



Heads of Planning Scotland Energy and Resources Sub-Committee

# Guidance on Peatland Restoration Prior Notification

# Introduction

On 1 April 2020 [The Town and Country Planning \(General Permitted Development and Use Classes\) \(Scotland\) Amendment Order 2020](#) introduced Class (20A), which specifies permitted development rights (PDR) for peatland restoration projects. This means that planning permission is deemed to be granted subject to a prior notification process.

This process must be completed before the restoration works can begin. During the 5 years since the prior notification process was introduced, the pace and scale of peatland restoration has increased in line with Scottish Government targets. This guidance is intended to assist both those pursuing peatland restoration projects (restorers) and planning authorities in processing cases through planning requirements.

## Extent of permitted development rights

Class 20A grants planning permission for the carrying out of works on peatland for the restoration of that peatland. This includes works for the stabilisation, revegetation and re-profiling of bare peat and related drainage works and the extraction of peat from within a peatland site for the sole purpose of the use of such peat in the restoration of peatland within that peatland site.

The Class 20A grant of planning permission does not extend to works for the formation or alteration of a private way (often referred to as a hill track). Activities or works such as the construction of tracks, the excavation of material or benching to form a temporary access route or to facilitate the construction of bridges or watercourse crossings require a separate [prior notification process](#) or planning permission from the local planning authority. Watercourse crossings should comply with [The Environmental Authorisations \(Scotland\) Regulations 2018](#). Class 27 permitted development rights mean that works within the boundary of an existing private way for the maintenance or improvement of that private way do not require planning permission.

For the avoidance of doubt, the permitted development rights also do not extend to peatland restoration works associated with a separate planning permission or project subject to [The Town and Country Planning \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017](#).

Once a project has been completed, any remedial actions or maintenance to the permitted works do not require further prior notification with the planning

authority provided these works are of the same nature, scale and extent as the original permitted restoration scheme. Based on experience to date, small scale works carried out solely by hand such as the installation of timber dams, coir logs, matting or mulching on bare peat are considered de minimis by local planning authorities. In such situations, Prior Notification would not be required. When in doubt, please check with the Planning Authority.

## Required information

Annex F of [Planning circular 2/2024: non-domestic permitted development rights](#) specifies that a Peatland Restoration Scheme has to be prepared and submitted to the planning authority as part of the prior notification process before works can begin. The purpose of the Peatland Restoration Scheme within the prior notification process is to set out the works to be undertaken in the restoration project and it is intended to highlight any issues, and mitigation, that may be relevant to the planning authority's consideration as to whether their prior approval is needed and, if so, whether it should be granted.

Most of the information needed within a Peatland Restoration Scheme will already be developed as part of the peatland restoration plan so should not entail additional work. Annex F of [Planning circular 2/2024: non-domestic permitted development rights](#) specifies that the peatland restoration scheme should identify:

1. A map showing the site boundary of the peatland restoration works
2. Measures to mitigate:
  - impacts of the proposed development on archaeology;
  - the risk of contamination or flooding as a result of the development on the peatland site;
  - the impacts of the proposed development on soil, and
  - the removal, felling, lopping or topping of any trees.

The Scottish Government [Guidance Notes for Prior Notification and Prior Approval](#) highlights that the specific issues mentioned in the Circular are the ones most likely to arise, but not a definitive list. In order to assist, [Appendix 1: Template Peatland Restoration Scheme](#) sets out what information should be submitted for any pre-application consultations and as part of the Prior Notification application to the planning authority. Appendix 1 lists factors which should be assessed as a matter of course when developing a peatland restoration project so completing this should not represent additional work for project developers.



# Prior approval

The prior notification process is a two-stage process which allows a planning authority to consider whether a proposal requires closer scrutiny before it is approved. Where closer scrutiny is required then this is referred to as prior approval.

By ensuring the Peatland Restoration Scheme includes the information in [Appendix 1](#) and that other [separate regulatory processes](#) have been completed, it is hoped that planning authorities can avoid dual regulation and will not need to undertake closer scrutiny under the prior approval process. Where prior approval is undertaken then planning conditions should not duplicate other regulatory processes either.

