# UPLAND BREEDING WADER GUIDANCE: Frequently Asked Questions

*This Q&A should be read in conjunction with the main guidance document - Guidance to help inform when an upland breeding wader survey is needed and when woodland creation is likely to be appropriate.*

## Contents



Version 27 July 2023

## What are the main objectives of these revisions?

This revised guidance provides greater clarity about the decision-making process for woodland creation schemes in upland areas, and the preparation necessary by applicants to facilitate a swift decision. It aims to speed up decision-making to allow those proposals that are appropriate to proceed more quickly and avoid wasted efforts where schemes are not suitable. There is no intention to either relax or tighten protections for waders through this updated process.

The intention is to make it clear where projects can go ahead without impediment and to encourage more woodlands of all kinds, including larger commercially productive schemes. New woodlands can provide many environmental, economic and employment benefits, whilst avoiding negative impacts on breeding waders.

## What's new?

We have now refreshed the guidance (which is for application in upland northern England only) to assign a predator shadow to all woodlands. For the purposes of this guidance "woodland" is defined as being identified on the most up-to-date National Forest Inventory (NFI) or is woodland that has been created after the most recent NFI update and meets the NFI definition.

Any woodland which meets the NFI definition is expected to exert predation pressure on the surrounding landscape as a result of mammalian and avian predators utilising the woodland as cover and perching posts. This is referred to as predator shadow and evidence suggests these impacts extend at least 500m from that woodland. For the purposes of the guidance predator shadow is therefore defined as the area extending 500m from a woodland in every direction. When assessing woodland creation proposals, NE and FC will take account of the updated evidence and consider the implications of existing predator shadow and any possible extension of this as a result of tree planting for breeding wader populations, in conjunction with considering the suitability of the surrounding landscape for waders.

We have also made some minor changes to the text to enhance clarity.

## What is the scope of the guidance?

The guidance applies to upland farmland and moorland in the north of England only. Schemes in scope include:

- New woodland creation grant schemes and/or Environmental Impact Assessment applications for afforestation received from 27 July 2023.
- Proposals in progress for new afforestation where a decision had not been taken as of the 27 July 2023. For proposals already in progress, more work or evidence gathering may be necessary. This is to ensure the requirements of this guidance are met.
- This guidance will not apply to approved or implemented woodland creation grant schemes and/or approved Environmental Impact Assessment projects.

## Who is this guidance for?

NE and FC staff responsible for assessing woodland creation applications. We are also publishing the guidance to give applicants a clearer understanding of how their projects will be assessed, this guidance sets out the relevant context and process for that decision:

- **Appendix 1** is primarily for use by applicants in conjunction with mapping available online.
- **Appendices 2 & 3** are primarily for use by FC staff, in conjunction with NE as statutory consultees. However, an understanding of these processes should allow applicants to propose projects that are more likely to be suitable for approval from the outset.

## Who has been involved in developing these additions to guidance?

A cross Defra group partnership developed the guidance. Core Defra owned and facilitated the project and Forestry Commission and Natural England provided expert input in a technical and regulatory capacity to develop and implement the process.

## Will the guidance change in future?

This guidance has been through testing and approvals with all developing partners. We may review the guidance if there are significant changes required, for example, due to the designation of further Wader Recovery Areas.

## Why does the guidance focus on curlew, lapwing and redshank and not other species of breeding waders?

Curlew and Lapwing are Section 41 species under the Natural Environment and Rural Communities Act 2006 and are red listed under UK Birds of Conservation Concern (BoCC). Redshank is on the IUCN GB Red List, is an Amber listed species that has undergone recent rapid declines.

