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Report

Divergence of environmental policy post Brexit

A comparison of biodiversity
targets emerging in the EU
and UK



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CORRESPONDING AUTHORS

Graham Tucker: GTucker.IEEPAssociate@IEEP.eu

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IEEP UK office

25EP, 25 Eccleston Place
Belgravia SW1W 9NF
Tel: + 44 (0)204 524 9900

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SUMMARY

This report has been prepared as part of a project tracking and assessing the implications of divergence in environmental policy since the UK exited the EU. In particular, it summarises the currently agreed and proposed key biodiversity (nature) targets for habitats and species and compares them in terms of their relevance to biodiversity conservation challenges, ambition and overall coherence. It aims to provide an initial indication of the main areas of divergence as new approaches are put in place, focusing on ambition, not least because the UK Government has committed to adopting world leading environmental standards.

To date, the EU has agreed a set of non-binding biodiversity objectives and actions in its *Biodiversity Strategy for 2030*. Central to this is a new nature restoration Regulation (Restoration Law) proposed by the European Commission at the end of June 2022 with legally binding restoration targets for ecosystems/habitats and species. If adopted after the forthcoming political process, it will oblige Member States to develop national restoration plans with specific targets for ecosystems and their EU protected species, as well as pollinators in general. Restoration measures for EU protected habitats will need to be in place on 30% of the areas where required by 2030, 60% by 2040 and 90% by 2050. In total, the restoration shall cover at least 20% of the EU's land and sea by 2030, and all ecosystems in need of restoration by 2050.

Within the UK, consultations have been conducted by the Department for Environment Food and Rural Affairs (DEFRA) on proposed legally binding biodiversity targets in England, and by the Department of Agriculture, Environment and Rural Affairs (DAERA) on non-binding targets within the draft Environment Strategy for Northern Ireland (which has since been finalised but remains to be published). Targets are being developed in Scotland and Wales, which are to be legally binding in Scotland, and the responsible minister has indicated that this is the intention of the Welsh Government.

The overall objectives / headline targets included in the EU Biodiversity Strategy and in proposals in England and Northern Ireland are difficult to interpret and compare in terms of divergence and ambition, as they are broad, unquantified and ambiguous, especially regarding their long-term aims. Nevertheless, the 2030 targets appear to have similar aims of halting the decline/loss of biodiversity. The EU target refers to being on the road to recovery, species declines are to be halted in England, and biodiversity changes are to be reversed to positive rather than negative in Northern Ireland.

It is not currently possible to fully or reliably assess **divergence within the UK** as the proposals made so far for England and Northern Ireland may change, for example, as a result of consultation responses. Whilst the governments of Scotland and Wales have committed to developing biodiversity targets, consultations are ongoing and there are no clear public indications yet of their scope, form, and ambition.

General comparisons can, however, be made between DEFRA'S proposals in England's 2018 *25 Year Environment Plan* (25YEP) and the subsequent 2022 environmental targets consultation, and Northern Ireland's draft Environment Strategy. Although some proposed targets are very similar (i.e. for wildlife-rich habitat restoration), it is apparent that there is already potentially significant divergence in most other targets. For example, while England is to set some legally binding targets, none are in the draft Environment Strategy in Northern Ireland¹. Also, there are no proposed targets for habitat quality and species in Marine Protected Areas (MPAs), or for overall species abundance in Northern Ireland. In these respects its ambitions are more limited. However, the draft Environment Strategy does have a specific and ambitious target for peatlands, whereas there are no specific habitat targets proposed for England.

The main areas of **divergence between proposals for England and Northern Ireland and the EU** so far concern the more specific biodiversity targets, especially in relation to:

- **The very broad coverage of terrestrial and marine habitats**, which have a wide range of biodiversity value, with no proposed prioritisation in England (there is a focus on Priority Habitats in Northern Ireland). In contrast, the proposed EU Restoration Law focuses its strongest measures on EU protected habitats, which are of highest conservation importance, as well as having other measures for forests, agricultural ecosystems and urban areas in general (see below).
- The **lack of clear habitat re-creation targets** in the UK that are comparable to those proposed in the EU Restoration Law, which aim to ensure the extent of each EU protected habitat is sufficient to achieve its favourable conservation status.

¹ The draft Environment Strategy includes a commitment to legislate to translate global targets, however institutional instability within Stormont has hampered the Strategy's final publication; as such it is not clear whether or when this legislation will be developed and implemented.

- The **absence in the UK of specific targets for particular ecosystems that require action**, which in the EU Restoration Law have been proposed for the restoration of free-flowing rivers, agricultural ecosystems, forests (as well as tree-planting) and urban areas.
- **The broad scope of the species target for England**, which will be quantified according to an index based on over 1,000 species (many of which are moths and birds) that gives high species representation, but no prioritisation to the most threatened species. In contrast, the EU's proposed Restoration Law targets mainly cover species protected under the Habitats Directive, as well as all birds. The species targets are not well defined or quantified, except for some important sub-groups (below).
- The **absence in the UK of specific targets for species groups that require action**. The EU Restoration Law has subtargets for particularly important groups, namely grassland butterflies, pollinators and farmland birds. The quantified **EU target for farmland birds is more ambitious** than the general target for species in England.

In conclusion, the biodiversity targets that have been proposed so far for England and Northern Ireland show clear indications of divergence between them, and more significantly with those of the agreed EU Biodiversity Strategy and proposed Restoration Law. On the one hand, the legal requirement in England for a legally binding species abundance target is internationally leading, although its level of ambition has been questioned. On the other hand, the proposed target habitat and species indicators in England and Northern Ireland are only based on broad indexes and lack complementary targets focusing on habitats and species that most require action, as in the EU. As a result, the targets could be achieved whilst major losses in biodiversity continue, such as declines in natural and semi-natural habitats, and particularly threatened species groups, such as seabirds, farmland birds and habitat specialist butterflies.

