

Draft Peatland and Energy Policy Statement

Purpose

The following Policy Statement provides a common basis from which the Scottish Government and its agencies act in developing and implementing policies in relation to peatland and energy.

It articulates a coherent, shared policy on peatland and energy. It brings together ambitions in relation to land use and energy and supports delivery of multiple benefits from our peatland. It provides a common platform for the Scottish Government, the Scottish Environment Protection Agency, Scottish Natural Heritage and the Forestry Commission Scotland.

The principal aim of Scottish Government policy on peatland and energy is to maximise greenhouse gas emissions abatement in the way best designed to deliver multiple benefits. All policies and plans in relation to peatland and energy flow from this overarching aim.

The Climate Change (Scotland) Act 2009 sets out a clear vision for decarbonising Scotland's economy with binding targets for reducing emissions of at least 42% by 2020 and at least 80% by 2050. The UK and Scottish Governments have additionally set out clear goals for renewables deployment – at UK level, 15% of energy consumption is to come from renewables by 2020, and for Scotland, the equivalent of 100% of Scotland's electricity demand is to be met from renewable sources by 2020.

“ Peatlands are ecosystems with a peat deposit that may currently support vegetation that is peat-forming, may not, or may lack vegetation entirely. Peat soil has an organic layer or layers that exceed 50 cm deep from the soil surface and an organic matter content of more than 60%. ”
Scotland's National Peatland Plan

Scotland's Land Use Strategy¹, also a requirement of the Climate Change (Scotland) Act 2009, describes peatland restoration as a means to lock up carbon and contribute to climate mitigation. The Land Use Strategy sets out ten principles for sustainable land use and Scottish Government policy on peatland and energy is fully aligned with these principles. These principles are intended to help direct all significant decisions which impact upon land. No matter what the land use or land use conversion decided upon for a given site, land managers and site operators are expected to commit to undertaking long-term, sustainable land management.

The National Peatland Plan sets out a vision for peatlands to be valued for multiple benefits, with improvements in the protection and condition of peatlands. The National Peatland Plan's principal aim is to protect, manage and restore peatlands to maintain their natural functions, biodiversity and benefits. Its supporting aims are to:

¹ Consultation draft 2016-21 strategy

- protect those areas of peatland currently in good condition;
- enhance ecosystem resilience to climate change;
- restore peatland ecosystem functions and biodiversity;
- secure greater peatland restoration capabilities amongst users of the land;
- ensure peatland values are reflected in the support given to those who manage and restore them; and
- demonstrate and communicate the wider public benefits of healthy peatland.

Scotland's Economic Strategy states that protecting and enhancing Scotland's natural capital, which includes peatlands, is fundamental to a healthy and resilient economy. Beyond their role as a carbon sink, the multiple benefits from peatlands include for biodiversity, ecosystem function, water quality and flood management. Managing peatland for carbon supports the delivery of these multiple benefits. Healthy peatlands are essential in supporting Scottish Government objectives under the Water Framework and Habitats Directives.

Although estimates vary, analysis by the James Hutton Institute suggests Scotland's peatlands store approximately 2,000 Mt carbon (or over 7,000 million tons CO₂ equivalent). For Scotland to meet its greenhouse gas emissions reduction targets, this vast carbon store must be maintained and where possible enhanced.

The Second Report on Proposals and Policies sets out as a proposal a technically feasible ambition of accelerated restoration of degraded peatland, targeting up to 21,000 hectares a year. This ambition is picked up in Scotland's third National Planning Framework (NPF3) as a Key Action. Scotland's Biodiversity Route Map sets an ecosystem restoration objective to reverse historical losses of habitats and ecosystems, and includes a priority project on restoring degraded peatlands. There are some notable examples of peatland restoration on wind farm sites (see Annex 4 for a case study).

All public bodies are required under the Climate Change (Scotland) Act 2009 to "act in the way best calculated to contribute to delivery of the Act's emissions reduction targets". In carrying out their functions in relation to peatland and energy, public bodies in Scotland work together to deliver positive carbon outcomes, both at policy level and in their roles as regulators and consultees. Agencies and the Scottish Government share responsibility for achieving these outcomes.

