



Securing a Sustainable Future

Environmental Principles, Governance and Biodiversity targets for a Greener Wales

April 2024

About us

Since 1978, Solar Energy UK has worked to promote the benefits of solar energy and to make its adoption easy and profitable for domestic and commercial users. A not-for-profit association, we are funded entirely by our membership, which includes installers, manufacturers, distributors, large-scale developers, investors, and law firms. Our mission is to empower the UK solar transformation. We are catalysing our members to pave the way for 70GW of solar energy capacity by 2035. We represent solar heat, solar power and energy storage, with a proven track record of securing breakthroughs for all three.

Respondent Details

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 - ◆ **Would you like this response to remain confidential:** No
 - ◆ **Submission date:** 30 April 2024
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Introduction

Solar Energy UK welcomes the opportunity to respond to the Welsh Government's consultation 'Securing a Sustainable Future: Environmental Principles, Governance and Biodiversity targets for a Greener Wales.'

As the trade association representing solar and storage technologies in the UK, we are committed to ensuring that solar plays a central role not only in the clean energy transition, but also in tackling the twin challenges of climate change and biodiversity loss. If we are to tackle these challenges, it is essential that we take a holistic approach, capitalising on the synergies presented by innovative and integrated approaches to energy generation and ecological enhancement.

We have responded to 8 questions below. Thank you for taking our comments into consideration.

Consultation Questions

Part A – Environmental Principles

EPI: To what extent do you agree or disagree with the proposals relating to the preparation of guidance that will explain how the environmental principles are intended to be interpreted?

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
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x

If you would like to explain your answer, please use the text box below.

We agree with the proposals relating to the preparation of guidance that will explain how the environmental principles are intended to be interpreted. This will be important to ensure that all stakeholders have a clear definition of the principles and understand how they should be interpreted.

We also welcome the provision for the requirement of Welsh ministers to consult on changes to the guidance. Changes should only follow material changes in understanding such as scientific discovery etc.

EP2: The Welsh Government proposes to place a duty on Welsh Ministers to have due regard to the environmental principles and accompanying guidance during the development of their policies and legislation. To what extent do you agree or disagree with this approach.

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
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x

If you would like to explain your answer, please use the text box below.

We welcome the commitment to future policies and legislation being developed with due regard to the principles.

EP3: Do you have any views on whether a separate duty should be placed on Welsh public bodies (other than the Welsh Ministers) to apply the principles and accompanying guidance? If you consider the duty should apply to Welsh public bodies, please set out in the text box below which Welsh public bodies and why, as well as any views you have on how the duty should apply to those bodies.

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
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If you would like to explain your answer, please use the text box below.

No Comment

EP4: Do you have any additional comments relating to the Welsh Government's intention to embed the environmental principles and overarching objective into Welsh law that are not captured in your answers to the above questions?

No Comment

Part B Establishing an Environmental Governance Body for Wales

GB1 – To what extent do you agree or disagree with the proposed purpose and objectives for the new Welsh environmental governance body?

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
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x

If you would like to explain your answer, please use the text box below.

We welcome the establishment of the Environmental Governance Body for Wales (EGBW) and the proposed purposes and objectives, to replace the Interim Environmental Protection Assessor for Wales (IEPAW).

Equivalent bodies have been established since 2021 in England and Northern Ireland (Office for Environmental Protection) and in Scotland (Environmental Standards Scotland). It is an important step to establish a well-resourced authority with the same role of upholding and enhancing environmental standards in Wales and therefore extending the same mechanism for maintain environmental standards to Welsh stakeholders as already exist in other nations.

It is important that the EGBW be established to ensure a level playing field across all nations. There is also an opportunity to learn from the experiences of these bodies. (Member input)

GB2: To what extent do you agree or disagree with the governance body’s proposed strategy and reporting requirements?

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
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If you would like to explain your answer, please use the text box below.

No Comment

GB3: We propose that the remit of the governance body should apply to the Welsh Ministers and the relevant Welsh public authorities exercising environmental functions Wales listed in Annex 2. To what extent do you agree or disagree with this?

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
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If you would like to explain your answer, please use the text box below.

No Comment

GB4: Are there any other public authorities, or private bodies exercising functions of a public nature, that you think should be added to (or removed from) the list in Annex 2? Please use the text box below to explain your answer.

No Comment

GB5: To what extent do you agree or disagree with the proposed scope and role for the governance body in relation to monitoring and reporting, including the scrutiny of statutory targets?

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
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If you would like to explain your answer, please use the text box below.

No Comment

GB6: To what extent do you agree or disagree with the proposed scope and role of the governance body's advisory functions?

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
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If you would like to explain your answer, please use the text box below.