In addition, where a project has confirmed funding through Peatland ACTION or is registered under the Peatland Code, then as per Paragraph 29 of Annex F of Planning circular 2/2024: non-domestic permitted development rights , this wider scrutiny should enable planning authorities to confirm that prior approval is not required.

# Time limits and phasing

The permitted development right gives 10 years for the project to be completed. Where a land holding or area of peatland is likely to require large scale restoration, then we recommend that restorers consider submitting the entire area for prior notification rather than submitting smaller areas piecemeal.

This will enable all regulatory bodies to consider any potential impacts and mitigation required for the wider area. It also avoids repeated submissions and consultation whilst enabling more efficient handling.

It is important that restorers include in their Peatland Restoration Scheme the date, or latest date, by when restoration works will be completed – otherwise a planning authority may feel compelled to proceed to the prior approval stage merely to impose a time limit.

# Other regulatory processes

Some aspects of peatland restoration projects are subject to separate regulatory controls. All potential site constraints and regulatory requirements need to be considered from the outset to ensure that projects are designed with appropriate mitigation and can be implemented in a timely fashion.

Consent or authorisation under the following regulations should be gained prior to submitting a peatland restoration scheme for prior notification. This enables issues to be resolved early in the process, helps planning authorities to ensure all relevant issues have been addressed, avoids dual regulation and reduces the duplication of effort.

- a. Where it is proposed to dam drains or block erosion features such as gullies, peatland restoration can be subject to regulation under [The Environmental Authorisations \(Scotland\) Regulations 2018 \(EASR\)](#). These same regulations also specify watercourse crossing and pollution prevention standards that works must adhere to.
  
- b. Tree removal for peatland restoration requires permission from Scottish Forestry under [The Forestry \(Exemptions\) \(Scotland\) Amendment Regulations 2021](#) through a [Felling Permission](#), or [Long Term Forest Plans](#) or [Land Management Plans](#) (Forestry and Land Scotland only). Under [The Forestry \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017](#), the removal of trees or woodland on deep peat for the purpose of restoring a priority peatland habitat (such as in a forest-to-bog restoration project) may require an [Environmental Impact Assessment \(EIA\) screening](#) opinion from Scottish Forestry if it is a sensitive site or 1 hectare or more in size. As per the [Woodland Removal for Peatland Restoration note](#), project developers should obtain a felling permission and EIA screening opinion from Scottish Forestry before submitting an application to the local authority for prior notification. Further information is available on the [Scottish Forestry EIA process](#) and [Control of Woodland Removal Policy](#).
  
- c. Where a project could affect a [European site](#) such as a Special Protection Area (SPA), RAMSAR or Special Area of Conservation (SAC), then a [Habitats Regulations Appraisal \(HRA\)](#) must be carried out by the Competent Authority (planning authority in this instance). It is recommended that, where applicable, once the necessary authorisations under EASR and any deforestation permissions have been granted, that a draft peatland restoration plan is submitted to NatureScot as part of pre-application discussions to ensure the HRA considers all potential likely significant effects. Appendix 1: Information required within a Peatland Restoration Scheme highlights the information that should be submitted as part of any pre-application consultation with NatureScot to help inform discussions. The report to inform the HRA should be submitted to the planning authority with the PNO and the final HRA is undertaken by the planning authority once the PNO is submitted.

- d. Where a project could affect a Site of Special Scientific Interest (SSSI), consent is required from NatureScot. However, where the notified features of the SSSI align with a European site, and a project has been subject to the above HRA consultation with NatureScot and permitted via the Prior Notification process, then a separate [SSSI consent](#) is not required from NatureScot. Where a project does not affect a European site, and is not subject to the above HRA process, then separate SSSI consent should be sought prior to submitting the PNO to the Planning Authority.
- e. Compliance with the [Wildlife and Countryside Act 1981](#) (as amended); the [Conservation \(Natural Habitats, &c.\) Regulations 1994](#) (as amended); and the [Protection of Badgers Act 1992](#) as amended by the [Wildlife and Natural Environment \(Scotland\) Act 2011](#) should ensure no negative impacts upon protected species.
- f. Where there are scheduled monuments within or adjacent to a project site, consent may be required from Historic Environment Scotland (HES). Works requiring [scheduled monument consent](#) include any flooding or tipping operations in, on or under land where there is a scheduled monument. Early consultation with Historic Environment Scotland before applying to the local authority for prior approval is advised as it is often possible to arrange slight modifications to a scheme to move works outwith a scheduled monument. It is a criminal offence to carry out unauthorised works, or to allow unauthorised works to be carried out, on a scheduled monument. Further information on working on or near scheduled monuments can be found in [HES's guidance](#).

