

Investigating Environmental Impact Assessments as barriers to woodland creation

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Introduction

Problem statement

There is much conjecture and debate about the degree to which Environmental Impact Assessment (EIA) regulations are acting as a disincentive to new woodland creation planting schemes. At present there is little or no evidence in the scientific literature. There are a handful of papers dating from the 1990s which look at how EIAs might be applied and how far different ecological and landscape factors are integrated (e.g. Treweek, 1996). More recent research covers how far EIAs have influenced the impact of major infrastructure development on ancient and other valuable woodland types (e.g. Byron et al, 2000). There appear to be no published research papers or evidence sources looking at the impact of EIAs on land manager decision making for woodland creation.

Research objectives and questions

To provide evidence about whether, and to what degree the EIA regulations that apply to woodland creation schemes present a barrier to different kinds of landowners and managers:

1. What do those advisors and knowledge brokers supporting land managers understand about the impact of EIAs on the realisation of woodland creation schemes?
2. What kinds of barriers (perceptual, financial, technical, communication) do the EIA regulations present?
3. Are these barriers experienced by specific kinds of land managers and/or schemes with particular characteristics or sizes?
4. Are there ways in which any perceived or experienced barriers could be overcome?

5. Are the EIA regulations ever seen as a benefit by different types of land managers or advisors?

Methodology

Three focus groups, with 5–8 participants at each, were conducted between December 2024 and February 2025, composed of:

- i. Forestry and land agents dealing with woodland creation projects of different sizes across the EIA spectrum. Two sessions were run for this group: one face-to-face in York and one online via Teams. This group is referenced in the results below as **external stakeholders** and quotes from a participant in this group as (external).
- ii. Forestry Commission woodland officers and others engaged with supporting and encouraging the landowner and land management community to create woodland of different sizes across the EIA spectrum. This focus group was conducted online via Teams. This group is referenced in the results below as **internal advisors** and quotes from a participant in this group as (internal).

Each focus group lasted one hour, with a facilitator and a note-taker in attendance. The focus group participants gave detailed responses and if not limited by time, the sessions could have continued for longer – there is therefore potentially appetite to continue these discussions. The focus groups were recorded for purposes of notetaking and the two online focus groups were transcribed using Microsoft Teams. Any quotes provided in the below text have been edited for clarity. The participants gave their informed consent and were made aware of their rights and how their data would be used, protected and stored, in accordance with Forest Research’s ethical standards. The focus groups were semi-structured; the facilitator had a list of questions and optional sub-questions, but also had the freedom to follow up on points of interest (see the focus group guide in Appendix A).

The focus group notes and transcripts were reviewed for common themes and summary notes made for each focus group. The notes were then reviewed for common themes emerging which were then aligned with the research questions. Microsoft co-pilot was also used as a tool to summarise the notes further. This was mainly used to crosscheck the themes identified by the researcher and aid with synthesising.

Results

The results below begin to answer the research questions by discussing:

- the benefits of EIAs and the barriers to EIAs,
- whether the barriers are experienced by certain types of schemes or woodland managers,
- the impact of these barriers on the realisation of woodland creation, and
- suggestions for how these barriers could be overcome.

The benefits of EIA regulations

Participants discussed the benefits of EIA regulations which included encouraging all aspects of woodland design from the outset, providing regulator support to validate the project and providing reassurance to woodland managers that their schemes were compliant with regulatory and environmental standards.

Internal advisors reflected that conducting EIAs encourages woodland managers to consider all aspects of woodland design by breaking down the process into key elements:

Making sure that you've considered everything that you should and almost giving you that step by step process of think about it and considering things you might not necessarily have thought of. (Internal)

Both external stakeholders and internal advisors suggested that the process of developing and producing an EIA provides applicants with leverage to engage with concerned stakeholders as they can demonstrate effective due diligence and that they have sought regulatory support and validation of the woodland creation scheme under consideration.