No Comment

GB7: To what extent do you agree or disagree with the suggested approach for managing complaints and representations

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
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If you would like to explain your answer, please use the text box below.

No Comment

GB8: To what extent do you agree or disagree with the proposals to enable the body to investigate?

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
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If you would like to explain your answer, please use the text box below.

No Comment

GB9: To what extent do you agree or disagree with the Welsh Government’s proposed process for formally handling non-compliance through compliance notices and court or tribunal procedures?

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
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If you would like to explain your answer, please use the text box below.

No Comment

GB10: To what extent do you agree or disagree with the Welsh Government’s proposal to include improvement reports / plans as an enforcement stage to provide space for resolution where systemic issues are evident, and a compliance notice is not considered the optimal mechanism to address the issue.

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
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If you would like to explain your answer, please use the text box below.

No Comment

GB11: To what extent do you agree or disagree with the proposal for the governance body to, by exception, be able to apply for judicial review and / or intervene in civil proceedings

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
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If you would like to explain your answer, please use the text box below.

No Comment

GB12: The Welsh Government consider financial penalties would be an ineffective and, in some cases, counterproductive method by which to remedy the non-compliance of Welsh public authorities with environmental law. To what extent do you agree or disagree with this position?

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
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If you would like to explain your answer, please use the text box below.

No Comment

GB13: Our preferred model for the governance body is a 'Commission', but consider alternative models, such as an arms-length body, could provide similar benefits. To what extent do you agree or disagree with this approach?

Strongly Agree	Agree	Neither Agree or Disagree	Disagree	Strongly Disagree
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If you would like to explain your answer, please use the text box below.

No Comment

GB14: To what extent do you agree or disagree with the Welsh Government's approach in respect of appointing members and allocating resources to the governance body?

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
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If you would like to explain your answer, please use the text box below.

No Comment

GB15: Are there any other views you would like to provide in relation to our proposals to set up a governance body?

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
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If you would like to explain your answer, please use the text box below.

No Comment

Part C: Targets for the Protection and Restoration of Biodiversity

BT1: To what extent do you agree or disagree with the inclusion within the Bill of the Wales Nature Recovery Framework proposed in the paper?

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
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X

If you would like to explain your answer, please use the text box below.

We agree. Setting biodiversity targets within the Nature Recovery Framework will be vital to ensuring Wales keeps on track to reducing biodiversity decline by 2030.

We would welcome further information on the scope of the framework and ask that it should recognise the role of solar and wider industries in supporting nature recovery and biodiversity gain.

Ground mounted solar farms in Wales have the potential to contribute towards nature recovery whilst also producing clean energy. They have an operational lifespan of typically 25-40 years, during which time they are largely undisturbed by people; there is therefore an obvious synergy between using solar farms to generate clean energy, promote natural capital and continue some agricultural uses.

For solar farms on previous arable land, giving the land a break from intensive cultivation for extended periods – with minimal or no inputs of pesticides, herbicides and fertilisers – can reap big rewards in terms of boosting biodiversity, soil health and regeneration.¹

BT2: To what extent do you agree or disagree with the inclusion within the Bill of the statutory nature positive headline target: 'to reverse the decline in biodiversity with an improvement in the status of species and ecosystems by 2030 and their clear recovery by 2050'.

¹ Natural Capital Best Practice Guidance • Solar Energy UK

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
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x

If you would like to explain your answer, please use the text box below.

The overarching headline target is useful but must be matched by measurable and achievable target setting which we await from secondary legislation. We would welcome the opportunity to be consulted on secondary legislation.

Whilst we are supportive of the headline target; we would encourage Welsh Government to recognise the importance of setting intermediate targets between now and 2030 to ensure that progress is kept on track to successfully reverse biodiversity loss.

As in our answer to BT1 above, Solar Energy can contribute towards nature recovery by taking land out of agricultural use and manging areas of the solar farm for biodiversity. Solar Energy UK in collaboration with Wychwood Biodiversity, Clarkson and Woods and Lancaster University, has established a standardised approach to ecological monitoring on solar farms² to allow the collection and comparison of ecological data on solar farms across the UK.

From the data collected using the standardised approach to monitoring we produce an annual report called Solar Habitat, the latest of which was published this April³. The report identifies ecological trends on solar farms and has confirmed evidence that solar farms manged for biodiversity have a positive impact on the abundance and richness of plant and animal species.

BT3: To what extent do you agree or disagree with the proposal to include a duty that the Welsh Ministers must set statutory biodiversity targets in secondary legislation?

Strongly Agree	Agree	Neither Agree nor	Disagree	Strongly Disagree
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² [A Standardised Approach to Monitoring Biodiversity](#) • Solar Energy UK [Solar](#)
³ [Habitat 2024: Ecological Trends on Solar Farms in the UK](#) • Solar Energy UK

		Disagree		
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x

If you would like to explain your answer, please use the text box below.