The past decade has seen a rapid evolution in how peatland issues for energy developments are considered through the Scottish planning system and consenting under Section 36 of the Electricity Act 1989. There have been significant improvements in how peatland is managed on-site, with better guidance and advice available and a body of experience in 'on-the-ground' techniques for minimising peat disturbance and carbon loss. Developers are now engaging early on in the planning process with SNH and SEPA as statutory consultees. This is a welcome trend that the Scottish Government, planning authorities and agencies continue to encourage.

This Statement and the principles it contains apply beyond Section 36 of the Electricity Act. They extend to all energy developments including transmission infrastructure, substations and terminals.

Consenting authorities are aware of the objectives set out in the National Peatland Plan and the need set out in the National Planning Framework for the planning system to deliver carbon abatement in support of Scotland's climate change targets. Planning plays an important role in mediating differing perspectives from consultees.

Public bodies work closely together to share evidence and information relating to peatlands and to provide that information to the public, planning authorities and developers. The Scottish Government and its agencies continue to improve tools for accounting for changes in the net greenhouse gas balance from energy developments on peatland. As well as supporting decision making, these tools can help developers to actively reduce emissions through the design and construction stages. Developers and local authorities are encouraged to make full use of these tools also in designing and implementing monitoring regimes and in any enforcement activity.

The Core Principles

The principal aim of Scottish Government policy on peatland and energy is to maximise greenhouse gas emissions abatement in the way best designed to deliver multiple benefits. All policies and plans in relation to peatland and energy flow from this overarching aim.

The following 8 core principles support this aim. They should guide all policy and implementation activity undertaken by the Scottish Government and its agencies in relation to peatland and energy:

1. Opportunities to deliver multiple benefits should be encouraged, in the interests of local people, the wider public, economic development, Scotland's natural environment and delivery against Scotland's climate change targets.
2. Decisions on land use change should seek to support delivery of the Scottish Government's targets for peatland restoration and renewables deployment, making full use of the decision support tools available to balance carbon emissions savings and other benefits.
3. The Scottish Government and its agencies should act collaboratively and constructively in the planning and consents system when representing their particular policy and regulatory interests.
4. All guidance with a bearing on peatland and energy produced by the Scottish Government and its agencies should seek to meet the objectives set out in this statement.
5. In their activities in relation to peatland and energy, the Scottish Government and its agencies should be guided by the aims and principles of the Land Use Strategy, in particular the ten Principles for Sustainable Land Use, as well as the National Planning Framework and Scottish Planning Policy.
6. The Peatland Code should be promoted as a significant opportunity for developers and other private sector actors to invest in peatland restoration and support good peatland management.
7. The Scottish Government, SNH, SEPA and FCS should use this Statement as a platform from which to carry out their duties in relation to peatland and energy, and should allocate resource in areas touching on peatland and energy in a way designed to support the aims and principles set out in this Statement.
8. Land use practices should seek to avoid peatland disturbance as far as possible. Where the disturbance of peat is unavoidable, such disturbance should be minimised and managed in line with good practice guidance, and restoration activities implemented as early and fully as possible.

Annex 1 – Roles and Responsibilities

Scottish Government

Current national planning policy encourages the protection and enhancement of our peatland resource. It promotes greater awareness of the potential effects on carbon dioxide emissions from development on peat and carbon rich soils with the aim of minimising carbon dioxide release. The Scottish Government provides advice and support for planning authorities in the preparation of development plans and will make representations within the development planning process to ensure that the national policy intent is reflected in development plans.

Scottish Ministers determine applications under section 36 of the Electricity Act 1989 for electricity generating stations with capacity in excess of 50MW, and for certain grid infrastructure under section 37 of the Act. For renewable energy proposals on deep peat, applicants are encouraged to submit an assessment of the carbon payback time of the development using the Carbon Calculator for Wind Farms on Peat, which may form a material consideration for Scottish Ministers when determining applications. Applicants are also encouraged to use the carbon calculator as a design tool, to demonstrate how carbon payback periods have influenced design iteration.

