

## SCHEDULE 3

### Land criteria

## PART 1

### Interpretation

#### 1.—(1) 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” means highly biodiverse grassland that is—

- (a) natural, namely grassland that would remain grassland in the absence of human intervention and which maintains the natural species composition and ecological characteristics and processes, or
- (b) non-natural, namely grassland that would cease to be grassland in the absence of human intervention and which is species-rich and not degraded, unless evidence is provided that the harvesting of the raw material is necessary to preserve its grassland status;

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

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

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

#### (2) For the purposes of this Schedule—

- (a) material is added to solid biomass for an exempt purpose if—
  - (i) it is added for the purpose of the use of that solid biomass as a fuel, in order to—
    - (aa) act as a binding agent, or
    - (bb) reduce emissions of dust, carbon dioxide, methane or nitrous oxide from the use of the fuel, and
  - (ii) it does not exceed 2% of the weight of the fuel,
- (b) solid biomass was obtained from a former continuously forested area if the land—
  - (i) was a continuously forested area at any time during January 2008, and
  - (ii) was not a continuously forested area when the solid biomass was obtained from it.
- (c) solid biomass was obtained from a former wetland area if the land—
  - (i) was a wetland area at any time during January 2008, and
  - (ii) was not a wetland area when the solid biomass was obtained from it.