The backing from the Forestry Commission... can be helpful in some of your stakeholder discussions: discussions about why you're not growing food on that land anymore? Why have you decided to go for trees, or why won't I be able to see my view? Those kinds of discussions, if you can point to the established regulatory process and say 'look, I've jumped through the proper hoops and considered all of that', I think that's a benefit to the applicant. (Internal)

Internal advisors suggested that conducting EIAs provides reassurance to land managers that all bases are covered, by making necessary changes to reduce or offset effects and potentially even eliminating the need to apply to the Forestry Commission for an opinion.

I've been involved in cases where with changes at the outset to what's being envisaged, it's turned out that EIA assessment is not required. (Internal)

Barriers to the EIA application process

Participants raised a variety of different barriers which either complicated or impeded the EIA process. These barriers ranged from technical and resourcing constraints (e.g., complexity, level of resourcing, managing data requirements, communications issues), to perceptual (e.g., being an intimidating process) which may make the process daunting to applicants and deter or impede applications.

Technical and resourcing barriers

Both **internal advisors and external stakeholders** commented on the complexity of the application process which was seen as a deterrent and difficult to

follow. This possibly extends beyond EIAs to be reflective of the woodland creation process as a whole. The specifics raised included:

- The amount of bureaucracy involved. This seemed to be true for the range of participants for different reasons: professional advisors and large teams may be managing lots of data and applications, and a solo applicant new to or not familiar with the process may also experience a daunting amount of work. For instance, one **external** participant reflected on how the amount of work has increased over time:

So I think it's somewhere in between where we're at now with this enormous amount of bureaucracy and process to go through, and back then when, yeah, maybe there wasn't enough. There must be a kind of optimum or middle ground that would facilitate right trees in the right place for the right reason. But without it becoming so onerous that landowners just give up and go away. (External)

- Confusing jargon and rules which could be difficult to interpret particularly for new applicants (e.g., differences between applying for opinion and consent, and which type of EIA to apply for e.g., forestry, agricultural or town planning).

The language in the EIA is consistently a source of challenge for both applicants and staff... We do it day in, day out and we still find that staff are confused by these terms. As an applicant that does it, maybe once in 10 years, you know it's understandably really daunting and quite off-putting. (Internal)

- The amount of resourcing required to process EIAs – which may be manageable to a well-provisioned or experienced team, but for someone inexperienced or less-well-resourced, it might be more challenging. For instance, in regards to whether EIAs helped or hindered their stakeholder engagement process, one participant reflected:

I do this professionally, I'm effectively just inputting into the EIA everything that I would ordinarily do... I think I just have to spend more time writing it down and attaching all the documents probably... I've done so many of these that they're quite straightforward, but if somebody was doing it for the first time, I don't know how they would navigate that to be honest. (External)

External stakeholders discussed challenges related to stakeholder engagement including the variability in the usefulness of responses from different stakeholders (such as local authorities) and the length of turnaround to reach a decision (which could be more than the advertised amount of days). Furthermore, staff turnover on application schemes and perceived lack of staff resourcing meant project delays and that newer staff were not always familiar with the nuances of the application.

There is possibly a need to balance the amount of data required to evidence the EIA. For instance, **external stakeholders** commented on the extensive data collection required to demonstrate due diligence (in one case, they collected data on hundreds of projects which was labour intensive to manage), whilst in some cases information gathering was a duplication of effort (i.e., collecting non-essential information for the purposes of the EIA) making it feel like a tick-box exercise.

Perceptual barriers

An **internal advisor** was concerned that potential applicants were being scared off by the regulatory process as it could look quite punitive or intimidating.