Soils provide a large number of environmental and economic functions – carbon sequestration and natural flood management; inputs to the food and drink, forestry and tourism sectors. As such the Scottish Government recognises the importance of protecting and managing our soil resource, and the importance of providing support to the key agencies and stakeholders involved. This is achieved through embedding the recognition of soils across a wide range of relevant policies.

Scottish Natural Heritage

SNH is an adviser to the Scottish Government on peatland issues, including leadership on the National Peatland Group and the associated Action Plan. SNH plays a key role as a Statutory Consultee for renewable energy development planning applications, many of which are in the uplands with the potential to affect peatland resources.

SNH achieves these roles through providing advice in the development planning process and providing guidance, grants and advice.

SNH's approach to engaging in the planning system is summarised [here](#).

When commenting on applications that may affect peatlands, SNH's advice will focus on the biodiversity interest, ecosystem services and any risk to protected sites. SNH does not comment on carbon emissions directly, but does have an interest in lowering carbon emissions from development due to the effects of climate change on the natural heritage.

Scottish Environment Protection Agency

SEPA is a statutory consultee for energy developments on peat that are supported by an Environmental Impact Assessment. In particular SEPA provides advice to planning authorities and the Scottish Government Energy Consents Unit on

minimising peat disturbance and the re-use of any excavated peat, focused on minimising carbon emissions, ensuring appropriate waste management and minimising impacts on the water environment. SEPA maintains the [carbon calculator for wind farms on peat](#) on behalf of the Scottish Government and checks, where necessary, that it is being used appropriately for Section 36 applications

SEPA has a regulatory role in relation to the management of any waste peat arising from energy developments under the Waste Management Licencing (Scotland) Regulations 2011. [Guidance on the assessment of peat volumes, reuse of excavated peat and the minimisation of waste](#) has been jointly prepared by SEPA and Scottish Renewables to promote good practice in this area.

Forestry Commission Scotland

FCS serves as the forestry directorate of Scottish Government, advising on and implementing forestry policy and managing the National Forest Estate. FCS's role is to promote and secure compliance with the protection and sustainable use of soil as a crucial component of sustainable forest management. The UK Forestry Standard requires managers to minimise soil disturbance, particularly on organic (peaty) soils as well as to consider the potential impacts of soil disturbance when planning operations involving cultivation, harvesting, drainage, and road construction. Refer to [Forestry on Peatland Habitats- Supplementary Guidance](#).

Annex 2 – Carbon and Peatland Map

The Carbon and Peatland map 2016 is now available for download as a GIS shape file from <http://gateway.snh.gov.uk/natural-spaces/index.jsp> on the SNHi Information Service.

1. What the map is

A high-level planning tool to promote consistency and clarity in the preparation of spatial frameworks by planning authorities.

The map is a **predictive tool** which provides an **indication of the likely presence of peat** on each individually-mapped area, at a coarse scale. The types of peat shown on the map are:

- Carbon-rich soils
- Deep peat
- Priority peatland habitat

These are now available for the first time in a consolidated spatial dataset.

Development Plans are expected to include wind farm spatial frameworks (paragraph 161 in Scottish Planning Policy) – these should be informed by the Carbon and Peatland 2016 map (it maps the carbon-rich soils, deep peat and priority peatland habitat listed in Table 1 in Scottish Planning Policy).

Spatial frameworks can provide more than just an initial steer in the development plan. They can help to inform the scoping stage of an EIA and provide a framework for site selection, environmental assessment and decision-making.

2. What the map shows

The map shows the areas of peat referred to in Table 1 in Scottish Planning Policy – carbon-rich soil, deep peat and priority peatland habitat. On the map, the top two classes (1 and 2) taken together identify the nationally-important resource:

Class 1

- Nationally important carbon-rich soils, deep peat and priority peatland habitat²
- Areas likely to be of high conservation value

Class 2

- Nationally important carbon-rich soils, deep peat and priority peatland habitat
- Areas of potentially high conservation value and restoration potential

² Priority peatland habitat is land covered by peat-forming vegetation or vegetation associated with peat formation.

