

Renewable UK Cymru (RUK) represents the collective wind energy interests in Wales and liaise with Welsh Government and other key stakeholders on areas of opportunity and constraint. RUK met with Prif Weinidog on the 21 August at the Pembroke Dock Marine launch. RUK were subsequently invited to submit a list of the issues they feel need further attention in order to speed up the development of renewable energy. The issues raised are below accompanied by briefing from officials.

3. Separately, [redacted] advised that Piffard's initialing and the
[redacted]
[redacted] on [redacted] began by the [redacted] related to relations to
[redacted] and [redacted] (not [redacted]). It [redacted] no
[redacted] or anything else. On 10/7/98, [redacted] advised that [redacted]
[redacted] had agreed to their purchase of [redacted] was being sold from the
C [redacted] daily R. [redacted] [redacted] Wales.

1.Consenting, Resourcing & Peat

RUK raises concern about the time it takes in Wales to make decisions and sighting examples of current applications where the decisions are delayed (Garn Fach, Manmoel and Twyn Hywel). Such delays create great uncertainty within the project developments.

Linked to the Garn Fach concern is WG's revised Chapter 6 policy as contained in Planning Policy Wales on peat, in that developers are finding it difficult to

interoperate Chapter 6 in relation to peat and to recognise the positive impacts onshore wind developments has for regenerating peat. [Please note there is a counter argument as to the success of these regeneration programmes on peat].

All these delays and uncertainties are leading to projects not coming forward due to the need for the decision on Garn Fach to provide the clarification on policy. The request therefore was for a decision in September for Garn Fach as this would send positive signals to the onshore wind industry.

Briefing

Decision making and individual planning applications

- You are unable to comment on the specific aspects of any individual planning application, as to do so may prejudice any future decision made by Welsh Ministers.
- There are a significant number of applications in the Developments of National Significance (DNS) system and whilst we strive to meet the statutory determination timescales the system allows the Welsh Ministers to suspend the determination period where more time is required to assess applications, for example those applications raising complex planning issues.

Overview of Planning Policy relating to biodiversity, including peat/peatland habitats

- Future Wales and Planning Policy Wales (PPW) set out our approach to obtaining a net benefit for biodiversity through the planning system, in accord with the duties in the Environment (Wales) Act 2016.
- The duties in the Environment Act are for public bodies to maintain and enhance biodiversity and promote the resilience of ecosystems (section 6) when exercising their functions, and in doing so to protect habitats of principal importance in relation to Wales (section 7).
- The recent changes to chapter 6 (PPW12 published on the 7th February 2024) re-stated long standing net benefit for biodiversity policy and offered additional clarification on how to secure it through a revised step wise approach.
- The approach to a net benefit for biodiversity is embedded in placemaking and focused on improved outcomes for biodiversity and ecosystem resilience, which means securing the right measures for biodiversity in the right place.
- As a result of this place-based, qualitative focus and in light of the duties in the Environment Act, sites containing species and habitats considered to be irreplaceable (because they are technically impracticable to recreate once lost) are afforded additional protection as part of applying the step wise approach. Irreplaceable habitats are defined in PPW and peatland habitats fall into the category of irreplaceable habitats.

- The additional protection in the policy is clear, and states that development proposals in statutory designated sites are, as a matter of principle, unacceptable and therefore must be excluded from site searches undertaken by developers. The policy clearly applies this principle to those sites containing protected species and habitats which are irreplaceable and must be safeguarded.
- The policy is also explicit about peat soils as a key ecosystem service, stating that significant weight should be given to their protection.
- The loss of peat soil and peatland habitat, which store carbon, to promote renewable development represents an undesirable and unnecessary conflict. It is incumbent on developers to make sustainable site choices to address both the climate and nature emergencies and not trade off one emergency against the other.
- It is recognised that further guidance to assist with the implementation of the policy would be beneficial. This has been discussed with Renewable UK Cymru and we have signalled that further guidance would be forthcoming. This guidance is currently being finalised and advice will be put to the relevant Cabinet Secretary shortly recommending that this guidance be published.

Net Benefit for Biodiversity

Future Wales and Planning Policy Wales (PPW) set out our approach to a net benefit for biodiversity, which is embedded in placemaking and focused on improved outcomes for biodiversity and ecosystem resilience.

The policy in Future Wales and Planning Policy Wales is that new development proposals are required to achieve a net benefit for biodiversity. PPW12 defines a net benefit for biodiversity as *'the concept that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and long-term, measurable and demonstrable benefit, primarily on or preferably immediately adjacent to the site.'*

The stepwise approach is the mechanism by which a net benefit for biodiversity should be obtained. It seeks to avoid and minimise loss of biodiversity as a matter of preference and where this is not possible effects should be mitigated and/or compensated for. At all steps enhancement must be provided resulting in an overall net benefit for biodiversity.

Importance of peat soils and peatland habitats

It is necessary to identify peat soils and peatland habitats as part of applying the policy in PPW and reference was made in the chapter 6 policy update to the use of the new Peatlands in Wales Map.

In response to the issues raised by Renewables UK Cymru it is considered that further guidance on the use of the Peatlands in Wales map would be beneficial. In addition, peatland habitats comprise several habitats which are regarded as irreplaceable and information on relevant habitats could be usefully expanded, particularly as these habitats are not identified by a boundary in the same way as Sites of Special Scientific Interest, for example.

Development on peat destroys the fundamental biophysical template of the peatland ecosystem and once the underlying peat soil profile and peatland vegetation is removed, the ecosystem cannot be re-created. Therefore, its return to a peatland soil or habitat is impracticable.

Peatlands cover 3-4% of Wales and their resilience is particularly threatened by overlap with development but this loss is avoidable, preferably through the choice of more appropriate sites. In some limited circumstances, however, it may be possible to avoid habitat and soil loss through layout and design and the policy in PPW and the guidance do not preclude this.

Evolution of Planning Policy

Whilst policy in PPW has been updated and made more explicit in relation to peatlands, the thrust of the policy is not new:

- Policies on net benefit for biodiversity have been in place since 2009 in TAN 5 Nature Conservation and Planning;
- In 2016, the Environment (Wales) Act In 2018 introduced a new biodiversity duty (section 6 duty) and a commitment to update the list of habitats of principal importance which should be safeguarded (the original list was required under the Natural Environment and Rural Communities Act 2006 and referenced in TAN 5);
- In 2018 PPW was revised to better reflect the Section 6 duty. The nature conservation hierarchy (a long term policy position) was re-focused into a stepwise approach, to more clearly prioritise avoiding and minimising loss and damage to biodiversity and to promote the resilience of ecosystems, rather than mitigating and compensating for loss;
- In 2021 Future Wales, which has development plan status, explicitly required development to achieve a net benefit for biodiversity;
- Policies on the protection of peat and soils have been in place since 2000, for example in Minerals Planning Policy Wales (2000) and in MTAN 2 Aggregates (2002) and in early editions of PPW, which stated that land use practices should help secure carbon sinks; and,
- The recent changes to Chapter 6 of PPW, first introduced in an interim position in October 2023 and then published in PPW in February 2024, have

made the importance of protecting peat soils and peatland habitats as key elements of ecosystems resilience more explicit.

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