

SCHEDULE 4

Land criteria

PART 1

Interpretation

2. In this Schedule—

“continuously forested area” means land of an area of more than one hectare which includes—

- (a) trees more than five metres tall providing a tree canopy cover of more than 30%; or
- (b) trees collectively having the capacity to provide a tree canopy cover of more than 30% which—
 - (i) are more than five metres tall; or
 - (ii) have the capacity to grow to a height of more than five metres;

“designated for nature protection purposes” means designated pursuant to the law of the United Kingdom or of any part of the United Kingdom or pursuant to the law of any country or territory outside the United Kingdom, for the purpose of protecting the natural environment;

“highly biodiverse grassland” is to be construed in accordance with Article 17(3)(c) of Directive [2009/28/EC](#) of the European Parliament and of the Council on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives [2001/77/EC](#) and [2003/30/EC](#)⁽¹⁾;

“local and national laws” means laws applying in the locality in which the site is situated, whether made at a local or national level;

“primary forest” means woodland of native species, where there is no clearly visible indication of human activity and ecological processes are not significantly disturbed; and

“wetland area” means land that is covered with or saturated by water—

- (a) permanently; or
- (b) for a significant part of the year.

(1) OJ L 140 5.6.2009, p16; article 17 was amended by article 2(5) of Directive (EU) 2015/1513 of the European Parliament and of the Council amending Directive [98/70/EC](#) relating to the quality of petrol and diesel fuels and amending Directive [2009/28/EC](#) on the promotion of the use of energy from renewable sources (OJ L 239 15.9.2015, p1).