3. How the map will be used

The purpose of the map is to inform the preparation by planning authorities of spatial frameworks for onshore wind. It has been created to help provide a consistent approach across Scotland.

The map provides planning authorities with the information they need to implement Scottish Planning Policy. Scottish Planning Policy requires PAs to develop spatial frameworks for onshore wind – and Table 1 in Scottish Planning Policy sets out what should be shown in these spatial frameworks. Alongside other areas to be included, planning authorities are required to include carbon-rich soils, deep peat and priority peatland habitat – and to afford these areas significant protection, although this is not a ban on development. For the purposes of wind farm spatial frameworks, classes 1 and 2 of the map are to be used.

Although the map can only indicate that carbon-rich soils, deep peat and priority peatland habitat are **likely** to be present, it will be helpful in the initial site selection process undertaken by developers.

The map does not replace detailed site survey or EIA, which will inform the nature of the proposal and subsequent decision making.

SNH's guidance on spatial planning emphasises:

'The location of a proposal in the mapped area does not, in itself, mean that the proposal is unacceptable, or that carbon rich soils, deep peat and priority peatland habitat will be adversely affected. The quality of peatland tends to be highly variable across an application site and a detailed assessment is required to identify the actual effects of the proposal.'

Spatial Planning for Onshore Wind Turbines – natural heritage considerations, SNH June 2015

4. Further guidance and advice

The map should be used in conjunction with SNH guidance *Spatial Planning for Onshore Wind Turbines – natural heritage considerations* <http://www.snh.gov.uk/docs/A1663759.pdf>

The guidance covers three main areas:

Part 1 Development Planning: provides advice for planning authorities on the preparation of the spatial framework and sources of spatial data relevant to issues in Scottish Planning Policy Table 1.

Part 2 Site selection: provides advice to developers on using the wind farm spatial framework at the site-selection stage.

Part 3 Development Management: provides advice on the natural heritage considerations set out in paragraph 169 of Scottish Planning Policy. It includes advice on development plan policies and on scoping an Environmental Impact Assessment (EIA).

Annex 3 - Relevant policies and guidance

Scottish Government Policies and Guidance

1. The National Peatland Plan (SNH 2015)

<http://www.snh.gov.uk/climate-change/taking-action/carbon-management/peatland-action/national-peatland-plan/> Owned jointly by SG and SNH

2. The National Planning Framework (Scottish Government 2014)

<http://www.gov.scot/Topics/Built-Environment/planning/National-Planning-Framework>

3. Scottish Planning Policy (Scottish Government 2014)

<http://www.gov.scot/Publications/2014/06/5823>

4. The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000

<http://www.legislation.gov.uk/ssi/2000/320/contents/made>

5. Onshore renewables planning advice

<http://www.gov.scot/Topics/Built-Environment/planning/Policy/Subject-Policies/Utilities/Delivering-heat-electricity/renewables-advice>

including:

Wind Farm Developments On Peat Land (Scottish Government 2011)

<http://www.gov.scot/Resource/0042/00423072.pdf>

6. Wind Farms and Carbon (Scottish Government 2014)

<http://www.gov.scot/Topics/Business-Industry/Energy/Energy-sources/19185/17852-1/CSavings>

including:

Technical Note: Calculating Potential Carbon Losses & Savings from Wind Farms on Scottish Peatlands (Scottish Government 2011)

<http://www.gov.scot/Resource/Doc/917/0121469.pdf>

and

the Update Of The Scottish Government Carbon Calculator Tool

<http://www.gov.scot/Topics/Business-Industry/Energy/Energy-sources/19185/17852-1/CSavings/CC-2-9-1>

and associated research report: **'Carbon Implications Of Windfarms Located On Peatlands - Update Of The Scottish Government Carbon Calculator Tool'**