1. BACKGROUND AND OBJECTIVES

1.1 The status of nature in the EU and UK and emerging recovery targets

Despite political commitments over recent decades for action for nature, including past EU and national biodiversity targets, in part to meet obligations under the Convention on Biological Diversity (CBD), objectives have not been achieved and biodiversity continues to decline. Within the then EU-28, only 15% of habitats of particular conservation importance listed in Annex I of the Habitats Directive (hereafter HD habitats) had a favourable conservation status over the last assessment period (2013-2018).² The situation was worse in the UK, where only 8% had a favourable status. In the UK and the rest of the EU, a particularly high proportion of HD coastal habitats, mires, fens, grasslands and other semi-natural agricultural habitats had an unfavourable status. Although the condition of HD species (species other than birds listed in HD Annexes II, IV and V) was better, only just over a quarter had a good status over the EU-28. Furthermore, 36% of HD habitats with an unfavourable or unknown status, and 35% of HD species with an unfavourable or unknown status had deteriorating trends over the short-term (i.e. 2007–2018). Many commoner species are also continuing to decline, especially within agricultural habitats. Very similar species trends have been seen in the UK.³ The main causes of decline have been similar in the UK and elsewhere in Europe: the loss and fragmentation of remaining natural and semi-natural habitats, pollution and invasive alien species (IAS).⁴ The impacts of climate change are also becoming more apparent and significant.

As a result of mounting concern over the past failures to halt biodiversity losses, there is now widespread recognition that we have a 'biodiversity emergency' and responses now need to go beyond previous aims — to reverse losses and restore the most depleted ecosystems, habitats and species populations. Renewed efforts are therefore underway or being proposed. The European Commission has produced an *EU Biodiversity Strategy for 2030*⁵, with a range of biodiversity conservation and restoration targets and actions for the Commission and

² EEA (2020) *State of nature in the EU. Results from reporting under the nature directives 2013-2018*. www.eea.europa.eu/publications/state-of-nature-in-the-eu-2020

³ Hayhow *et al.* (2019) *The State of Nature 2019*. <https://nbn.org.uk/wp-content/uploads/2019/09/State-of-Nature-2019-UK-full-report.pdf>

⁴ EEA (2020) & Burns *et al.* (2016) Agricultural Management and Climatic Change Are the Major Drivers of Biodiversity Change in the UK. *PLOS ONE*, 11, doi: 10.1371/journal.pone.0151595.

⁵ European Commission (2020) *EU Biodiversity Strategy for 2030*. COM(2020) 380 final. [EUR-Lex - 52020DC0380 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/52020DC0380)

Member States. Although the Strategy has been endorsed by the Council of the EU, its targets and actions are not legally binding. Therefore, as a key element of the Strategy, the Commission has made a proposal for a new EU Regulation on Nature Restoration (hereafter the Restoration Law), which was published on 22 June 2022.⁶ The proposed Law sets out measurable biodiversity targets for certain habitats and species up to 2050, which would be mandatory for all Member States.

Within the UK, since the exit from the EU, proposed biodiversity targets have been the subject of consultations in England and Northern Ireland and are to be developed in Scotland and Wales.

1.2 The objectives of this report

The aim of this report is to establish and summarise the currently agreed and proposed key biodiversity (nature) targets for habitats and species and to compare them in terms of their relevance to biodiversity conservation challenges, ambition (i.e., the degree to which they aim to halt or restore losses) and overall coherence. In particular, it focuses on targets for biodiversity outcomes, such as in relation to the overall conservation status of habitats and species, or key components such as their extent, ecological condition, population size; and/or trends in these attributes.

As would be expected, there are differences between the proposals and, assuming they are adopted, this will lead to new forms of divergence over time. The intention here is simply to provide an initial indication of the main areas of divergence, especially in relation to levels of ambition between the EU and England and Northern Ireland. As targets remain under development in Scotland and Wales, analysis of inter-UK divergence is restricted to England and Northern Ireland.

The focus here is on the biodiversity outcomes set in the targets, not on divergence in targets concerned with policy measures that aim to contribute to the achievement of the biodiversity targets. Consequently, for example, the report does not assess and compare targets for protected areas, reducing pollution, funding levels, or other actions that reduce pressures on biodiversity or aim to restore it in other ways. However, for context, some of the key measures are mentioned in the text and listed in some of the boxes below. As targets for such measures have a vital role in biodiversity conservation and restoration, it is hoped

⁶ Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on nature restoration. 2022/0195 (COD). https://environment.ec.europa.eu/publications/nature-restoration-law_en

that future analyses will examine them in more detail. This current study also only covers targets that relate to the geographical continent of Europe and not to the UK Overseas Territories and similar EU external territories.

2. COMPARISON OF TARGETS

2.1 The European Union's biodiversity targets

2.1.1 Headline EU biodiversity targets

The *EU Biodiversity Strategy for 2030* has high ambitions and forms part of the European Green Deal strategy for growth and achieving climate neutrality by 2050. It therefore attempts to link to a wide environmental, natural capital, climate and post-COVID-19 recovery agenda. Despite its intended broad scope, it was developed with limited external consultation, and has no supporting analysis of the effectiveness of the previous strategies, and the current needs and priorities.

The overall headline target is, '*To put Europe's biodiversity on the path to recovery by 2030 for the benefit of people, climate and the planet.*' This seems to imply that the overall decline in biodiversity should be halted by 2030, but this is not certain, and no further explanation is provided in the Strategy.

2.1.2 Sub-targets and key measures

The main commitments within the EU to achieve the EU's overall biodiversity target are summarised in **Box 1** (including actions). In addition, the EU is supporting the key actions through a revised governance framework.

Box 1 The EU Biodiversity Strategy for 2030 – key aims and actions in the EU

Nature protection: key commitments by 2030

1. Legally protect a minimum of 30% of the EU's land area and 30% of the EU's sea area and integrate ecological corridors, as part of a true Trans-European Nature Network.
2. Strictly protect at least a third of the EU's protected areas [representing 10% of the EU land and EU sea], including all remaining EU primary and old-growth forests.
3. Effectively manage all protected areas, defining clear conservation objectives and measures, and monitoring them appropriately.

EU Nature Restoration Plan: key commitments by 2030

1. Legally binding EU nature restoration targets to be proposed in 2021, subject to an impact assessment. By 2030, significant areas of degraded and carbon-rich ecosystems are restored; habitats and species show no deterioration in conservation trends and

status; and at least 30% reach favourable conservation status or at least show a positive trend.

