



Ein cyf/Our ref ATISN 23303

21 February 2025

Dear ,

ATISN 23303 Impact of Renewable Energy on Peat Resources

Information requested

Thank you for your request which was received on 27 January. My understanding of the context for the request is that you are concerned to ensure that positive climate outcomes and the best use of public funds is being secured in relation to peat resources in Wales. You have asked for copies, or links to copies or sites, of the following:

- Any reports, minutes of meetings or correspondence or other records covering the known or potential impact of existing, planned and anticipated future renewable energy developments on peat soils
- Any reports or projections of the potential future impact on peat soils of the National Peatland Action Programme and any other similar restoration schemes initiated by the Welsh Government or renewable energy developers

You have mentioned concerns about recent decisions relating to renewable energy schemes and you are seeking to ensure that the protection measures in place for peat resources, which are the highest stores of soil carbon, are being used as anticipated and decisions based on sound, scientific advice and/or expert opinion.

Our response

I have decided that some of the information is exempt from disclosure regulation 12(4)(d) of the Environmental Information Regulations and is therefore withheld. The reasons for

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

applying this exception is set out in full at Annex A to this letter. The information to be withheld is items 4, 11 and 12 in the schedule below.

Information relevant to your requested is enclosed, and our response to your request is as follows:

Briefings to Ministers and meetings on Peatland, Habitats and Renewable Energy Deployments in Wales, in 2025

Ministers are concerned about the potential tensions which may arise when seeking to meet climate change and nature recovery aspirations and have recently discussed peat soils and peatland habitats in the context of renewable energy schemes. The records we hold are:

Item 1: Briefing to Deputy First Minister and Cabinet Secretary for Economy, Energy and Planning, dated 07 February 2025, for a bilateral meeting to discuss renewable energy deployment and peat resources held on 11 February 2025.

Item 2: Minutes of a bilateral meeting held between Deputy First Minister and Cabinet Secretary for Economy, Energy and Planning on 11 February 2025, dated 13 February, and associated with briefing identified at item 1. Names of officials have been redacted.

Item 3: Briefing to Deputy First Minister in preparation for the bilateral meeting with Cabinet Secretary for Economy, Energy and Planning to discuss renewable energy deployment and peat resources, dated 22 January 2025.

Item 4: Earlier exploratory briefing to Special Advisor – withheld under EIR Regulation 12(4)(d).

Working spreadsheets, figures and notes compiled by officials relating to assessments of peat resources relative to known current, planned or future renewable energy schemes and the National Peatland Action Programme

These spreadsheets are working documents compiled by officials to inform on-going activities and actions and are based on information known at the time of compilation. They cannot be construed as definitive or exhaustive records. The information is as follows:

Item 5: Figures relating to the overlap of renewable energy schemes and peat resources.

Item 6 (6, 6a): Spreadsheet containing an overview of progress of DNS planning schemes with potential peat overlap. It contains actual and inferred information on schemes and overlap with peat based on information sourced between 24-27 January 2025. The information contained is hopefully self-explanatory.

Item 7 (7, 7a, 7b): Spreadsheet containing peat assessment information. This is explained further in items 1 and 3. This contains actual and inferred information on schemes relating to peat and carbon impacts. This is a working document and where no detailed scheme design plans exist, estimates were based on the number of turbines, associated infrastructure, peat evidence maps and aerial photography.

Item 8: Spreadsheet for all DNS schemes with EIA scoping opinions where peat has been raised as a relevant issue. Further explanation of this spreadsheet is contained in Annex B.

Item 9 (9, 9a): These are informal notes taken at a recent hearing by officials. They are an informal record taken for internal purposes.

Other records relating to peat and renewable energy from 2024

Item 10: Diary briefing for Cabinet Secretary for Economy, Energy and Planning, dated 19 November 2024, for a meeting with RenewableUK Cymru on 26 November 2024. The briefing anticipates the issues likely to be raised, but a note was not taken of this meeting. The background paragraph has been redacted because it is general in nature and not within the scope of the request.

Item 11: Email sent by officials to PEDW regarding a decision already made. This is an internal email which did not engender an exchange (no reply was made to it by PEDW). This information is withheld under EIR Regulation 12(4)(d).

Item 12: Ministerial advice for decision, dated 4 October 2024, which is still with the Cabinet Secretary for Economy, Energy and Planning for decision. This information is withheld under EIR Regulation 12(4)(d).

Item 13: Briefing for the First Minister, dated 6 September 2024, following receipt of note and briefing from RUK Cymru (items 14, 15). Information not within scope of the request has been redacted, along with the names of officials.

Item 14: A briefing document sent to the First Minister by RenewableUK Cymru on peat following a meeting in Pembrokeshire on 21 August 2024. This can be found at the following link: [onshore-wind-and-peatland-in-wales.pdf](#)

Item 15: A note sent to the First Minister with the briefing document at item 14 by RenewableUK Cymru following a meeting in Pembrokeshire on 21 August 2024. Information not within the scope of the request has been redacted, along with personal and company related information.

Next steps

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or Email: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,

SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

Cyfarwyddiaeth Llywodraeth Leol a Chynllunio | Local Government and Planning
Directorate

Welsh Government, Cathays Park, Cardiff, CF10 3NQ
Email joanne.smith@gov.wales

Annex A Exceptions

Application of exemptions/exceptions

The Freedom of information Act/Environmental Information Regulations provide a right for anyone to ask a public authority to make requested information available to the wider public. As the release of requested information is to the world, not just the requester, public authorities need to consider the effects of making the information freely available to everybody. Any personal interest the requester has for accessing the information cannot override those wider considerations.

