstances, a licence can be issued to someone who is not the owner or lessee but who has sufficient legal interest in the land. This means that they must be able to demonstrate that they can fell the trees without the need to get permission from anyone else.

We'll accept applications from and issue licences to a business or organisation. Such applications must include details of a named individual who has authority to sign the application and is able to sign any restocking conditions. This person will be an employee of the business or organisation, or an agent with sufficient authority.

Felling trees without a licence, where one would have been required, is an offence.

# Exemptions

Not every tree felling project requires a felling licence. Exemptions can be based on:

- location
- the type of tree work
- the volume and diameter of the tree
- other permissions already in place
- legal and statutory undertakings

Find out more about felling licences, exemptions and how to apply in our guide

[Tree felling – getting permission](#)

(PDF, 1.69MB, 8 pages)

You can also contact your nearest [Forestry Commission area office](#) before felling to check whether a licence is required.

## Environmental map browsers

The Forestry Commission's [Land Information Search \(LIS\)](#) is a map-based tool that allows you to search for information about land designations or features that might already apply to your land or affect your woodland management and tree felling proposals. It also shows details of other approved felling licenses in your area.

Natural England's [MAGIC map browser](#) contains a greater range of environmental data and can provide further information on designations and issues that might affect your woodland or woodland management proposals.

## How to apply for a tree felling licence

You need to complete this tree felling licence application form.

Send a completed application form to the nearest [Forestry Commission administration office](#).

You must send 2 signed and dated copies of a map showing the boundary of the tree felling proposals with your application.

If you're using an agent, you must also send an Agent Authority Form with your application. The agent will then be able to sign your felling licence application, restocking conditions (where they apply) or an application for a felling licence without restocking in order to change land use (deforestation). This only needs to be done once for each client represented.

If you're applying to fell trees on a site of special scientific interest (SSSI) then you should also complete a [Supplementary notice of operations within a site of special scientific interest](#). This document will provide more detail on how you propose to manage the tree felling and protect the SSI, and

will allow us to issue Natural England's consent for the work at the same time as the felling licence.

## How to appeal our decision

If an approved felling licence has replanting conditions applied to it and you are not happy with them, you should initially [contact your local woodland officer](#) and discuss the issue.

However, if you're still unhappy with the conditions applied to your felling licence, you can appeal to the appropriate Forestry Minister. You must do this in accordance with the details on your felling licence. If you do not follow these then your appeal will not be accepted.

The Minister will usually get the advice of a reference committee (independent of the Forestry Commission and selected to consider the case), before giving a decision on whether the conditions should remain or be amended.

You may also appeal against refusal of a felling licence to the Minister, but only if you have been refused a licence twice for the same area and work proposals. There must be at least 3 years between our first and subsequent refusal.

## Management plans and felling licences

Felling licences can be issued following the review and agreement in principle of a detailed woodland management plan that meets the standards and requirements set out in the [UK Forestry Standard](#).

## Restocking conditions on a licence

Restocking conditions will normally be included on felling licences where tree felling will result in creating openings within a woodland. Conditions are applied to ensure:

- restocking or regeneration of the felled area with replacement trees
- replacement trees are maintained for a period not less than 10 years

Felling licence applicants are required to provide restocking proposals as part of their application, and these will be discussed with the Forestry Commission when processing the application. The applicant will then be sent a copy of the final proposed restocking conditions. They must raise any concerns over the proposed conditions within 14 days in order to agree an alternative before the licence is issued.

The government has a general policy against felling woodland without restocking. Licences to thin woodlands are granted unconditionally, without the need to restock.

## Using an approved felling licence

Once a felling licence is approved by the Forestry Commission it cannot be changed.

If you need to change your felling proposals then you will need to make a new application. If you have already felled the trees within the licence, you must complete the associated restocking conditions. These also cannot be changed.

## Selling land with a felling licence

A felling licence is transferable to a new land owner as long as there is no change to the felling or restocking set out in the felling licence.

Any restocking conditions that apply to the land after a felling licence has been enacted remain in force after the land is sold. Those who sell land with a felling licence must advise the Forestry Commission and the purchaser accordingly.

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## Detailed guide: Report suspected illegal tree felling

Before anyone can cut down trees, they may need to get a felling licence from the Forestry Commission. In some circumstances, exceptions or other permissions may apply. Illegal tree felling is described as 'unlicensed'.

If you suspect an illegal felling incident that you'd like to report to the Forestry Commission, you can contact your [local Area office](#).

You can choose to make your report of an alleged illegal felling anonymously if you prefer.

## Before you report

Before you let us know about the tree felling, note that some tree felling does not require a felling licence from the Forestry Commission. For example:

- felling trees in gardens, churchyards or a public open space where the public have a legal right of access for recreation
- felling trees to prevent the spread of a quarantine pest or disease
- felling trees with a diameter less than the width of baked bean can (8cm) at a height of 1.3m on the main stem

Up to 5 cubic metres of timber (approximately 5 metric tonnes) may be felled per calendar quarter without a felling licence.

For more information on exemptions, see the guide on [when to apply for a tree felling licence](#).

## **What could happen if a tree is cut down without a licence**

If no felling licence or other valid permission is in place, or if the wrong trees are cut down:

- all parties involved can be prosecuted
- the Forestry Commission can serve a Restocking Notice to re-stock the land concerned, or any other land as may be agreed, regardless of whether or not a prosecution takes place
- the owner or tenant must maintain the replacement trees to acceptable standards for up to 10 years

If someone fells trees without a licence, and they get an annual agri-environment scheme payment on their land, they might be penalised financially. Any failure to comply with the licensing controls is a breach under the Cross Compliance rules (GAEC 7a).

If anyone tries to sell illegally felled timber, they might be committing an offence under the Timber and Timber Products (Placing on the Market) Regulations 2013. A breach of these regulations means that the illegally felled timber can be seized by an authorised inspector. Anyone convicted of an offence under these regulations could get an unlimited fine and/or term of imprisonment.

If the restocking requirements of either a felling licence or a restocking notice are not complied with, the Forestry Commission may issue an Enforcement Notice requiring action be taken to meet the conditions previously set. It's an offence not to comply with an Enforcement Notice and a fine may be imposed.