2. The decline in pollinators is reversed.
3. The risk and use of chemical pesticides is reduced by 50% and the use of more hazardous pesticides is reduced by 50%.
4. At least 10% of agricultural area is under high-diversity landscape features.
5. At least 25% of agricultural land is under organic farming management, and the uptake of agro-ecological practices is significantly increased.
6. Three billion new trees are planted in the EU, in full respect of ecological principles.
7. Significant progress has been made in the remediation of contaminated soil sites.
8. At least 25 000 km of free-flowing rivers are restored.
9. There is a 50% reduction in the number of Red List species threatened by invasive alien species.
10. The losses of nutrients from fertilisers are reduced by 50%, resulting in the reduction of the use of fertilisers by at least 20%.
11. Cities with at least 20 000 inhabitants have an ambitious Urban Greening Plan.
12. No chemical pesticides are used in sensitive areas such as EU urban green areas.
13. The negative impacts on sensitive species and habitats, including on the seabed through fishing and extraction activities, are substantially reduced to achieve good environmental status.
14. The bycatch of species is eliminated or reduced to a level that allows species recovery and conservation.

Many of the actions have the potential to make further significant contributions to nature conservation and restoration in the EU. These include measures to reduce various pressures, such as from agriculture, fishing and IAS. There is a commitment by the EU to increase the EU's protected area network to 30% of both land and sea by 2030, which is in line with CBD global proposals. However, the EU objective may diverge from those of the CBD as a European Commission Communication⁷ has indicated that some form of screening of existing and additional protected areas is necessary to see if they qualify, and it is setting up a procedure to do this. Surprisingly, the Communication includes no mention of the IUCN and CBD protected area criteria, but instead proposes new criteria for

⁷ *Criteria and guidance for protected areas designations*. SWD(2022) 23 final. https://environment.ec.europa.eu/publications/criteria-and-guidance-protected-areas-designations-staff-working-document_en

Member States to use for screening protected areas and 'other effective area-based conservation measures' (OECMs). This may make it difficult to compare the EU targets with those of the CBD as well as the UK.

Of fundamental importance to the achievement of the EU's biodiversity goals is the European Commission's recent publication of its proposals for a Regulation on nature restoration⁸, now referred to as the **Restoration Law**, with binding targets to restore healthy and resilient ecosystems. Based on previous experience, and a detailed impact assessment, it recognises that such ambitions cannot be achieved by voluntary initiatives, so binding legislation now is proposed. This is in line with a European Parliament resolution⁹ that asked to '*move away from voluntary commitments and to propose an ambitious and inclusive Strategy that sets legally (and, consequently, enforceable) binding targets for the EU and its Member States*'.

A priority requirement for the Restoration Law is to bolster the existing objectives of the Birds and Habitats Directives (Nature Directives) to achieve the favourable conservation status of habitats and species.¹⁰ In particular, the Law provides the Commission with the opportunity to add clear measurable deadlines for their achievement that are lacking in the legislation. Evidence shows that, so far, progress towards the achievement of these overall objectives has been slow.¹¹ However, the proposals go further and complement the Nature Directives by requiring significant restoration of areas, habitats and species that are not well covered by the Directives and other EU environmental legislation.

The overarching objective of the proposed Law is '*to contribute to the continuous, long-term and sustained recovery of biodiverse and resilient nature across the EU's land and sea areas by restoring ecosystems and to contribute to achieving Union climate mitigation and climate adaptation objectives and meet its international commitments.*' In total, the restoration shall cover at least 20% of the EU's land and sea by 2030, and all ecosystems in need of restoration by 2050. Higher levels

⁸ Proposal for a Regulation on nature restoration. SWD(2022) 168 final. https://environment.ec.europa.eu/publications/nature-restoration-law_en

⁹ Resolution on the 15th meeting of the Conference of Parties (COP15) to the Convention on Biological Diversity 2019/2824(RSP).

¹⁰ The term and requirement to achieve or maintain favourable conservation status comes from HD Article 2 and refers to certain habitats listed in Annex I and species listed in Annex II and/or Annex IV or V. The European Commission considers that analogous requirements apply to all birds under the Birds Directive.

¹¹ FITNESS CHECK of the EU Nature Legislation (Birds and Habitats Directives). SWD(2016) 472 final. https://ec.europa.eu/environment/nature/legislation/fitness_check/docs/nature_fitness_check.pdf
EEA (2020) *State of nature in the EU*. www.eea.europa.eu/publications/state-of-nature-in-the-eu-2020

of coverage are required for HD habitats. **Box 2** provides a summary of the main proposed binding restoration targets for Member States that relate directly to nature conservation (e.g. omitting those focused on soil organic matter and carbon sequestration). Appendix 1 of this report provides key definitions. As the marine habitats listed in HD Annex I are defined very broadly (c. 8), the marine targets under Article 5 of the proposed Restoration Law instead refer to a much longer and more finely subdivided list of 231 marine habitat types in Annex II of the Law, which is based on a EUNIS habitat typology.¹² The marine species targets refer to HD species, all wild birds and an additional 25 fish species listed in Annex III of the Restoration Law.

To ascertain and achieve the restoration and re-creation required (to achieve good condition, favourable reference values, sufficient habitats and satisfactory indicator values) Member States are required to prepare national restoration plans (Art.11). Whilst the proposals in **Box 2** are broadly in line with the objectives set out in the Biodiversity Strategy, especially for HD habitats, it should be noted that they fall short for species, as there is no clear obligation on Member States to increase those with a favourable status or positive trend by 30%. The target presumably remains as a Biodiversity Strategy target, and to be taken into account in national restoration plans but will not be legally binding.

The proposals for the Restoration Law are to be discussed by the European Parliament and the Council, in line with the Ordinary Legislative Procedure.

Box 2 Key biodiversity targets in the proposed EU Restoration Law

Art 4: Restoration of terrestrial, coastal and freshwater ecosystems

- Put in place restoration measures necessary to achieve good condition of HD habitats, with measures in place on 30% of the area requiring them by 2030; 60% by 2040 and 90% by 2050.
- Ensure that areas where HD habitat types occur do not deteriorate.
- Put in place measures necessary to re-create HD habitats to reach their favourable reference value (i.e., minimum area), with measures in place on 30% of the area requiring them by 2030; 60% by 2040 and 100% by 2050.
- Put in place restoration measures necessary to improve the quality and quantity of the habitats of HD species, until sufficient quality and quantity is achieved.

