

UKWAS Interpretation Note 8 – Wind farm development on certified forest land

PLEASE NOTE: THIS INFORMATION NOTE RELATES TO THE THIRD EDITION OF THE UK WOODLAND ASSURANCE STANDARD (Versions 3.0 & 3.1)

Key words: Wind farms, development, conversion to non-forest land

Relevant requirement references: 3.5.1 Conversion to non-forested land, 6.1.3 Protection of rare species, habitats and natural resources. 1.1.5 Commitment by owner, tenant, manager to conformance with the Standard.

Date: This Information Note was discussed by the Panel in e mail correspondence between February and November 2012

Questions and summary of answers:

The following questions were posed by a certifying body in 2012.

1. Can the IP confirm that their conclusions reached within UKWAS Interpretation note 7 from 2008 still apply under the UKWAS 3rd Edition?

Conclusions in IN 7 were taken into account during the UKWAS revision process and any necessary amendments have been incorporated in the third edition.

2. Who should certificate holders or certification bodies refer to for guidance in determining whether the biodiversity value of the new land use is more than any type of practicably achievable woodland cover?

Certification Bodies will need to assess whether the justification and strategies set out in the transition plan fully meet the criteria set out in UKWAS 3.5.1 and may wish to consult the relevant Statutory Bodies, independent experts or stakeholders to provide any necessary confirmation.

*3. UKWAS 3rd Edition guidance states that 'A transition plan should set out as a minimum the justification for conversion and a strategy for implementation, subsequent management and monitoring.'
Provided the conversion does result in new land use being of more value for biodiversity, regardless of new habitat type, can the IP confirm there is no conflict regarding justification within the context of wind farm development?*

Provided the conversion to non-forested land fully meets the requirements of 3.5.1 the timber produced from the converted area may be sold as certified and the area may retain certified status.

Discussion:

1. Certification of timber felled from sites for wind turbines and associated infrastructure.

Requirement 3.5.1 Guidance Note states: *Deforestation to facilitate infrastructure or built development which is not integral to the management of the rest of the woodland cannot meet this requirement.*

Advice to Managers states: *Only timber felled in accordance with this requirement can be certified.*

Requirement 6.1.3 Guidance Note states: *Woodland removal to facilitate infrastructure or built development which is not integral to the management of the rest of the woodland cannot meet this requirement.*

Advice to Owners states: *Only timber felled in accordance with this requirement can be certified.*

In the context of wind farm development these requirements apply to timber felled on land which will be occupied by wind turbines and associated infrastructure. The restriction does not apply to timber felled in the course of wind farm development where the harvested areas will be restocked or will meet the criteria for conversion to non-forest land specified in Requirement 3.5.1 (in terms of enhanced biodiversity value, improved landscape, historic environment benefits).

2. Certification of the residual part of the WMU

Requirement 1.1.5 states:

The owner, manager or tenant shall:

- *Commit to conformance to this certification standard: and*
- *have declared an intention to protect and maintain the woodland management unit and its ecological integrity in the long term.*

The certifying body must first be satisfied that a wind farm development does not infringe this Requirement.

Requirement 3.5.1 states:

Conversion to non-forested land shall take place only in certain limited circumstances as set out in this requirement.

The new land use shall be more valuable than any type of practicably achievable woodland cover in terms of its biodiversity, landscape or historic environment benefits, and conditions a, b, c and d shall be met:

- a. The woodland is not identified as of high conservation value in section 6.1.1.*
- b. There is no evidence of unresolved substantial dispute.*
- c. Conversion and subsequent site management protect and substantially enhance at least one of the following:*

- i. The status and condition of UK Biodiversity Action Plan priority species and habitats.*
 - ii. Important landscape features and character.*
 - iii. Important historic environment features and character.*
- d. The subsequent management of the converted area shall be integrated with the rest of the woodland management.*

It follows that forest areas which will be occupied by wind turbines and their associated infrastructure may not retain certified status.

Advice to forest owners in Requirement 1.1.5 advises that: *Certificate holders may be subject to additional requirements from their certification scheme relating to any adjustment of the area in the woodland management unit. Owners/managers are advised to seek guidance from their certification body or group scheme manager.*

Certification schemes may require WMU boundaries to be redefined to excise the affected areas in order for the residual part of the WMU to retain certified status and may limit the proportion of the WMU area that can be excised.

Woodland management plans may need to be revised following any excision.

Details of wind farm developments will vary from case to case and it is the duty of the certifying body in each case to take full account of the terms of all UKWAS Requirements and in particular 1.1.5, 3.5.1 and 6.1.3.

3. Determining the biodiversity, landscape and historic environment benefits of the proposed new land use.

Requirement 3.5.1 states that:

The new land use shall be more valuable than any type of practicably achievable woodland cover in terms of its biodiversity, landscape or historic environment benefits...

In determining whether the biodiversity of the new land use is greater than any type of practicably achievable woodland cover, it is necessary for owners/managers to establish that conversion and subsequent site management shall protect and substantially enhance the status and condition of UK Biodiversity Action Plan habitats and species.

Consideration will therefore need to be given to a full range of factors including scientific evidence, the findings of any Environmental Impact assessment (EIA), any policies or views expressed by statutory agencies or by other stakeholders.

The justification for the conversion should be set out in an evidence-based transition plan alongside a strategy for the implementation of the conversion and its subsequent management and monitoring. In preparing a transition plan, owners/managers should seek any necessary advice and guidance from appropriate independent experts and the relevant Statutory Bodies as listed in the UKWAS glossary.

Conclusions:

1. Timber felled from areas upon which wind turbines and their associated infrastructure will be located may not be sold as certified timber.
2. Timber harvested from areas which are felled as part of e.g. wind farm development but which will subsequently be restocked or will otherwise meet the provisions of Requirement 3.5.1 (in terms of enhanced biodiversity value; improved landscape; improved historic environment features and character) may be sold as certified timber.
3. Areas of woodland cleared for occupation by wind turbines and their associated infrastructure may not retain certified status.
4. Areas of forest cleared during e.g. wind farm development but which will be restocked or will otherwise meet the provisions of Requirement 3.5.1 (in terms of enhanced biodiversity value; improved landscape; improved historic environment features and character) may retain certified status. The subsequent management of any area converted to non-forested land shall be integrated with the rest of the woodland management unit.
5. The continued certification of all areas of the WMU affected by e.g. wind farm development (including non-forested land) will be determined by the certifying body taking full account of all UKWAS Requirements and in particular 1.1.5, 3.5.1 and 6.1.3.
6. Planning consent and a favourable EIA for e.g. wind farm development would normally be considered sufficient evidence of lack of substantial dispute about the development.
7. Certificate holders or certifying bodies may seek guidance from the following statutory bodies (or any new or equivalent bodies) in determining whether the biodiversity, landscape or historic environment benefits of the new land use are greater than any type of practicably achievable woodland cover:
 - The statutory nature conservation and countryside agencies: Natural England, Scottish Natural Heritage, Natural Resources Wales and the Northern Ireland Environment Agency
 - The statutory environment protection agencies: Environment Agency in England, Natural Resources Wales, Scottish Environment Protection Agency and the Northern Ireland Environment Agency
 - The statutory historic environment agencies: English Heritage, Historic Scotland, Cadw (in Wales) and the Northern Ireland Environment Agency
 - Local authorities responsible for a wide range of functions including highways and planning.
8. If Requirements 1.1.5, 3.5.1 and 6.1.3 on a site are satisfied, wind farm development on that site would not conflict with UKWAS.