We're very much trying to be that happy, helpful, friendly face of the Forestry Commission and then anything that strays us into a heavy regulatory framework can go against that and make people feel that they could be caught out in some way and the rug can be pulled from underneath them and they're going to end up with a fine or reclaim. (Internal)

Additionally, the EIA could prevent people from then making decisions about their woodland for fear of non-compliance:

Having the stage two EIA process and then being able to make sense with decisions about respacing or 'look, the density we've planted out doesn't quite match what's working on site because of soil conditions or whatever it might be'... any of those practical silvicultural decisions afterwards were made so much more complicated by the fact that the EIA says this in it and the conditions say that in it and we must not ever deviate from what's written in there, for fear of enforcement action. (Internal)

Examples of barriers linked to different schemes and woodland managers

The differences between various woodland creation schemes, grants and woodland manager types can also cause additional complexity or confusion around EIAs. The following section discusses four examples where challenges might arise: 1) related to the size of woodland creation schemes and their adjacency to other woodland areas, 2) woodland creation schemes situated in the context of priority habitats and important species, 3) alignment with grants such as the England Woodland Creation Offer, and 4) the varying experience levels of land managers – with small private owners potentially having less awareness of grants and regulations.

An **internal advisor** discussed how applicants may have difficulty understanding timescales of EIAs for large projects questioning, for instance, for a five-year duration approval period for the EIA, should the project be approved and then renewed after five years or submitted in multiple small batches, and what should happen when a project substantially changes.

If the project changes, at what point has the project changed to such an extent that you in effect have to start to reconsult? (Internal)

Additionally, for projects adjacent to pre-existing schemes, it could be confusing understanding adjacency rules:

Trying to figure out which projects were adjacent, when to include them, when that added up to being a different type of project and the wording that changed from an opinion to a notification or vice versa. So, trying to work out all the adjacency and it only counts when it's been planted kind of thing. How do you know when it's been planted? That was always a bit of a challenge to figure out and trying to liaise with woodland officers on that, who didn't always know themselves. (Internal)

Guidance and policies related to priority habitats and species (e.g., wading birds, peatland), including those in conjunction with Natural England, can also complicate the EIA process. For example, one **internal advisor** commented how one scheme was approved through the EIA process but then during the grant application process through the England Woodland Creation Offer (EWCO), the wading bird policy was introduced: *'So the owner couldn't plant those trees with our grant funding because of the wading bird policy that had been introduced.'* (Internal)

Both **internal advisors and external stakeholders** felt they constantly needed to defend woodland creation:

We're always trying to prove that trees are not going to do harm to the environment, which is a ridiculous statement. (Internal)

An **external stakeholder** commented that tree planting schemes were lost because on land designated for certain species it could be challenging to demonstrate to stakeholders that woodland would be beneficial or the best habitat, even if on-the-ground the site in question was degraded or not being actively managed.

There is therefore a need for streamlining these existing policies and processes, with better communication between organisations like Natural England and the Forestry Commission.

Both **internal advisors and external stakeholders** reflected on the complexity between EIAs and grant funding schemes such as EWCO, highlighting a need for

better alignment to reduce delays and encourage more woodland creation. For instance, one participant described not getting EWCO grant funding despite having an EIA.

We got the approval for a commercial scheme, quite a significant scheme. The EIA was in place. There was a lot of controversy about it, but the EIA was given by the Forestry Commission and, as I'm led to believe, it's a legal document, it's binding... Then we were turned down for grant funding. So how can we have a legal document say 'yes, you can plant trees, it's fine', and then all of a sudden be turned around and said, 'oh, we can't have woodland creation grant funding because it's not suitable?' So that's a big conflict in the whole process and it actually cost us a scheme. We lost the scheme on that. (External)

An **internal advisor** discussed the '*weird circular loop between the regs, the grant funding, common sense and what's happening on the ground*'. For instance, when a landowner was deciding what to do with their site, it was naturally regenerating. They were then in a position where it technically fit the definition of woodland, so the advisor questioned whether they could grant fund it, however it would also not have been a significant effect to mow it off. So, the advisor questioned whether this is encouraging people to remove natural regeneration just to get the grant funding. They summarised this point with, '*hopefully gives a flavour of where confusion creeps in*', illustrating the complexity of these matters even for advisors.

