
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations supersede the Environmental Assessment (Afforestation) Regulations 1988 which are revoked (regulation 20(1)). The Regulations provide for further implementation of 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) in relation to specified projects relating to forestry. These are defined as “relevant projects” in regulation 2(1). The definition includes a limitation to projects which are likely to have significant effects on the environment.

2. The Regulations require that consent shall be obtained from the Forestry Commissioners (“the Commissioners”) for relevant projects (regulation 3). A person who proposes to carry out a project may apply to the Commissioners in accordance with regulation 4 for their opinion whether consent is required. Regulation 5 provides for the Commissioners to give notice of their opinion to the person who proposed the project and makes provision for them to give an opinion of their own motion. If the Commissioners' opinion is that consent is required, the person who proposed the project may, by regulation 6, seek a direction in the matter from the appropriate forestry Minister (defined in regulation 2).

3. Applications for consent are to be made to the Commissioners and must be accompanied by material specified in regulation 7, including an environmental statement conforming to the requirements in the Schedule. The Regulations provide for the Commissioners to seek further information from the applicant (regulation 8); and for publicity for applications and for representations to be made to the Commissioners by interested persons (regulation 9). Regulation 10 provides for information to be provided to other Member States of the European Community.

4. Regulation 11 deals with the determination of applications by the Commissioners, including matters they are to take into consideration. The Commissioners must give notice of their decision to the applicant and publicise it in accordance with regulation 12. The decision of the Commissioners is subject to appeal by the applicant to the appropriate Minister (regulation 13). Regulation 14 specifies conditions as to time which must be included in every consent. Persons aggrieved by a grant of consent may apply to the court in accordance with regulation 15.

5. Where work in relation to a relevant project is or has been carried out without consent or in breach of a condition of consent, the Commissioners may issue an enforcement notice (regulation 16). There is a right of appeal to the Minister against an enforcement notice under regulation 17. Failure to comply with an enforcement notice constitutes an offence (regulation 18). The Regulations provide for powers of entry and for a person authorised by the Commissioners to carry out works where an enforcement notice is not complied with (regulation 19). There are transitional provisions in regulation 20.

6. The Regulations apply to Great Britain (regulation 1)