<http://www.gov.scot/Resource/Doc/917/0121468.pdf>

7. Peat Survey Guidance (Scottish Government 2014)

<http://www.gov.scot/Topics/Business-Industry/Energy/Energy-sources/19185/17852-1/CSavings/PSG2011>

8. Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Generation Developments (Scottish Government 2007)

<http://www.gov.scot/Publications/2006/12/21162303/1>

9. Management of Carbon Rich Soils (Scottish Government 2010)

<http://www.gov.scot/Resource/Doc/921/0109512.pdf>

SNH Policies and Guidance

10. Constructed Tracks in the Scottish Uplands (SNH 2013)

<http://www.snh.org.uk/pdfs/publications/heritagemanagement/constructedtracks.pdf>

11. Planning and renewable energy guidance

<http://www.snh.gov.uk/planning-and-development/planning-renewable-guidance/>

SEPA Policies and Guidance

12. Regulatory Position Statement – Developments on Peat (SEPA 2010)

http://www.sepa.org.uk/media/143822/peat_position_statement.pdf

13. Guidance on the Assessment of Peat Volumes, Reuse of Excavated Peat and the Minimisation of Waste (SEPA and Scottish Renewables 2012)

<http://www.gov.scot/Resource/0045/00455955.pdf>

FCS Policies and Guidance

14. Peatland Management Guidance: Forests and Peatland Habitats (FCS 2000)

<http://scotland.forestry.gov.uk/images/corporate/pdf/forests-and-peatland-habitats.pdf>

and **supplementary guidance (FCS 2014)**

<http://scotland.forestry.gov.uk/images/corporate/pdf/peatland-habitats-supplementary-guidance.pdf>

and, an overview of the **underpinning science**

<http://scotland.forestry.gov.uk/images/corporate/pdf/peatland-habitats-science.pdf>

and, the guide: **Deciding Future Management Options for Afforested Deep Peatland (FCS 2015)**

<http://scotland.forestry.gov.uk/images/corporate/pdf/afforested-deep-peatland-management-options.pdf>

Wider Tools and Resources

ECOSSE Report 2007 <http://www.gov.scot/Publications/2007/03/16170508/0>

WISE tool developed by the James Hutton Institute – This helps to identify restoration opportunities. To date it has been used for decision making on where to restore peat, and in the preparation of applications to Peatland Action.

Annex 4 – Case Study of wind farm peatland stewardship

Black Law wind farm is a good example of planning for peatland management on an energy project site. Black Law is located in an area that was extensively damaged by mining, afforestation and drainage of wet heath. Scottish Power Renewables, the developers of this large-scale windfarm, worked with SNH, RSPB and the three local councils to deliver habitat mitigation and enhancement to benefit breeding waders, farmland birds and blanket bog. The resulting Habitat Management Plan covers 1440ha and is the largest heathland restoration project in the region.

Operational since 2005, Black Law was one of the first windfarm developments in Scotland to integrate habitat enhancement with windfarm development, working with key stakeholders throughout the process. The 54-turbine wind farm has a capacity of 124 megawatts (MW) and spans a large area of upland habitat across North and South Lanarkshire and West Lothian.

Black Law's Habitat Management Plan, which is a condition of the planning consent, involves six owners (two farmers and four forest owners) working collaboratively. Each has agreed to implement the prescriptions in the Habitat Management Plan for a minimum of 25 years. Objectives of the plan include:

- Restoration of 470ha of blanket bog and heathland, by removal of conifers, restoration of bog hydrology and introduction of grazing;
- Enhance the condition of the remaining 520ha of degraded blanket bog and 300ha of marshy grassland for skylark and breeding waders, by establishing appropriate grazing and hydrological regimes;
- Restore 174ha of abandoned opencast coal mine to heathland and rough grassland; and,
- Monitor the outcome of the above.

An Ecological Clerk of Works was appointed to oversee construction, as well as implementation of the habitat management plan and pre- and post-construction bird monitoring, as required by the planning conditions.