We agree with the proposal to include a duty that the Welsh Ministers must set statutory biodiversity targets in secondary legislation. As in our answer to the above question (BT2) we would welcome the opportunity to be consulted on secondary legislation.

BT4: Potential suite of supporting targets, to underpin the headline target, are likely to be:

Species – distribution abundance and extinction risk;

Habitat – protection, management and restoration; and

Ecosystem health and resilience – recognising the key role and contribution of ecosystems

To what extent do you agree or disagree with the key areas proposed for the biodiversity targets to be introduced in secondary legislation in the Wales Nature Recovery Framework?

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree

x

If you would like to explain your answer, please use the text box below.

We agree with and support the proposed suite of supporting targets. We would welcome the opportunity to be consulted on secondary legislation.

Solar Farms have the potential to contribute towards the restoration of habits and species whilst maintaining and restoring ecosystem health. With less than 2% of land disturbed by infrastructure, the remainder of the site can be set aside for grassland and wildflower meadows to provide habitats for pollinators, birds, and other wildlife and/or for sheep grazing, ensuring the land

continues to contribute to food production. These enhancements can be delivered easily and at a low cost to project developers⁴

By taking land out of intensive agricultural use for the typical lifetime of a solar farm (25–40 years) land can be allowed to recover with benefits for soil health and reducing run off from pesticides, herbicides, and fertilisers.

As mentioned above, Solar Energy UK in collaboration with Wychwood Biodiversity, Clarkson and Woods and Lancaster University, has established a standardised approach to ecological monitoring on solar farms⁵. In the latest report collating the data collected on solar farms using the standardised monitoring approach, Solar Habitat 2024⁶, 21 BTO Red Listed bird species were spotted on solar farms.

BT5: To what extent do you agree or disagree that Natural Resources Wales reports on the biodiversity targets as part of the State of Natural Resources Report?

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
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If you would like to explain your answer, please use the text box below.

No Comment

BT6. To what extent do you agree or disagree that Welsh Ministers publish a statement, before the Senedd, to report whether the statutory biodiversity targets have been met by the date specified in regulation?

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
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⁴ Natural Capital Best Practice Guidance • Solar Energy UK
⁵ A Standardised Approach to Monitoring Biodiversity • Solar Energy UK
⁶ Solar Habitat 2024: Ecological Trends on Solar Farms in the UK • Solar Energy UK

If you would like to explain your answer, please use the text box below.

No Comment

BT7. To what extent do you agree or disagree with the proposal that Welsh Ministers be required to produce a statutory long term Wales Nature Recovery Strategy, outlining the approach to delivery of the statutory targets as well as the Welsh Government's response to the Global Biodiversity Framework?

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
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If you would like to explain your answer, please use the text box below.

No Comment

BT8. To what extent do you agree or disagree that the Wales Nature Recovery Action Plan sets out a detailed programme of work required to deliver the statutory biodiversity targets?

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
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If you would like to explain your answer, please use the text box below.

No Comment

BT9. To what extent do you agree or disagree that there should be a duty on public authorities which requires them to contribute to the delivery of the statutory biodiversity targets?

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
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If you would like to explain your answer, please use the text box below.

No Comment

BT10. To what extent do you agree or disagree that named public authorities should produce a Local Nature Recovery Action Plan to outline local action and priorities for delivery of the statutory biodiversity targets?

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
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X

If you would like to explain your answer, please use the text box below.

We support the proposal that named public authorities should produce a Local Nature Recovery Action Plan to outline local action and priorities for delivery of the statutory biodiversity targets.

As in our answers to BT1 above, ground mounted solar farms have potential to contribute towards nature recovery whilst producing clean energy. In the drafting of Local Nature Recovery Action Plans we would encourage local public bodies to include solar energy within their plans as a measure to be able to tackle the dual crisis of climate change and biodiversity loss, but also to be mindful that solar farms site selection have some restraints.

When choosing a suitable site for a ground mounted solar project, careful consideration is used to identify landscape designations, commercial considerations, biodiversity and agricultural concerns and opportunities, visual impact and grid availability.

In the case of solar farm site selection, grid restraints or a lack of available grid connections often limited the available sites for solar deployment, and we would urge planning authorities to give due consideration to proposals in naturally sensitive areas where there is a good grid connection providing the plans demonstrate that nature will be complicated or even improved.

BT11. Please indicate whether you would prefer the duties proposed in this section to apply to:

Please indicate preference

List of Welsh public authorities has been included at Annex 2 The

shorter list of Welsh public authorities included at Annex 6

If you would like to explain your answer, please use the text box below.

No Comment

Are there any other views you would like to provide in relation to the proposals in this White paper?

No Comment