STATUTORY INSTRUMENTS

2023 No. 90

ENVIRONMENTAL PROTECTION

The Environmental Targets (Woodland and Trees Outside Woodland) (England) Regulations 2023

Made - - - -	*29th January 2023*
Coming into force - -	*30th January 2023*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 1(1) and 6(1) of the Environment Act 2021(1) ("the 2021 Act").

In accordance with section 4(1) and (2) of the 2021 Act, the Secretary of State has sought advice from persons the Secretary of State considers to be independent and to have relevant expertise and is satisfied that the target in these Regulations can be met.

In accordance with sections 4(8) and 143(5)(b) of the 2021 Act, a draft of these Regulations has been laid before, and approved by resolution of, each House of Parliament.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Environmental Targets (Woodland and Trees Outside Woodland) (England) Regulations 2023.

(2) They come into force on the day after the day on which they are made.

(3) They extend to England and Wales but apply in relation to England only.

Interpretation

2. In these Regulations—

"the 1967 Act" means the Forestry Act 1967(2);

"the 2021 Act" means the Environment Act 2021;

"energy forestry" means plantations of trees planted solely for the purpose of harvesting as a feedstock for energy production;

"hedgerow" means a boundary line of woody plants more than 20 metres long with mean width of less than 4 metres at the base and (except as regards hedgerow trees) less than 3 metres in height;

"hedgerow trees" means one or more trees that are 3 metres or more in height and are within a hedgerow;

"tree canopy cover" means the area covered by the branches and leaves of a tree viewed from above;

"trees outside woodland" does not include energy forestry and means—

(a) areas of trees of at least 0.1 hectare which are not woodland and are not hedgerows;

(b) single trees or groups of trees more than 2 metres in height with an area of less than 0.1 hectares, not including hedgerows;

(c) hedgerow trees;

"woodland" does not include energy forestry and means an area of trees of at least 0.5 hectares with a minimum width of 20 metres with at least 20% of that area covered in tree canopy cover or which could sustain tree canopy cover and includes—

(a) areas of integral open space within the boundary of such an area of trees, each of which is less than 0.5 hectares;

(b) land which is to be restocked pursuant to a felling licence under Part 2 of the 1967 Act.

2050 Target

3.—(1) This regulation specifies a long-term target in accordance with section 1(1) of the 2021 Act in respect of the percentage of land in England covered by woodland and trees outside woodland.

(2) The target is that by the end of 31st December 2050 at least 16.5% of all land in England is covered by woodland and trees outside woodland.

Measurement

4. To determine whether the target in regulation 3 is met, the area of land covered by woodland and trees outside woodland is to be calculated by the Forestry Commission.

5. The reporting date for the purpose of section 6(1) of the 2021 Act is 10th November 2051.

Trudy Harrison
Parliamentary Under Secretary of State
29th January 2023 Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations, which apply to England, set a long-term target under section 1(1) of the Environment Act 2021 (c. 30) in relation to the percentage of land in England which must be covered in woodland and trees outside woodland by 2050.

Regulation 3 specifies the target, and regulation 4 makes provision about how it is to be determined whether the target is met. Regulation 5 specifies the reporting date for the purpose of section 6(1) of the Act.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Department for Environment, Food and Rural Affairs, 2 Marsham Street, London SW1P 4DF and is published with an Explanatory Memorandum alongside these Regulations on www.legislation.gov.uk.

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