STATUTORY INSTRUMENTS

2026 No. 89

FORESTRY, ENGLAND

The Forestry Act 1967 (Consent to Renewable Electricity Development) (England) Regulations 2026

Made - - - -	*2nd February 2026*
Laid before Parliament	*3rd February 2026*
Coming into force	*27th February 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 3B(1) of the Forestry Act 1967(**a**).

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Forestry Act 1967 (Consent to Renewable Electricity Development) (England) Regulations 2026.

(2) These Regulations come into force on 27th February 2026.

(3) These Regulations extend to England and Wales but apply in England only.

(4) In these Regulations "the Act" means the Forestry Act 1967.

Application for consent

2.—(1) The Commissioners must obtain the written consent of the Secretary of State before an exercise of their powers under section 3A of the Act in a case where—

(a) a proposed exercise of the powers is intended to enable the construction on English Forestry land of the whole or part of a generating station(**b**) (including an extension to an existing station); and

(b) the capacity threshold is exceeded(**c**).

(2) Any notice of a requirement for consent under paragraph (1) must be given to the Secretary of State by the Commissioners in writing.

Notice of consent

3.—(1) The Commissioners must not exercise the power under section 3A of the Act unless—

(a) the Secretary of State has consented to the exercise of the power by the Commissioners; or

(b) consent is deemed to have been given under paragraph (4).

(**a**) 1967 c. 10, section 3B was inserted by section 29 of the Planning and Infrastructure Act 2025 (c. 34).
(**b**) "English forestry land" is defined in section 3A(5) and "generating station" in section 3B(10) of the Forestry Act 1967.
(**c**) The circumstances in which the capacity threshold is exceeded for these purposes are set out in section 3B(3) and (4) of the Forestry Act 1967.

(2) The Secretary of State must give or refuse consent within 60 days, beginning with the date on which it receives the notice given under regulation 2.

(3) The Secretary of State may extend the period in paragraph (2) by up to 30 days by giving notice to the Commissioners before the period in paragraph (2) expires.

(4) If the Secretary of State has not given or refused consent within the period referred to in paragraph (2), or the period as extended under paragraph (3), consent shall be deemed to have been given by the Secretary of State.

Further information and notice

4.—(1) The Secretary of State may request further information from the Commissioners before consent is granted.

(2) The periods referred to in regulation 3 will be suspended from the date of the request until the day on which the information is received.

(3) A notice of consent must include a statement of any conditions to which it is subject.

Mary Creagh
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

2nd February 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require the Forestry Commissioners to obtain the consent of the Secretary of State before they exercise the power in section 3A of the Forestry Act 1967 (c. 10) to enable the construction of renewable electricity development upon forestry land in England.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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£6.40

http://www.legislation.gov.uk/id/uksi/2026/89

ISBN 978-0-34-827912-2

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