Art 5: Restoration of marine ecosystems

¹² The European nature information system (EUNIS), as revised for the marine habitats typology in 2022 by the EEA.

- Restoration and re-creation as under Art 4. But applying to marine habitats listed in Annex II of the Regulation.
- Ensure that areas where habitat types listed in Annex II of the Regulation occur do not deteriorate.
- Restoration of habitats for marine species, as under Art 4. For HD species, all birds and species listed in Annex III of the Regulation.

Art 6: Restoration of urban ecosystems

- No net loss of urban green space and tree cover by 2030 compared to 2021, with an increase of at least 3% by 2040 and 5% by 2050.
- No net loss of urban tree cover by 2030 compared to 2021, with a minimum of 10% cover by 2050.

Art 7: Restoration of the natural connectivity of rivers and natural functions of the related floodplains

- Restoration of at least 25,000 km of rivers into free-flowing rivers by 2030.

Art 8: Restoration of pollinator populations

- Reverse the decline of pollinator populations by 2030 and then increase until satisfactory levels are achieved.

Art 9: Restoration of agricultural ecosystems (exc. Soil targets)

- Achieve an increasing trend at national level of each of the following indicators: grassland butterfly index; share of agricultural land with high diversity features (hedges, trees, ditches etc.).
- Put in place restoration measures to ensure that the common farmland bird index at national level increases from a baseline of 100 (at the time of entry into force of the Regulation) to:
 - 110 by 2030, 120 by 2040 and 130 by 2050, for Member States listed in Annex V (i.e., those with more depleted populations); or
 - 105 by 2030, 110 by 2040 and 115 by 2050, in other Member States.

Art 10: Restoration of forest ecosystems

- Achieve an increasing trend at national level of each of the following indicators: standing deadwood; lying deadwood; share of forests with uneven-aged structure; forest connectivity; common forest bird index; stock of organic carbon.

2.2 UK-level biodiversity targets

Political ambitions for nature conservation in the UK, especially in England, have increased in recent years, with the Conservative Party manifestos since 2010 promising to be the first generation to pass on nature in a better condition. More recently, Boris Johnson stated in the Conservative manifesto for 2019¹³ that ‘We want to get Brexit done so that we can get on with our work of making Britain the greatest place in the world to live, to go to school, to start a family, to own a home, to start a business – *with the most ambitious environmental programme of any country on earth.*’ [Emphasis added]

In practice, as a result of devolution, the achievement of such ambitions is mainly subject to the policies and actions taken for England and the devolved administrations in Northern Ireland, Scotland and Wales. The analysis of targets therefore needs to be carried out at the country level. However, it should be borne in mind that the country-level ambitions will be influenced by current multinational agreements and developing targets that apply at a UK level, most notably the post-2020 framework of the CBD. Some recent targets also apply at a UK level, as a result of the Prime Minister’s (at the time Boris Johnson) leadership of the 2019 Global Ocean Alliance initiative to protect 30% of the world’s oceans¹⁴, the subsequent ‘30 by 30’ protected area commitment¹⁵, signature of the UN 2020 Summit on Biodiversity Leaders’ Pledge for Nature¹⁶, and the 2021 G7 agreement to ‘halt and reverse biodiversity loss’ (i.e. become Nature Positive) by 2030.¹⁷ Notably, many of these commitments have been reaffirmed by the devolved administrations. For example, the 30 by 30 targets, have been committed to by the Scottish Government, and endorsed by DAERA and the Welsh Minister.

2.3 England’s biodiversity targets

Nature conservation and restoration aspirations were raised considerably in the 25YEP produced by DEFRA in 2018, which applies mainly to England. The Plan sets out six 25-year goals, including Goal 3, which is to achieve ‘thriving plants and wildlife’; this is further defined in a specific set of objectives as listed in **Box 3**. However, according to a 2021 review of progress by the Environmental Audit

¹³ https://assets-global.website-files.com/5da42e2cae7ebd3f8bde353c/5dda924905da587992a064ba_Conservative%202019%20Manifesto.pdf

¹⁴ www.gov.uk/government/topical-events/global-ocean-alliance-30by30-initiative/about

¹⁵ www.gov.uk/government/news/pm-commits-to-protect-30-of-uk-land-in-boost-for-biodiversity

¹⁶ www.leaderspledgefornature.org/

¹⁷ www.gov.uk/government/publications/g7-2030-nature-compact/g7-2030-nature-compact

Committee, despite its long-term ambitions, it lacks a coherent set of defined measures and legally enforceable interim targets, and 'Action needs to be stepped up in scale, ambition, pace and detail.'¹⁸

**Box 3 Targets relating to Goal 3 of the 2018 25 Year Environment Plan:
thriving plants and wildlife**

Achieve a growing and resilient network of land, water and sea that is richer in plants and wildlife

At sea:

- Reversing the loss of marine biodiversity and, where practicable, restoring it.
- Increasing the proportion of protected and well-managed seas, and better managing existing protected sites.
- Making sure populations of key species are sustainable with appropriate age structures.
- Ensuring seafloor habitats are productive and sufficiently extensive to support healthy, sustainable ecosystems.

On land and in freshwaters:

- Restoring 75% of our one million ha of terrestrial and freshwater protected sites to favourable condition, securing their wildlife value for the long term.
- Creating or restoring 500,000 ha of wildlife-rich habitat outside the protected site network, focusing on Priority Habitats as part of a wider set of land management changes providing extensive benefits.
- Taking action to recover threatened, iconic or economically important species of animals, plants and fungi, and where possible to prevent human induced extinction or loss of known threatened species in England and the Overseas Territories.
- Increasing woodland in England in line with our aspiration of 12% cover by 2060: this would involve planting 180,000 ha by end of 2042.

Since 2018, a major step towards the strengthening of the nature conservation policy and legislative framework has been the 2021 Environment Act. Part 1 of the Act is of particular relevance to this report, as it has established a new statutory cycle of monitoring, planning and reporting to ensure continuing improvement to the environment. This includes obligations to set legally binding long-term environmental targets in four priority areas, including biodiversity, and to produce statutory Environmental Improvement Plans (EIPs) in England and

¹⁸ EAC (2021) *Biodiversity in the UK: bloom or bust?* <https://publications.parliament.uk/pa/cm5802/cmselect/cmenvaud/136/136-report.html>

Wales. EIPs are also required in Northern Ireland under Part 2 of the Act. The plans are to include interim targets (although not legally binding) and set out the measures required to achieve the targets, as well as monitoring and reporting on them. They will be updated every five years.