External stakeholders reflected that there was a difference in experience levels of applicants completing EIAs with large landowners and estates (e.g., National Parks) being more aware of grants, regulations and schemes, whilst smaller, private landowners may lack the resources and knowledge to do the same. The challenge is that smaller landowners may be unaware of regulations and their responsibilities and may struggle with navigating the EIA requirements.

The landowners we're dealing with are really small private landowners [e.g.] with a horse paddock that they don't want horses in anymore. So they're not aware of all these other schemes. And so the [mentions name of organisation] is the first port of call because they've just Googled tree planting and seen [mentions name of organisation] and thought that was a good idea. And then if they are bigger then I usually guide them towards Forestry Commission grants and at that point I let go of hand holding.
(External)

The impact of barriers on the realisation of woodland creation schemes

The impact of the barriers discussed above could be negatively affecting the realisation of woodland creation schemes by causing woodland managers to either reduce the size of their scheme to avoid the EIA process or needing stage two consent, or to drop out entirely.

The **internal advisors** queried what effect the EIA process was having on woodland creation schemes. For instance, they found that in most cases projects could proceed without going to stage two consent:

Huge amount of time, bureaucracy and process that goes into finding pretty much routinely that these things can carry on without our consent. (Internal)

What was less clear was whether this was an impact of the EIA intervention itself by helping schemes to become compliant with the UK Forestry Standard (UKFS) or whether the regulations were putting people off going for stage two consent and thus projects were being reduced in scope:

Because of our intervention and greater understanding of UKFS and assisting the applicants, they brought them to a place where their project will no longer have a likely significant effect. (Internal)

Is that the regulations working to avoid likely significant effect? Or is that the regulations putting people off going to stage two because it's seen as being so complicated and so difficult that it's better to not plant the areas, change the scheme, remove them and do anything you can to avoid needing to get to a position where you need to go to stage two? (Internal)

Likewise, this was reflected with **external stakeholders** who mentioned that landowners deliberately do smaller projects to avoid going through the EIA process.

There's definitely landowners out there who we could do more with and they choose to do smaller schemes to avoid the additional bureaucracy... I think that's an issue because if we've got goals and targets to meet... we need to be encouraging people in the right places to do more. (External)

Other landowners may drop out altogether due to the complexity and length of the process, or seeing their initial ambitions not reflected in the application outcomes, however this may be a reflection not necessarily on the EIA alone but on the whole process of woodland creation.

Schemes end up being a lot smaller than they started. So people have this grand vision and then through all the surveys and EIA process, they end up with something which was not what they envisaged at all. We've had landowners drop out at that point and say, 'well you know what, that's not really what I wanted'... The amount of time it takes to come up with something that's actually not really what they wanted in the first place just gives them time to think 'OK, I could do something else with this land'. (External)

The EIA application is therefore part of a potentially quite complex and lengthy woodland creation process, including challenges associated with going to stage two consent, waiting for a decision from the Forestry Commission, and alignment with other grants, regulations and policies. This may be hampering woodland creation

goals by unintentionally encouraging landowners to design smaller schemes or give up all together.

Suggestions for how barriers could be overcome

Participants shared some ideas for how barriers could be overcome: these included recognising local and context-specific knowledge to streamline proposals from experienced applicants, taking a weighted or risk-based approach to EIAs by prioritising more complex or risky schemes and fast-tracking smaller ones, and changing the narrative around woodland creation EIAs so land managers are less impeded by having to defend woodland as a beneficial habitat.

