
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement, in relation to certain forestry projects, [Directive 2014/52/EU](#) (“Directive 2014/52”) of the European Parliament and of the Council amending [Directive 2011/92/EU](#) (“Directive 2011/92”) on the assessment of the effects of certain public and private projects on the environment. These Regulations extend to England and Wales.

Regulations 3 to 27 contain amendments to the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 (“the 1999 Regulations”). In summary:

- (a) new regulation 3A (inserted by regulation 6) requires the proposer of an afforestation project in England, which extends to more than 2, but no more than 5, hectares and which is not in a sensitive area, to make a request to the appropriate forestry body to assess whether the project is likely to have significant effects on the environment;
- (b) new regulation 3B (inserted by regulation 6) places a corresponding requirement on the proposer of an afforestation project in England, which extends to more than 5, but not more than 50, hectares and which is in a low-risk area;
- (c) new regulations 4A and 4B (inserted by regulation 8) make provision for a determination that the 1999 Regulations do not apply in relation to certain projects;
- (d) new regulation 9A (inserted by regulation 13) makes provision for the co-ordination of environmental impact assessments;
- (e) regulation 16 is substituted (by regulation 17) to make new provision for the manner in which the appropriate forestry body must give notice of, and publicise, their decision to refuse or grant consent for a project;
- (f) new regulation 25 (inserted by regulation 22) requires the Secretary of State to carry out a review of the 1999 Regulations, in relation to England, at intervals not exceeding 5 years;
- (g) Schedules 1 and 3 are substituted (by regulations 23 and 26 respectively) and new Schedule 2A is inserted (by regulation 25) to reflect the amendments made by Directive 2014/52 to Annexes IV, III and II.A to Directive 2011/92 respectively;
- (h) new paragraph 1A is inserted into Schedule 2 (by regulation 24(4)) to provide for the descriptions of projects, in England, which are to be treated as likely to have, or not to have, significant effects on the environment, for the purposes of regulation 3(1)(b);
- (i) Schedule 4 is substituted (by regulation 27) to reflect the amendments made by Directive 2014/53 to Article 3 of Directive 2011/92.

A full regulatory impact assessment of the effect that these Regulations will have on the costs of business and the voluntary sector is available from the Trees, Woodlands & Forestry Policy Land Use Team at the Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3J and is also available alongside these Regulations on www.legislation.gov.uk. An Explanatory Memorandum and a transposition note are also available with these Regulations on www.legislation.gov.uk. Copies have been placed in the Libraries of both Houses of Parliament.