The 2018 25YEP fulfils the role of the first EIP, and although it lacks interim targets, this is expected to be addressed when the 2nd EIP is produced in 2023. To provide a stronger mandatory interim objective for biodiversity the Environment Act includes a specific duty to set (by 31 October 2022) a target that will 'halt a decline in the abundance of species' by 2030. The remaining part of the Act includes specific provisions for nature conservation that link closely to the 25YEP and aim to supplement existing legislation.

Whilst the Environment Act provides a strong legislative framework, actual nature conservation outcomes will depend greatly on future policies and developments, especially the second EIP once it appears in 2023. This will draw on consultations regarding DEFRA's recently published *Nature Recovery Green Paper*¹⁹ and proposals and supporting evidence for legally binding environmental targets²⁰, including for species abundance as required under the Environment Act.

Although it is not the focus of this research, it is worth noting that the Green Paper proposals do not focus on achieving the ambitions described above, and instead mainly concentrate on simplifying regulations and measures (e.g. in relation to protected area types, species protection, the Habitats Regulations Assessment and governance). The merger, or other reforms, of Natural England and the other statutory environmental bodies in England is also put forward as an idea for consideration. Conservation NGOs are concerned by this focus, stating that 'there is no time to waste with reform' and that it is more important to build on what exists.²¹ Whilst the Office for Environmental Protection (OEP) recognises that there is some logic to replacing the current mix of domestic and EU derived legislation, they also consider that it could be counterproductive.²²

DEFRA's proposals for the environmental targets were published March 2022, and seem to be more positive, in accordance with the claim by the then Secretary of State, George Eustice, that they will aim to 'halt the decline in nature', and

¹⁹ [Nature Recovery Green Paper Consultation Protected Sites and Species.pdf \(defra.gov.uk\)](https://www.defra.gov.uk/nature-recovery-green-paper-consultation-protected-sites-and-species.pdf)

²⁰ [Consultation on environmental targets - Defra - Citizen Space](#)

²¹ [WCL NatureRecoveryGP Response May2022.pdf](#)

²² www.theoep.org.uk/report/oep-response-government-nature-recovery-green-paper-and-advice-proposals-reform-habitats

therefore be a 'world leading measure'.²³ The proposed biodiversity targets are set out in **Box 4**.

Box 4 Biodiversity targets for England proposed in the DEFRA consultation in 2022

Biodiversity on land:

- Halt declines in species abundance by 2030 and increase by 10% by 2042 (compared to 2030).
- Improve the England-level GB Red List Index of species extinction risk by 2042, compared to 2022 levels.
- Create at least 500,000 ha of a range of wildlife-rich habitat outside protected sites by 2042, compared to 2022 levels.

Biodiversity in the sea:

- 70% of designated features (c.150 types of habitat and species) in the MPA network in favourable condition by 2042.

The target for species abundance is intended to be based on the Living Planet Index (LPI)²⁴, which uses annual measures of abundance of selected individual species. According to the DEFRA evidence report for the terrestrial indicators²⁵, the LPI "is an international standard for measuring annual changes in the abundance of (vertebrate) populations around the world. We seek something that is broadly comparable: one index to summarise trends in abundance for the broadest possible set of organisms." Whilst it is true that the LPI is internationally used, this does not necessarily make it the best choice for national level target setting, when other potentially more sophisticated and relevant options are available. This is especially the case in the UK where biodiversity data are far more detailed, reliable and representative than in most other countries in the world. Despite this, no consideration of the strengths and weaknesses of the LPI and use of a single measure as a basis for the England target is given in the consultation document or Evidence Report. Nor are other options or variations explored, such as sub-targets for priority species, or particular groups of concern such as farmland birds, or seabirds.

²³ www.gov.uk/government/speeches/environment-secretary-speech-at-delamere-forest-on-re-storing-nature-and-building-back-greener

²⁴ www.livingplanetindex.org/home/index

²⁵ [Biodiversity terrestrial and freshwater targets Detailed evidence report.pdf \(defra.gov.uk\)](#)

As the decision has been made to propose one combined species abundance measure, DEFRA have sought to include a wide range of taxa, to make it as representative as possible. However, it is also necessary to ensure the data are reliable, particularly in terms of their consistency from year to year and comparability. Consequently, abundance data are only to be used if they have been collected using spatially replicated surveys and a standardised protocol, so that they are comparable over time. As a result, the current proposal is for the index to be based on 1,071 species, including amongst birds, bats, butterflies, moths, 164 plant species and 237 freshwater invertebrates.

Although the aim is to halt and reverse the decline in nature, it is important to note that in the case of the species abundance target, if declines continue until 2030, species abundance in 2042 could be no more than current levels. Indeed, modelling presented in the DEFRA Evidence Report suggests that further declines up to 2030 are likely, and the level of improvement necessary to halt the decline by 2030 would result in a 2042 index value similar to 2022 and be roughly equivalent to a 10% increase on the 2030 value. In their consultation response to DEFRA, NGOs have therefore criticised the target for its lack of ambition.²⁶ However, the modelling evidence, and observed recent annual declines of 2.8% in the proposed species index, suggest that the proposed target would be extremely challenging, especially before 2030 due to the short-period available for interventions and time-lags in habitat restoration/creation and ecological responses. More ambitious targets would require more fundamental changes in policy, especially concerning land use — which are not explored in the Evidence Report.

Although the OEP considers that the proposed 2030 species abundance target is ambitious and appropriate, it states that the 2042 target could be illegal because it is based on a currently unknown 2030 baseline.²⁷ Therefore, it would not meet the Environment Act's requirements for long-term targets to be measurable and achievable. Furthermore, with the expected decline up to 2030, the proposed increase of 10% by 2042 would not be expected to result in a recovery of nature compared to current levels (as noted by the NGOs). The OEP therefore recommends that the baseline is set from the year when the target was set (2022), or from when the 25YEP was published (2018), and further research is carried out on the level of improvement that could be achievable.