*Table 1: Summary of protections and conservation status for curlew, lapwing and redshank*

| ***Species*** | ***Section 41 Species*** | ***Agricultural EIA threshold*** | ***UK Birds of Conservation Concern*** | ***IUCN GB Red List*** | ***IUCN Global Red List*** |
|---|---|---|---|---|---|
| **Lapwing** | Yes | 2 pairs | Red | Vulnerable | Near threatened |
| **Curlew** | Yes | 1 pair | Red | Endangered | Near threatened |
| **Redshank** | - | 1 pair | Amber | Vulnerable | Least concern |

## Why have you chosen 1 pair km$^2$ as threshold for curlew and redshank and 2 pairs km$^2$ as the threshold for lapwing?

These thresholds seek to balance the evidence that exists, guidelines used elsewhere in selecting wader conservation sites, and the relative conservation status of the three priority wader species Curlew, Lapwing and Redshank.

Responses to the Defra wader consultation last autumn identified BTO wader zonal areas 4 & 5 as being ‘hot’ zones. In England for Strata 4, the median value is 2.4 individuals per km2 (approximately 1 pair for curlew).

This threshold reflects the screening assessment within agricultural EIAs, which use a 1 pair threshold to trigger further scoping assessment for curlew and redshank and 2 pairs for lapwing, although that guideline doesn't account for density.

### Are the density thresholds per km2 for curlew, lapwing and redshank cumulative?

No, the density for curlew, redshank or lapwing will be calculated separately, if any are above the density threshold for that individual species then that triggers moving to the next step i.e., 5.

### Why are you applying 500m as the distance for considering predator shadow when determining the suitability of sites for woodland creation in Appendix 3, and yet require 1000m as the buffer for surveys in the guidance for identifying when an upland breeding wader survey is required Appendix 2?

For the predator shadow of **existing** woodland, we are using 500m on the basis that predation impact is already likely to be having a significant negative impact. This draws on evidence from a number of studies which have examined predation effects from afforestation on wader productivity.

When advising on surveys, our focus is on considering the impact of **new** woodlands in a more precautionary context within areas of likely importance for breeding waders. Whilst predation decreases with distance, available evidence suggests there will generally be some predation impact at 1km and possibly greater distances. This impact is especially important when considering introducing woodland into otherwise open landscapes or adjacent to areas notified as protected areas due to their national or international importance for waders. Therefore, we apply 1km buffer when requesting survey information.

The intention is to reach a balance between precautionary and permissive approaches until such time as better evidence is secured.

### Do different woodland types or smaller woodlands have a different predator shadows?

To date, no research has identified woodland composition/structure types that reduce the predation-edge effect of tree-planting on wader breeding success, although the decision-making framework recognises the differentiation between non-native planting and native woodland restoration for wider nature recovery ambitions.

### Will conifer woodland and broadleaf woodlands be treated differently by this process?

No, where proposals are located in areas with existing woodland. However, where proposals encroach into open moorland where there is no woodland, the biodiversity benefits of new woodland would need to outweigh the impact on breeding waders. In these circumstances woodlands would need to have high biodiversity benefits.

### How will wildlife-rich woodland be defined?

The term wildlife-rich woodland only applies in situations where new woodland is proposed in open expanses of moorland. Proposals for wildlife-rich woodland should be based on exclusive use / colonisation of native trees species and be expected to be capable of meeting

the definition of a one of the following S41 woodland priority habitats over time: Wood-Pasture & Parkland, Upland Oakwood, Upland Mixed Ashwoods, Upland Birchwoods Wet Woodland and/or native scrub habitats. It may include potential for enhancement of wildlife value of the following habitats within the woodland design, for example: Upland Calcareous Grassland; Upland Hay Meadows; Coastal and Floodplain Grazing Marsh; Upland Heathland; Upland Flushes; Fens and Swamps; Purple Moor Grass and Rush Pastures; Blanket Bog; Mountain Heaths and Willow Scrub; Inland Rock Outcrop and Scree Habitats; Calaminarian Grasslands; Limestone Pavement.

## Why do you only consider biodiversity in steps 7/8 of decision flowchart, trees offer other benefits?

Through the Environment Act, government set a statutory commitment to halt biodiversity loss. This means we need to make sure that any land use change including those with other positive impacts should not impact negatively on biodiversity.