## Future actions

As the pace and scale of peatland restoration is likely to increase, the intention is to keep this guidance and the associated processes under review to ascertain any further opportunities for improvement. Any queries or suggestions should be directed to [hops@improvementservice.org.uk](mailto:hops@improvementservice.org.uk).

# Appendix 1: Template Peatland Restoration Scheme

The planning submission, including the Peatland Restoration Scheme, should be made using the form and guidance found on the [Scottish Government Eplanning Site](#). Please note that since September 2024, planning authorities require the form to be submitted directly to the appropriate planning authority and not using the eplanning portal.

Location plans and other mapping should follow the [guidance on page 18 of guidance on application requirements from Heads of Planning Scotland](#). In summary, a single location plan with the restoration area outlined in red should be submitted with any land ownership boundaries outlined in blue. Given the large extent of peatland restoration sites, it is likely you will need to submit a large-scale plan at 1:5000, 1:10,000 or 1:25,000 scale to denote the full extent of the restoration areas and access routes alongside more detailed maps at either 1:1250 or 1:2500 showing the details of the proposed works and any mitigation. If possible, include entire hydrological units within the red line to avoid situations where additional restoration work is discovered during implementation that lies just outwith red line boundary and therefore triggering an additional PNO process.

## Project outline

Project name	
Estate/Landholding	
Planning authority	
Central Grid Reference	
Proposed start and finish dates	

## Site details and background

It is proposed to carry out peatland restoration within an area of approximately Insert total hectares of restoration footprint hectares of degraded peatland. The proposed project is made up of Insert total duration of works including number of phases and reference to a phasing map and site boundary.

## Work to be undertaken to restore the peatland

The aim of the restoration project is to raise water levels across the site (“re-wetting”), creating a near-natural water table and optimum conditions for bog plant species to thrive, and preventing further degradation. This will result in reduced carbon emissions (and eventually active carbon sequestration), improved water quality and enhanced biodiversity.

Please see maps Insert references to maps denoting detailed proposals and techniques for the detailed proposals. Peatland restoration will follow the techniques detailed within the [Peatland ACTION Technical Compendium](#) to block any drainage features, stabilise eroding peat and help establish peatland vegetation. Suitable low ground pressure machines will be used to avoid damaging sensitive habitats or disturbing soils. No imported peat will be used in restoring the peatland and only in-situ peat and turf will be utilised.

## Pre-application consultation, funding and other regulatory consents in place

Please check the relevant boxes where other regulatory consents, funding and pre-application discussions have been undertaken prior to submitting the prior notification.

- EASR Authorisation for restoration of drains or erosion features such as gullies
- Felling permission and Forestry EIA screening for forest to bog restoration
- Pre-application consultation regarding European sites with NatureScot
- Funded/Supported by Peatland Action
- Project registered under Peatland Code



## Mitigation measures

Table 1 below provides details of site sensitivities and proposes mitigation measures.