²⁶ Wildlife and Countryside Link (2022) Targets consultation response. [https://www.wcl.org.uk/docs/Environment Act targets consultation response.pdf](https://www.wcl.org.uk/docs/Environment%20Act%20targets%20consultation%20response.pdf)

²⁷ OEP (2022) <https://www.theoep.org.uk/report/oep-response-consultation-environmental-targets>

To complement the overall species abundance target, an additional species target has been proposed of improving an England level GB Red List Index²⁸ of species extinction risk (i.e., measurably reducing the assessed risk of species extinction). This recognises the need to take concerted action for threatened species, as some 13% of species assessed in England are at risk of extinction at a GB level.²⁹ At the same time, DEFRA acknowledge that the Red List Index provides a rather insensitive measure of extinction risk, as threatened species comprise a small proportion of species included in the index, and Red List assessments are typically only updated about every 10 years, and the threat categories are coarse. Nevertheless, DEFRA considers that the Red List Index provides the best option for setting a long-term target for threatened species, although other non-Red List based options are not explored. For example, a target could be set based on improving trends in threatened species, or broader priority species (as discussed above). Due to the low sensitivity of the Red List Index, DEFRA do not consider it appropriate to attempt to quantify the minimum level of improvement that is required. Instead, any improvement by 2042 would meet the target.

The target to restore 500,000 ha of 'wildlife-rich habitat' includes those that are considered to be 'Priority Habitats', because they are of high biodiversity importance and/or threatened. These are listed as 'habitats of principal importance' for the conservation of biological diversity in England under Section 41 of the Natural Environment and Rural Communities Act 2006. These include HD habitats, which as well as being of EU level importance, are also often clear conservation priorities at a UK and England level (e.g. mudflats, dunes, saltmarshes, natural and semi-natural grasslands, heathlands, bogs, upland oak woods, biogenic reefs and sea-grass beds). Thus, despite the UK's departure from the EU, most if not all HD habitats on the list would remain priorities even if updated in response to the UK's departure from the EU. This appears to be recognised in the 25YEP, as the target mentions the need to 'focus on Priority Habitats'.

However, it is important to note that the Priority Habitats also include some that are of much lower biodiversity value and not threatened, such as arable field margins, orchards, some hedgerows and ponds, eutrophic water bodies and lowland mixed deciduous woodland. Whilst these can be wildlife-rich, this often depends greatly on their quality and management. This is particularly the case for

²⁸ The assessed extinction risk of individual species using IUCN criteria and categories (i.e., Least Concern; Near Threatened; Vulnerable; Endangered; Critically Endangered; and Regionally Extinct). The Red List Index varies between zero (all species Regionally Extinct) and 1 (all species Least Concern).

²⁹ According to the 2019 UK State of Nature report <https://nbn.org.uk/stateofnature2019/>

arable field margins, which as noted in the NGOs response to the environmental target consultations, are 'often of poor quality and short-lived'. Moreover, as well as no longer focusing on Priority Habitats, DEFRA proposes a wider definition of wildlife-rich that would include a broad range of agricultural habitats (e.g. all acid and neutral grasslands and hedgerows associated with a bank or ditch), ponds and broadleaved woodland, that are not already a Priority Habitat (Evidence Report, Annex I).

This broadening of scope beyond the 25YEP's intended focus on Priority Habitats is significant because the Evidence Report suggests that, without prioritisation, a large proportion of restoration would relate to grasslands, arable field margins, and to a lesser extent plantations on ancient woodland sites and other woodlands. Similarly, the OEP has observed that the target could be almost entirely delivered just by establishing woodlands, or through taking land out of production to meet water quality targets. They therefore recommend that the target should be amended to specify the areas of different wildlife-rich habitats types required, through appropriate weighting and strategic planning.

According to the Centre for Ecology and Hydrology's Land Cover map 2015³⁰, there are about 3.3 million ha of habitat of potential wildlife value in England, with 2 million ha of this recorded within the Priority Habitats inventory (15% of England). Thus, an increase of 500,000 ha could result in a 15% increase in all 'wildlife-rich habitat'. However, such an increase would be dependent on there being no loss of wildlife-rich habitat during the relevant period, which is unrealistic. In recognition of this, and the large overlap with other targets, the OEP recommends that the target should be based on net area and increased to 750,000 ha.

Although the 25YEP has a target for the condition of terrestrial protected areas (75% in favourable condition), it is not included in DEFRA's proposed targets, due to current reconsideration of the protected area system. Instead, the target setting is postponed to the 2023 EIP. However, whilst the reconsideration of protected areas may affect marine protected areas (MPAs), this has not prevented the government proposing a 70% favourable condition target for marine features. The MPA target complements the broader targets under the Marine Strategy Regulations 2010 to achieve Good Environmental Status over all sea areas by 2020. However, as the MPA target was not met, the OEP recommends that it is refreshed by adding the requirement to achieve Good Environmental Status by 2042.

³⁰ <https://eip.ceh.ac.uk/lcm/LCM2015>

Whilst it is strictly speaking a measure, rather than a biodiversity target, it is also important to highlight that there is no proposed overall water quality target for rivers and streams. Instead, the targets focus on pressures and are not clearly linked to the overall 25YEP objectives.

2.4 Northern Ireland's biodiversity targets

Consultation has taken place on the *Draft Environment Strategy*³¹ produced by DAERA in 2021, which is envisaged to be the first EIP as required under the UK Environment Act 2021. The Strategy sets out six Strategic Environmental Outcomes (SEOs) based around the DAERA core vision of sustainability at the heart of a living, working, active landscape valued by everyone. The SEOs include 'Thriving, resilient & connected nature and wildlife.'

The Strategy proposes a mix of measures and targets, including the targets of most direct relevance to biodiversity condition in **Box 5**. According to NGOs and some other experts, the document is unambitious, has insufficient specific, time-bound and binding targets and actions, and lacks a clear indication that it will be adequately resourced and monitored.³² Whilst the draft includes a commitment to legislate for some global targets, it is not clear whether or when this legislation will be developed and implemented.

Relative to other parts of the UK, Northern Ireland has the unique complexity of sharing a border with an EU Member State, one to which nature does not adhere. As parts of the single biogeographic region of the island of Ireland, Northern Ireland and the Republic of Ireland provide a shared home to species and habitats. The effectiveness of biodiversity targets, whether legislated for through the EU Restoration Law, or proposed within the draft Environment Strategy, will depend in part on cross-border collaboration. The potential for divergence, therefore, is of operational importance and necessitates ongoing oversight.

