

DIARY CASE



Llywodraeth Cymru
Welsh Government

PREAMBLE

Meeting date/time	9:45-10:15, 26 November 2024
Who is the Minister meeting?	[REDACTED] RenewableUK Cymru) and [REDACTED] [REDACTED] RenewableUK Cymru)
Who requested the meeting?	RenewableUK Cymru have requested the meeting.
Primary purpose	To meet you and highlight their concerns about planning policy relating to Peat Soils and Peatland Habitats.
Is there an agreed agenda?	RenewableUK Cymru have advised they will send an agenda the week before the scheduled meeting time. No agenda is available at the time of writing.
Which officials are supporting the Minister?	[REDACTED]
Where is the meeting?	The meeting is virtual
Other practical considerations	N/A

DIARY CASE BRIEFING

Purpose

RenewableUK Cymru are concerned that planning policy in relation to peat and irreplaceable habitats will have implications for delivery of renewable energy targets.

They outline their opinions on the implications of peat and how it should be restored in a briefing note. They request that a Peatlands Advisory Group be formed to exchange technical information (with a view to establishing an agreed position on how to manage the translocation of peat on development sites); and, they suggest that this group should input into the proposed planning guidance on peat.

They request that planning guidance be prepared to assist them with the definition of peat (that covers depth and quality), to inform decisions, and to contain best practice approaches to managing and restoring peat on development sites. Finally, they request that there is a need to accelerate support and allocate sufficient resources to NRW in order that they can advise developers in a timely way.

Current position and issues to note

RenewableUK Cymru claim that the policy position in Planning Policy Wales (PPW) relating to peat and peatland habitats is uncertain.

The stepwise approach itself is a means of ensuring a net benefit for biodiversity can be achieved in all circumstances, but it incorporates and works alongside specific and additional elements of policy which are relevant for irreplaceable habitats (and protected sites such as SSSIs).

Action in relation to irreplaceable habitats, such as peatlands, should primarily take place at step 1 of the stepwise approach. The starting point is criterion 1a) which says that avoiding harm is the first priority **and planning authorities will need to be satisfied that any reasonable alternative sites (including alternative siting and design) which would result in less harm, no harm or benefit have been fully considered.**

Criterion 1b) specifically states that **development in irreplaceable habitats is, as a matter of principle, unacceptable and should be avoided and it would be wholly exceptional for development to be justifiable in such circumstances.** Criterion 1b) includes an explanation of the rationale for this position, whilst paragraph 6.4.25 specifically states that where peat soil is identified **considerable weight should be given to its protection because of its special importance in underpinning and supporting national natural resources such as soil carbon, biodiversity and flood management, and unless significant material considerations indicate otherwise it will be necessary to refuse permission.**

The purpose of officials preparing the guidance which you are currently considering is to assist with the implementation of PPW and to overcome the perceived uncertainty felt by the industry. The guidance provides amplification of the policy and a pathway through the current policy. It is not new policy as this is already set out in PPW.

RenewableUK Cymru consider the policy position will stymie the pipeline of schemes already in the system.

The evidence from three on-going schemes where the applicants have fully applied the stepwise approach suggests that this is not the case and loss of peat and irreplaceable habitats can be avoided with the proper consideration. Manmoel (DNS3239181) was approved on 15 October demonstrating peat avoidance despite peat being on site. Rhyswg Wind Farm (DNS CAS-03701-H3V4Y3) has followed and applied the stepwise approach to present a robust evidence base to demonstrate peat avoidance in site selection. Maen Hir (DNS3274702) has peat on site and is evolving infrastructure design to avoid peat.

RenewableUK Cymru propose that they can bring in the finance necessary to 'add' to the progress being made under the restoration programme.

This is to be welcomed, but only up to a point, because this position is being advocated to justify the loss of peat and irreplaceable habitats in lieu of renewable energy schemes. They do not appear to have the same view as officials that peat cannot be restored unless restoration happens in situ and the peat remains in place. RenewableUK Cymru contend that it is possible to move (translocate) peat to facilitate development and recreate it elsewhere and that this does not represent loss. This is contrary to the policy view that it represents the loss of an irreplaceable habitat or a peat resource which cannot be recreated.

RenewableUK Cymru provide examples of what they consider to be 'good' restoration – at Pen y Cymoed in Neath Port Talbot CBC area, Mynydd Bwllfa in RCT CBC area and Clocaenog Forest in Denbighshire.

At Pen y Cymoedd, the excavated peat had been destroyed and degraded; stone was poured into trackways until it settled interrupting the flow of water and degrading the peat and habitat either side of it; borrow pits were left unrestored. At Clocaenog, soil from a turbine base had been dumped on a peatland habitat, and other areas of peat soils had been excavated and left to oxidise, erode and degrade. Although over 5 years into the Habitat Management Plan at Clocaenog, the operators have not engaged at all with the National Peatlands Action Programme team in NRW for advice and guidance on peatland restoration on site. Local authorities and NRW are not resourced to monitor and enforce peat enhancement conditions. If wider restoration enhancements are not completed correctly, further damage to peatland habitats will occur and further financial resource will be needed to rectify the damage.

RenewableUK Cymru contend that Wales should follow the policy and practice which is happening in Scotland. Scotland has a very similar policy position on peat and peatland habitats to that in Wales. However, given the extent of peat resources and habitats in Scotland they may be able to countenance a level of loss. Wales only has 3-4% or

c.82,000ha whereas Scotland has 20% of its surface covered by peat or c.2m hectares. Restoration measures are highly technical and vary from site to site.

Points to make

Whilst you are keen to meet renewable energy targets you do not want this to be done at the expense of important habitats, and particularly those which play a role in storing carbon. Both of these aspirations can be achieved and they do not need to be traded against each other. In addition:

- The planning policy in PPW protects peat and peatland habitats, given their importance and limited extent in Wales, our duties under section 6 and 7 of the Environment Act (Wales) 2016 and our commitments to meet COP15 30 by 30 targets.
- Peatlands are irreplaceable habitats by virtue of their age and the unique characteristics they possess, and these characteristics mean that it is technically difficult to replace habitats once they are lost and to recreate such habitats elsewhere. These habitats can only be restored where they remain in situ.

Whilst their commitment to helping restoration efforts is to be welcomed, their view on how restoration of peat should take place is questioned. Peat can only be restored when it remains in situ. This is the purpose of the Peat Restoration Programme and it is the purpose of the policy protections afforded by PPW.

It is not possible to recreate and restore peatland habitat once the peat profile and hydrology has been lost at a particular location. This includes moving it to another location and trying to recreate it there. Excavation and development destroys the fundamental biophysical template of the peatland ecosystem and once developed, its return to a peatland soil or habitat is impracticable. Seeking to recreate peatland ecosystems does not compensate for the loss in extent of peatland ecosystems developed *in-situ* at their place of origin. This represents loss.

- Planning guidance on peat is being drafted to assist with the implementation of the policy. The guidance defines peat, identifies peatland habitats and provides a pathway for using the Peatlands Wales map in combination with appropriate survey work to ensure appropriate locational, siting and design choices can be made as part of proposing new development.

The way forward: They wish to establish a Peatlands Advisory Group whose purpose they see to establish a position on translocating peat. This request is based on experience in Scotland which is different to Wales, and the pathway in Scotland is not applicable to the limited extent of peat found in upland Wales.

Background information



Station 1000
October 1949
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