**Table 1: Site sensitivities and proposed mitigation**

Site sensitivities	Does the sensitivity apply?	Consultation sought/ received	Proposed mitigation/reference to external guidance
Protected Areas including SPAs, SACs, RAMSAR, Flow Country <a href="#">World Heritage Site</a> or SSSI ( <a href="#">cultural World Heritage Sites</a> are covered below)	Insert map of site boundary overlaid with Protected Area boundaries or confirm none affected	Insert details of pre-application consultation with NatureScot	Insert details of any required mitigation and HRA or World Heritage HIA process incl accompanying maps Note: Where Wild Land or National Scenic Areas are present then <a href="#">Standing advice for planning consultations: Peatland restoration projects in protected landscapes</a> applies and no further information is required.
Protected species	Insert links to protected species surveys undertaken (incl desk based and site surveys) and key findings. Surveys should follow <a href="#">NatureScot guidance</a> .	Insert names and responses from consultees such as raptor study groups. NatureScot need not be consulted unless it is relation to a European site. Instead follow the <a href="#">NatureScot guidance</a> .	Insert link to Species Protection Plan and maps showing mitigation measures
Protection of the waterbodies	Insert link to maps of waterbodies and proposed buffers and watercourse crossings or confirm none affected	Insert details of any consultation with SEPA Restoration of artificial drains or erosion features shown on the 1:50k OS map requires a registration under <a href="#">EASR</a> .	Insert details of EASR authorisations where required, or confirm works fall under General Binding Rules. Mitigation will include compliance with EASR guidance on <a href="#">Temporary crossings, structures or works</a> and <a href="#">Operating vehicles, plant or machinery in or near any surface water or wetland</a> .
Protection of public and private water supplies	Insert link to map showing water supply sources/ catchments or confirm none affected	Insert details of any consultation with Scottish Water or the local authority environmental health team	Insert link to map showing water supply sources/catchments with proposed buffers or other mitigation Other mitigation will include compliance with EASR guidance on <a href="#">Operating vehicles, plant or machinery in or near any surface water or wetland</a> and Scottish water guidance <a href="#">Precautions to protect drinking water and Scottish Water assets during peat restoration activities</a> .

Site sensitivities	Does the sensitivity apply?	Consultation sought/ received	Proposed mitigation/reference to external guidance
Historic environment, including <a href="#">cultural World Heritage Sites</a>	Insert map showing survey results, which should follow <a href="#">Guidance for Peatland Restoration and the Historic Environment in Scotland</a> .	Insert details of any consultation carried out with local authority archaeologist or other heritage bodies.	Insert details of any required mitigation or link to map showing exclusion areas.
Flooding	Insert link to SEPA flood maps with site boundary overlain or confirm not within any known floodplain. For lowland raised bogs in semi-urban areas, SEPA's Surface Water & Small Watercourses <a href="#">floodmap</a> should also be checked.	Insert details of any consultation needed with nearby or adjacent property owners or SEPA.	Peatland restoration slows the flow of water from a site so will reduce peak flood flows and have a beneficial impact upon downstream flooding.
Impact on soils	Insert link to peat depth mapping and Peat Slide Risk Assessment. Peat slide risk assessments should follow <a href="#">NatureScot Research Report 1259 - A risk-based approach to peatland restoration and peat instability</a>	N/A	Confirm Peat Slide Risk Assessment results and revise as needed. Peatland restoration reduces erosion, sedimentation, and protects stored carbon. Restoration will follow the techniques detailed within the <a href="#">Peatland ACTION Technical Compendium</a> to stabilise peat and help vegetation. Low ground pressure machinery will be used to minimise habitat and soil disturbance. No imported peat will be used in restoration.
Woodland/Forestry	Insert map showing any forest to bog restoration areas or confirm no woodlands affected	Insert details of any consultation with Scottish Forestry if required.	Insert details of any felling permissions, EIA Screening, Forest Plans or Land Management Plans (approved through Scottish Forestry) or confirm no consultation required.
Creation of new tracks/roads	Insert map showing main access routes	Insert map showing main access routes If new access tracks, benching or construction is required then details of separate agricultural and forestry private ways prior notification or planning consent must be supplied.	Confirm how access to the site will be undertaken alongwith any related drainage works.
Public access	Insert map denoting any public rights of way or core paths.	The estate can be accessed by the public for hillwalking and other recreational activities.	Signage will be in place for health and safety concerns presented by the restoration works. Signage will meet <a href="#">The Construction (Design and Management) Regulations 2015</a> . Public access will not be restricted by works or specify any (temporary) restrictions.
Utilities	N/A	N/A	The presence of utilities does not need to be assessed as part of the prior notification process.