³¹ www.daera-ni.gov.uk/sites/default/files/consultations/daera/Draft%20Environment%20Strategy.PDF

³² RSPB NI (2022) Open Letter to First and deputy First Ministers on the unambitious Environment Strategy, co-signed by 33 organisations, experts and individuals. www.rspb.org.uk/about-the-rspb/about-us/media-centre/press-releases/rspb-ni-open-letter-to-first-minister-and-deputy-first-minister-calls-out-unambitious-environment-strategy/

Box 5 Biodiversity targets for Northern Ireland proposed in the DAERA consultation in 2021

Actions and targets on land:

- Increase NI woodland cover to 8.8% (122,000 ha) by 2030. [Subsequently recognised as out of date and will be increased to over 9%]³³
- All semi-natural peatlands are conserved or restored to healthy, functioning ecosystems by 2040.
- Create or restore 75,000 ha of wildlife-rich habitat outside the protected site network (focusing on Priority Habitats and supported by nature-friendly land management).
- Restore 75% of 150,000 ha of terrestrial and freshwater protected sites to favourable condition (securing their wildlife value for the future).

Future vision / outcomes on land:

- Northern Ireland will be Nature Positive by 2030 and living in harmony with nature by 2050.
- Our vision is to have healthy, functioning, thriving and resilient nature and ecosystems across Northern Ireland's landscapes, which contributes valuable ecosystem services, climate resilience and well-being for current and future generations.
- Biodiversity loss in NI is halted, gains in biodiversity are real and measurable, habitats and species have achieved favourable status.

Actions and targets at sea:

- Achieve Good Environmental Status in our seas (UK Marine Strategy).

Future vision / outcomes at sea:

- A healthy NI marine area which is managed sustainably for the economic, environmental and social prosperity of present and future generations.

As the Northern Ireland proposals lack an accompanying explanation and evidence base (as, for example, supplied by DEFRA for England) their divergence from EU and English targets are not further examined here in detail, as some aspects are difficult to interpret reliably. In particular the long-term aim of living in harmony with nature could be interpreted in many ways.

Moreover, whilst a final Environment Strategy has been produced by DAERA, it has not been approved by the Executive or published due to the ongoing lack of

³³ <https://www.bbc.co.uk/news/uk-northern-ireland-60045690>

political institutions within Northern Ireland. The Environment Act, and its commencement within Northern Ireland³⁴, requires that DAERA publish the first EIP by July 2023. However, the OEP has seen and assessed the finalised Strategy, and has published its advice to DAERA.³⁵ The OEP finds that the strategy is 'adequate and acceptable' as Northern Ireland's first EIP, but list six areas for improvement including through increasing detail and prioritisation, providing more comprehensive specific targets, increasing the weight of targets by underpinning them through a legal framework, and making data and monitoring more transparent. Publication of the finalised Strategy will enable further opportunity for comparison.

2.5 Scotland's biodiversity targets

The 2020 *Environment Strategy for Scotland*³⁶ sets out an overarching environmental policy framework and Scotland's current broad long-term environmental aims to 2045. These include the objective that '*Scotland's nature is protected and restored with flourishing biodiversity and clean and healthy air, water, seas and soils*'. To support the Strategy, an indicator framework was established in 2021, with biodiversity monitored via a new species indicator comprising three separate metrics: marine and terrestrial species abundance and terrestrial occupancy.³⁷ These reflect average changes in the abundance and distribution of a wide range of seabirds and land and freshwater species of plants, insects, birds and other animals.

Further clarity on Scotland's plans for its post 2020 biodiversity strategy was provided in the Scottish Government's *Statement of Intent on Biodiversity*.³⁸ This reflects the recognised need for strong and transformative changes in the global CBD framework to halt biodiversity loss, as stated in the Edinburgh Declaration.³⁹ The document includes commitments to endorse the Leaders Pledge for Nature (see above), publish a new standalone biodiversity strategy within a year of COP15

³⁴ [The Environment \(2021 Act\) \(Commencement and Saving Provision\) Order \(Northern Ireland\) 2022.](#)

³⁵ [OEP supports adoption of NI EIP but identifies areas for improvement](#)

³⁶ [The Environment Strategy for Scotland: Vision and Outcomes \(www.gov.scot\)](http://www.gov.scot)

³⁷ [Technical Information: Nature: Scotland's nature is protected and restored with flourishing biodiversity and clean and healthy air, water, seas and soils \(data.gov.scot\)](https://data.gov.scot)

³⁸ <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2020/12/scottish-biodiversity-strategy-post-2020-statement-intent2/documents/scottish-biodiversity-strategy-post-2020-statement-intent/scottish-biodiversity-strategy-post-2020-statement-intent/govscot%3Adocument/scottish-biodiversity-strategy-post-2020-statement-intent.pdf>

³⁹ [Edinburgh Declaration on post-2020 global biodiversity framework - gov.scot \(www.gov.scot\)](http://www.gov.scot)

(now December 2022) and to protect at least 30% of Scotland's land for nature by 2030.

In August 2021, the Scottish Government and the Scottish Green Party established a cooperation agreement to work together in government for the next five years, underpinned by a draft shared policy programme (the 'Bute House Agreement'). This includes a commitment to a Natural Environment Bill in 2023/24, which will have binding nature recovery targets, as well as key legislative changes to protect and restore nature. As stated by the Scottish Government, the Bill will:

- *'put in place key legislative changes to restore and protect nature, including, but not restricted to, targets for nature restoration that cover land and sea, and an effective, statutory, target-setting monitoring, enforcing and reporting framework*
- *contain targets based on an overarching goal of preventing any further extinctions of wildlife and halting declines by 2030, and making significant progress in restoring Scotland's natural environment by 2045*
- *contain targets that are achievable and challenging, reflecting the priority for early action in this agreement. These targets will be developed in consideration of available evidence and through consultation and are expected to include outcome targets that accommodate species abundance, distribution & extinction risk, and habitat quality and extent. The targets will reflect the challenges of a changing climate*
- *cover key actions to deliver our targets, including our agreement to protect 30% of Scotland's land and seas by 2030, and highly protect 10%.⁴⁰*

There is reason to believe that the targets might reflect EU targets, including the proposed Restoration Law, as the Scottish Government has committed to maintaining or enhancing EU environmental standards. To support this, the UK Withdrawal from the EU (Continuity) (Scotland) Act 2021 introduced powers for Scottish ministers to keep pace with areas of EU law where they choose to. The Act also requires ministers to have regard to an overall purpose of maintaining and advancing standards (including environmental).