Government also has a recent history of considering the net-biodiversity impact of land-use decisions through policies like biodiversity net-gain. Currently no framework exists for equitably weighing up other ecosystem services against biodiversity, be those economic or otherwise. This means that until such a framework exists the only safe approach is to consider comparable like for like costs and benefits.

## What about mitigation or compensation, have these been considered?

We have been considering and working on development of a range of mitigation/compensation options:

- The decision process itself has been designed to encourage mitigation through design changes to the woodland creation applications. For example, to reduce extension of the predator shadow into open areas used by waders.
- Whilst predator control, when sustained, can benefit local wader nesting success, available evidence and advice from the two expert committees NESAC and TAWSAG is that long-term, widespread, predator control in perpetuity, as a way to offset, wholesale, the negative effects of new afforestation proposals on waders, is not a realistic option.
- NE are currently identifying well defined Wader Recovery Areas in England – these are landscapes which hold the highest wader densities and have potential to increase populations through a package of conservation intervention measures. Investment in these areas might allow a more permissive approach to woodland creation elsewhere.
- Using new analysis by the BTO we are also exploring how to set up ongoing national level monitoring of wader habitat loss to provide an understanding of the potential cumulative impact of woodland creation and other activities on the national wader population

## Why is it not possible to use local predator control as mitigation for new afforestation given the known importance of predators in reducing wader productivity?

We do not currently have good evidence to support the use of predator control for conservation purposes for breeding waders in the uplands, outside extensive areas of managed grouse moor systems. Here, long-term deployment of high intensity, wide-scale, year-round control, using a range of techniques enables suppression of predators to a level that has been shown to have positive benefits for breeding waders.

It would be difficult for intensive lethal control to be duplicated and sustained in perpetuity as a mitigation of the impact woodland creation due to the lack of a legal mechanism to enable this.

### What kind of compensation/mitigation activity might be deployed and where?

Once dedicated Wader Recovery Areas have been defined, mitigatory and compensatory activity would be targeted to these areas with dedicated advice and incentives provided to land managers. This could include support for capital work e.g., predator fencing, protection of nests from agricultural operations, activity to wet up areas and encourage retention of water on the land, and work to head start chicks to increase productivity. These are all established management interventions which would be in scope.

### Which BTO models are the best performing to indicate important wader zones?

It is recommended to that you check the curlew and golden plover layers, as these models are the most accurate. Look at the FC Land Information Search to see which BTO wader zonal strata your proposals fall within.

### How can funding for surveys be accessed?

Landowners can apply to FC to support the design of new woodland under the WCPG, where funding may be provided for survey work. The woodland creation proposal must be over 5ha. For more information head here: www.gov.uk/guidance/woodland-creation-planning-grant

**How much additional land does the change from applying predator shadow to woodlands of 0.5ha and above instead of 5ha and above free up for woodland creation?**

The hectarage of how much land the updates to the guidance may potentially make available for woodland creation have not yet been quantified.

**Will the changes hinder recovery of wader populations in the uplands?**

The changes will not hinder recovery of wader populations as NE and FC will continue to consider the potential implications of woodland creation applications for breeding wader populations, taking account of the relevant evidence. Where there is evidence that waders could be negatively impacted, this will continue to be a reason to amend or refuse applications.

**What specific parts of the additional analysis allowed the revisions to the guidance? What is the justification?**

Research commissioned as part of the guidance review, showed general negative associations between woodland cover and breeding waders. Both total amount of woodland and number of patches of woodland are significant. These findings support that all woodland is expected to exert predation pressure on the surrounding landscape as a result of mammalian and avian predators utilising the woodland as cover and perching posts. Research also suggests a potential impact of both total amount of woodland and number of patches beyond 500m. For the purposes of the guidance predator shadow was therefore defined as the area extending 500m from a woodland in every direction.