External stakeholders commented that applying the same EIA process to different contexts (e.g., amenity grassland vs. national parks) could be problematic and that there is a need to recognise local and context specific knowledge. For instance, a participant queried the need to conduct an archaeological survey for an EIA application of a site which was previously a football pitch, thus suggesting that a uniform process might not always be effective and highlighting the need to consult local knowledge. For national parks, weighing up whether to enter into an EIA could also be quite context specific (e.g., tree species density / canopy cover) and guidance on priority habitats and species could also be a factor in considerations.

We were finding in the EIA process of the National Park that we were consulting internally with all of our own ecologists and specialist archaeologists, writing up an EIA and then sending it to Forestry Commission, who were then checking [MAGIC](#). It's very disparate in terms of the amount of information they had versus what the National Park had. (External)

Therefore, local knowledge and the expertise of experienced applicants with a strong track record of producing EIAs should be recognised to aid in expediting the EIA decision making process.

External stakeholders commented that taking a weighted assessment or a risk-based approach could help to streamline or fast track the process, based on scale, sensitivity and other factors (e.g., whether it covers multiple landscapes, affects archaeology, sociocultural or amenity values) thus focusing resources on higher risk applications and fast-tracking lower risk ones. It was suggested the Forestry Commission could learn from the Environment Agency's risk-based approach to permitting and consenting issues.

Regulation should be enabling. It should be weeding out the things that aren't UKFS compliant. The EIA process is there to ensure that whatever happens is UKFS compliant. And it should be weeding out those handful that aren't, without putting a burden on the majority that are UKFS compliant and I'm not sure we've got that balance right. (External)

External stakeholders reflected that the language during the EIA stakeholder engagement should be focused less on what the land should be and more on whether stakeholders think woodland creation is appropriate or not.

We would do well if we could reframe the EIA regs to be focused on confirming why a woodland proposal can't proceed. And taking that attitude and approach, because at the moment you get lots of people responding on the basis that they don't really like the idea of that land being wood, that they prefer it to be something else - which is largely utterly irrelevant, because if the landowner has decided that that's what they'd like to do, the test should be 'is there a reason why this can't happen?' Referencing UKFS. And I think that mindset needs to be front and centre within the regs (External).

Conclusion

The purpose of this research project was to investigate whether EIAs are barriers to woodland creation. The research involved three focus groups between December

2024 and February 2025, composed of forestry and land agents dealing with woodland creation projects of different sizes across the EIA spectrum, and Forestry Commission woodland officers and others engaged with supporting and encouraging the landowner and land management community.

The EIA is a decision-making framework through which a wide gamut of associated and interlinked environmental, conservation and woodland creation related policies, regulations and processes are assessed. The research has shown that there are a range of barriers presented by EIAs – mostly technical and perceptual – related to this complexity, the level of resourcing requirements and length of the EIA process. However, the wider regulatory and funding landscape might also be causing barriers to woodland creation due to the complexity of the entire process for woodland managers (e.g., priority habitats and important species, and grants such as the England Woodland Creation Offer). This complexity may cause land managers to reduce the scope of their schemes or to drop out of the process entirely, therefore limiting the potential for woodland creation despite the ambition being there. The challenges associated with woodland creation also varied across different schemes and land manager types – with smaller private landowners possibly struggling more due to their limited capacity and experience with the regulatory landscape. This research has not teased out the extent to which EIAs as part of the wider policy and regulatory landscape are limiting woodland creation – further research is needed to disentangle how other aspects of woodland creation such as policy and grant funding may also be acting as barriers.

Furthermore, it is not possible to comment on the extent to which EIAs are impacting the sector as there is more research which could be done to quantify the impact of EIAs on woodland creation schemes. Some participants may have data on the amount and type of EIA decisions being made, the time taken to complete them, and also the scale of woodland creation being diminished as a result; and this could be useful to investigate further.

Nevertheless, participants described some of the benefits of EIAs including providing regulator support to validate the project and reassurance to land managers that their scheme is compliant with environmental and regulatory standards. As well as encouraging managers to consider all aspects of woodland design from the outset. Participants also shared ideas to enhance the EIA process including recognising local and context specific knowledge, taking a weighted or risk-based approach to EIAs, changing the narrative of EIAs so managers need to be less on the defence about woodland creation, and streamlining policies and processes, with better communication between organisations like Natural England and the Forestry Commission.