I have decided to withhold the following information:

Item 4: Earlier briefing to Special Advisor.

This information has been withheld on the basis of an exception under EIR 12(4)(d) – Information in the course of completion.

Item 11: Email sent by an official to PEDW.

This information has been withheld on the basis of an exception under EIR 12(4)(d) – Information in the course of completion. The information relates to the matter under consideration by the Minister, and is informational regarding the matters being withheld in items 4 and 12.

Item 12: Ministerial advice for decision, dated 4 October 2024, which is still with the Cabinet Secretary for Economy, Energy and Planning for decision.

This information has been withheld on the basis of an exception under EIR 12(4)(d) – Information in the course of completion.

This Annex sets out the reasons for the engagement of section 12(4)(d) of the Environmental Information Regulations and our subsequent consideration of the Public Interest Test.

Application of exception 12(4)(d) (Information in the course of completion) of the Environmental Information Regulations

12.—(4) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that—

(d) the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data

Guidance from the Information Commissioner has confirmed that “Material which is still in the course of completion can include information created as part of the process of formulating and developing policy, where the process is not complete; draft documents are unfinished even if the final version has been produced; data that is being used or relied on at the time of the request is not incomplete, even if it may be modified later”. I can confirm that the information captured by your request under items 4. 11 and 12 meet this description.

Regulation 12(4)(d) is a qualified (public interest tested) exception. Even if the exception is engaged, public authorities must go on to apply the public interest test set out in regulation 12(1)(b). A public authority can only withhold the information if the public interest in

maintaining the exception outweighs the public interest in disclosing the information. Because of this, consideration has been given to the effects of disclosure to the world at large rather than any personal interest you may have in being provided with the information.

Public Interest Test

In order to satisfy the public interest test in relation to the exception, it is necessary to conclude that the public interest arguments in favour of withholding the information are sufficient to *outweigh* the public interest arguments in favour of release.

Public interest arguments in favour of disclosure

Welsh Government recognises the strong public interest in the openness and transparency of Government. The matter is clearly of public interest, an understanding the context of advice and the background to decision making all enhances this transparency and informs public debate.

Public interest arguments in favour of withholding

As decisions have not been made on this policy, and the briefing contains information and analysis that is in a state of flux and is rapidly changing, disclosure of the information at this time would place information that is provisional and likely to be incorrect into the public domain. This information would not enhance the public debate, as information that is accurate is being released in response to this request, and the public debate is informed. Rather, it would distract understanding of the matter and detract from the debate by presenting information that is in flux as though it were final. Ministers have requested further detailed information, and it is necessary to protect the safe space in which this provisional policy information may be formulated. Disclosure of the provisional information would inhibit the ability of Ministers to make impartial decisions and prevent the proper functioning of government.

Balance of public interest test

The public interest in disclosure is a strong one, and the public interest is finely balanced in this case between a duty to transparency and accountability and a need to avoid damage to a process that itself promotes transparency and accountability.

In my consideration, I have taken account of the fact that we are releasing information that does provide factual detail and policy analysis, and other related materials. Furthermore, when the policy process is complete, the public interest in maintaining the exception will fall, and so this remains a time limited exception. Therefore the duty to transparency can be met by the disclosure of other materials in this request, as well as the disclosure of related policy advice, at a later date. In view of this, I take the view that the balance of public interest favours withholding this information at this time.

Annex B

Further explanation of Item 8:

Planning and Environment Decisions Wales (PEDW) is the division of the Welsh Government that processes Developments of National Significance (DNS) planning applications on behalf of the Welsh Ministers. Energy generation proposals of between 10 MW and 350 MW fall within the DNS regime. As your query relates to the “known or potential impact of existing, planned and anticipated future renewable energy developments on peat soils”, PEDW has checked its records for the DNS cases subject to Environmental Impact Assessment (EIA) Scoping Directions. EIA Scoping identifies the aspects of the environment that must be included when an Environmental Statement (ES) is submitted for the case in question.

As you are aware, PEDW published the details of its casework to the planning casework portal: <https://planningcasework.service.gov.wales/>

The enclosed spreadsheet shows the details of the cases where potential impacts on peat were identified at EIA Scoping stage, and contains hyperlinks that should allow you to directly open the Scoping Direction in question from the casework portal. Please note that whilst peat was identified as a matter to be addressed in the ES when the Scoping Direction was issued, it may be that the final design of a scheme avoids impacts on peat.

No records exist for cases not subject to EIA Scoping.

There may be other documents which would be of interest to you published to the case record for each of the cases identified. You can check what other documents are available by using the portal at the above link and searching for the relevant reference number or a key word from the project title shown in the spreadsheet.

There is a ‘Status’ column in the spreadsheet, you may wish to note the following about the relevant case statuses:

- Acceptance – Application submitted to PEDW and undergoing checks. Not yet formally accepted for examination. The application documents have not yet been published to the portal to avoid confusion over the status of the case and the fact that PEDW is not yet accepting representations.
- Decided – The Ministerial Decision and Inspector’s Report are available via the casework portal. You can filter to show ‘Final Decision/Report’ or sort the documents to show the most recently published first.
- Examination – The application documents are available online, this should include the ES and relevant chapter on peat.
- Notification – The applicants have formally confirmed their intention to submit a DNS application. The application has not yet been submitted.
- Pre-app – The applicants have not yet formally submitted a Notification.
- Suspended – The application is at examination, but it has been suspended. The application documents are available online.
- Withdrawn – The Mynydd Llanhilleth scheme reference 3273368 was originally Accepted for Examination, but subsequently withdrawn by the applicants. The scheme has been amended and resubmitted under reference CAS-03540-M8J8M5, which is now at Acceptance.