

Appendix 3: Consents guide

Purpose

This document is an Appendix to the [Grant Manual for the England Woodland Creation Offer \(EWCO\)](#), available on the EWCO Application form page. It provides more information on the consents you may need to secure prior to undertaking the woodland creation works in your EWCO Agreement, and how to obtain them.

It is your responsibility to check whether any permissions or consents are needed before you begin any work under your EWCO Agreement, and to secure them in good time where they are required. We may ask for evidence of consent at the time of claim or during the Obligation Period.

Planning consent

Your local planning authority can give you informal advice on whether a proposal needs planning consent. There is also general guidance on planning available in government's [Planning practice guidance](#).

You will need to check with the local planning authority and relevant highways authority (if relevant), if permitted development rights apply to any woodland infrastructure you wish to include in your application. This will determine if full planning consent is needed, and which authority (Local Planning Authority or the Forestry Commission) will be responsible for a decision on whether consent is needed under the Environmental Impact Assessment Regulations. You will need to submit evidence of the planning authority's position on any woodland infrastructure with your EWCO application.

Sites of Special Scientific Interest (SSSI) (including National Nature Reserves)

Work on land in a SSSI will need consent. You should contact Natural England as early as possible when you are preparing your EWCO application. You will also need to speak with Natural England if planting is proposed on land adjacent to a SSSI. Work under a EWCO Agreement cannot start until any required SSSI consent has been granted by Natural England.

Scheduled monuments and other historic environment designations

If there is a Scheduled Monument on the land in your EWCO application, your local Historic England officer can provide advice on any management or changes needed to maintain or bring the monument into favourable condition.

You may also need [Scheduled Monument Consent](#) from the government (advised by Historic England) for some of the chosen work (such as fencing and gateways). In these situations, you must speak to Historic England to see whether consent is needed, or how to go about works to avoid or reduce negative impacts on the Scheduled Monument.

If the proposal in your EWCO application relates to any of the following designations, Historic England can advise you on whether the proposal is likely to be acceptable:

- registered Parks and Gardens
- registered Battlefields

Work on common land

If you are thinking about applying to EWCO on common land please be aware that the work may need consent from the Planning Inspectorate on behalf of the Secretary of State for Environment, Food and Rural Affairs. Consent is required where the work would prevent or impede access or for works to the surface of the land, for example:

- putting up new fences to protect new trees, woodland planting or to enable natural colonisation
- building new solid surfaced roads, paths or car parks to enable access to manage the new or existing woodland
- planting trees to create a woodland

Consent is not required in certain situations – including erecting fencing for up to 5 years, depending on the purpose of the fencing (such as habitat restoration on moorland). However, where an exception applies you must still complete a notice of exemption and send it to the Planning Inspectorate.

If consent is needed it applies equally to new works or where the work is an extension to work with an existing consent.

To be given consent, the work you propose will need to comply with the Secretary of State's [Common land consents policy](#). See [Carrying out works on common land](#) to find out more information on the type of work that requires consent, where exemptions might apply and the application process. If you are applying to EWCO on common land or an area of shared grazing you must read and comply with the supplementary guidance in [Appendix 4 to the EWCO Grant Manual – available on the EWCO Application form page](#).

Other consents

You may need to apply for other consents. If you do, you must keep this evidence as we may ask to see it. Examples of other consents that may be needed include where your proposal affects:

- protected species (as defined by the Wildlife & Countryside Act 1981) and European Protected Species (as defined by the Conservation of Species and Habitats Regulations 2010)
- watercourses, if applying herbicides nearby or installing water gates – you may need consent from the Environment Agency or Lead Local Flood Authority

If your EWCO application includes Leaky Woody Dams, it will need approval from the [Environment Agency](#) or [Lead Local Flood Authority](#).

For consents that affect protected species you may need to plan around seasonal activity. If this is the case, it is important that you arrange the consents well in advance. If the work affects priority habitats (formerly termed 'Section 41 habitats of Principal Importance for nature conservation in England'¹, which may not be SSSIs), you may need to consider the impact on these even if you do not need consent.

¹ Natural Environment and Rural Communities (NERC) Act 2006.