References

Byron, H. J., Treweek, J. R., Sheate, W. R., & Thompson, S. (2000). Road Developments in the UK: An Analysis of Ecological Assessment in Environmental Impact Statements Produced between 1993 and 1997. *Journal of Environmental Planning and Management*, 43(1), 71–97.

Treweek, J. (1996). Ecology and Environmental Impact Assessment. *Journal of Applied Ecology*, 33(2), 191–199.

Appendix A – Focus group guide

Introduction (10 mins)

- Welcome and intros
- Participant information / consent (QR code for in-person) including reminder to record
- Purpose / objectives
- Brief overview / reminder of EIA guidance documents on gov.uk website
- Brief overview of EIA types for woodland creation

'Warming up' questions (10 mins)

These questions are to help gauge level of experience in the room and to establish a common understanding of EIAs for the workshop.

1. Tell us about the type of woodland creation schemes you have been involved in? (*e.g., context, size, constraints*)
2. What do you think the purpose of an Environmental Impact Assessment is?
3. How often have you completed a woodland creation grant application or standalone EIA application? (*e.g., frequency, time since completing last one, involvement in any other types of EIAs*)

The EIA application process (15 mins)

4. How confident did you feel drawing a conclusion from your environmental due diligence as to whether a project required 'stage 2' EIA Consent?
 - *How did you find the process? Was it different to your usual environmental due diligence process?*

- *Did you feel the need to submit a 'stage 1' EIA application to gain that confidence?*
- 5. What have been the benefits of completing a woodland creation EIA?
 - *Did the EIA help you to spot the risks of environmental harm and put in measures to mitigate them, beyond your usual due diligence?*
- 6. Were there any aspects you found challenging, unnecessary or of little benefit to woodland design?
 - *E.g., accessibility of data and information gathering*
 - *E.g., stakeholder engagement*
 - *E.g., sections of the EIA or woodland creation forms (relevance, difficulty)*
 - *E.g., process of filling in (question format, length)*
- 7. What was your experience interacting with the FC and non-FC public bodies?

Barriers to woodland creation for different schemes (15 mins)

- 8. Do you think the EIA is more relevant to certain types of projects (*e.g., scale, species*) and certain types of contexts (*e.g., low/medium/high sensitivity areas*)?
- 9. Have you encountered any specific barriers during the EIA process which prevented you from applying for or setting up a woodland creation scheme?
 - *If prompts required for barriers, suggest perceptual, financial, technical, communication.*
 - *If prompts required for difference schemes: type of land manager, size, characteristics.*
 - *Are any constraints in particular a bigger issue than others?*

10. Do you have a view on whether the EIA regulations have influenced the number, place, size or type of woodland creation proposals being developed? (*Why? Examples / evidence of this?*)
- *Prompt if this does not come up naturally and does not repeat the prompt in Qu.9 above. Is there a particular aspect of the EIA requirements that cause the most significant delays (i.e. a particular type of constraints check)*
 - *Prompt if this doesn't come up – do you know of any examples where the design of a woodland creation plan (size/woodland type) has been changed, to avoid being required to prepare a stage 2 consent? Are you able to provide examples (no need to mention specific names/places).*
11. Have you seen more applications in low sensitivity land since the introduction of the low sensitivity land payment and/or the Woodland Creation Fast Track and/or the EIA 'low risk' land and Full Notification process?

Stakeholder engagement (5 mins)

12. Does the EIA process help or hinder your stakeholder engagement in anyway? How could this be improved?

Wrap up and reflections (5 mins)

13. How could the EIA process be improved?
14. Any other thoughts or comments?

Note: Prompts for further discussion included in *italics*.

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