
EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 ([SI 1999/2228](#)) (“the existing Regulations”).

The Regulations implement amendments made to Council Directive [85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment (OJNo. L175, 5.7.85, p.40) (as amended by Council Directive [97/11/EC](#) (OJ No. L73, 14.3.97, p.5)) (“the EIA Directive”) by Council Directive [2003/35/EC](#) providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives [85/337/EEC](#) and [96/61/EC](#) (OJ No. L257, 10.10.96, p.26) (OJ No. L156, 25.6.2003, p.21) insofar as those amendments affect the environmental assessment of forestry projects.

The Regulations also include amendments to implement certain existing provisions of the EIA Directive which had not been fully transposed and to reflect a change in the legislation relating to disclosure of environmental information in England and Wales.

The definition of “countryside bodies” in regulation 2(1) of the existing Regulations is amended to include any other body designated by statute as having specific environmental responsibilities (regulation 2(1)).

Regulation 4 of the existing Regulations is amended to require the Forestry Commissioners, in exercising their power to direct that a particular project is exempt from the environmental assessment requirements, to consider whether another form of assessment would be appropriate and to provide information obtained under that assessment to the public (regulation 2(3)).

Regulation 12 of the existing Regulations is amended to substitute for the reference to the Environmental Information Regulations 1992 ([SI 1992/3240](#), amended by [SI 1998/1447](#)), which are now revoked, a reference to provisions in the Environmental Information Regulations 2004 ([SI 2004/3391](#)) (regulation 2(4)).

Regulations 13 and 14 of the existing Regulations currently require further information supplied by the applicant for consent pursuant to a notice served under regulation 11 to be made available to the public and, where appropriate, to another EEA State. These regulations are amended to apply the requirement to all further information supplied by the applicant (regulation 2(5) and (6)).

Regulation 13 is also amended to require the applicant to notify the public of the nature of the decision the Forestry Commissioners may take in relation to the application for consent (regulation 2(5)(c)).

Regulation 24 of the existing Regulations is amended to require the Forestry Commissioners to include in a public register kept pursuant to regulation 24(1) directions received from the appropriate Authority under regulation 7(8)(a) (directions made by the appropriate Authority of its own motion as to whether particular projects require consent) (regulation 2(7)).

A transposition note and a regulatory impact assessment have been prepared and placed in the library of each House of Parliament. Copies of each can be obtained from the Forestry Commission, Grants and Licences, 231 Corstorphine Road, Edinburgh EH12 7AT.

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Impact Assessment (Forestry) (England and Wales) (Amendment) Regulations 2006.