⁴⁰ <https://www.gov.scot/publications/scottish-government-and-scottish-green-party-shared-policy-programme/pages/our-natural-environment/>

Currently, the Scottish Government are consulting on a draft of *Scotland's Biodiversity Strategy* to 2045, which will include targets and metrics.⁴¹ Its overall Strategic Vision is that:

By 2045 we will have substantially restored and regenerated biodiversity across our land, freshwater and seas. Our natural environment of plants, animals, insects, aquatic life and other species will be richly diverse, thriving, resilient and adapting to climate change. Everyone will understand the benefits from and importance of biodiversity and will play their role in the stewardship of nature in Scotland for future generations.

More specifically it has two milestones, which align with the commitment on nature restoration targets, to:

- reverse biodiversity loss by 2030 (in line with the Leaders' Pledge for Nature); and
- deliver the Vision by restoring and regenerating biodiversity by 2045.

The draft Strategy also sets out a series of long-term (2045) outcomes for the rural environment, marine environment, freshwaters, coasts, urban areas, and across land and seas (i.e., overall ecosystem health, resilience and connectivity). However, the outcomes are actually a mix of biodiversity outcomes and measures that are not clearly defined or quantified in SMART terms. For example, the farmland outcome is that 'practices have changed resulting in a substantial increase in biodiversity, ecosystem and soil health and markedly reduced carbon emissions while sustaining high quality food production.'

As currently defined, the proposed biodiversity outcomes cannot be compared in a meaningful or reliable way to those proposed for the EU, England and Northern Ireland, and are not therefore fully listed here, or included in the detailed comparative analysis in the last section of this report. It is, however, worth noting that the Strategy does not refer to the proposed EU Restoration Law, as expected. This could be a result of timing, as it does mention emerging EU biodiversity policy, which could relate to the Restoration Law rather than the Biodiversity Strategy that was adopted in 2020. But this cannot explain the absence of some relevant EU Biodiversity Strategy targets, including the '30 by 30' protected area target, which the Scottish Government has already committed to.

⁴¹ [scotlands-biodiversity-strategy-consultation.pdf](#)

2.6 Wales' biodiversity targets

The Welsh Government's environmental agenda had already been taking a different direction to England by the time of the EU referendum in 2016, with policy and new underpinning legislation increasingly focused on broader sustainability concepts and the ecosystem approach.⁴² Although future targets for biodiversity in Wales have not been set, it is intended that the existing Nature Recovery Action Plan, will be updated following the agreement on the future CBD global biodiversity framework.

Nevertheless, biodiversity remains an important issue. In June 2021 the Senedd (the Welsh Parliament) declared a nature emergency and called on the Welsh Government to introduce a legally binding requirement to reverse biodiversity loss through statutory targets.⁴³ Furthermore, the December 2021 Co-operation Agreement between Welsh Labour and Plaid Cymru states that the parties will work together to tackle the climate and nature emergency, and that "targets and an environmental governance body have a role to play in helping to protect and restore biodiversity for species and habitats in our terrestrial and marine environments".⁴⁴

Whilst the Welsh Government has promised an environmental protection bill on environmental principles, governance and nature recovery targets, the timetable for this is unclear. The First Minister has only committed to the legislation being brought forward within the current Senedd term. The Climate Change Minister has indicated her preference to include nature recovery targets in the environmental protection bill, but also for them to be informed by what is agreed at the delayed CBD COP15, which is now due to take place in December 2022. The Welsh Government – Programme for Government – Update⁴⁵ outlines the commitment to work towards establishment of an Environmental Governance Body, a statutory duty and targets to protect and restore biodiversity.

In terms of preparation, the Welsh Government currently is consulting on a National Milestone based on Indicator 44, on the 'state of biological diversity in Wales' (established as part of a suite of national indicators under the Well-being of Future Generations Act).⁴⁶ The proposed National Milestone would express

⁴² Underpinned by the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.

⁴³ [Motion - NDM7725 - Welsh Parliament \(senedd.wales\)](#)

⁴⁴ [The Co-Operation Agreement \(gov.wales\)](#)

⁴⁵ <https://gov.wales/sites/default/files/publications/2022-01/programme-for-government-update-december-2021.pdf>

⁴⁶ [Further national milestones to measure our nation's progress | GOV.WALES](#)

longer-term ambitions for biodiversity recovery. However, Indicator 44 is currently an experimental indicator based on data for priority species, and therefore covers a limited range of taxa that provide a partial picture of the state of nature in Wales. Furthermore, the indicator uses distribution data, rather than abundance data, which reduces its sensitivity to change. National Milestones are also not legally binding and accountability for their delivery is unclear. For such reasons, NGOs consider that such a milestone would not be equivalent to the suite of legally binding nature recovery targets that are needed.

Previously, NGOs have called for the Welsh Government to be subject to a duty to set long-term and interim biodiversity targets, with an overall aim of halting and beginning to reverse the loss of biodiversity by 2030 and achieve recovery by 2050.⁴⁷ Their proposals for biodiversity targets centre on species abundance and extinction risks (c.f. England), species distribution and the extent and quality of natural and semi-natural habitats.

3. COMPARISON OF BIODIVERSITY OUTCOME TARGETS

Table 1 provides a summary comparison of the main areas of divergence in relation to current proposed and set targets relating to biodiversity outcomes (e.g. extent, conservation status and trends). Due to the reasons mentioned earlier, the table focuses on the targets proposed for the EU, England and Northern Ireland, as they are sufficiently developed to allow comparisons.

⁴⁷ RSPB Cymru & WWF Cymru supported by Wales Environment Link (2021) *Putting Wales on a Path to Nature Recovery – the case for nature recovery targets in Wales*. [Report -Nature-Recovery-June-2021.pdf \(waleslink.org\)](https://waleslink.org/reports/nature-recovery-june-2021.pdf)

Table 1 Comparison of targets in the EU, England and Northern Ireland of particular relevance to biodiversity

NB. Targets are shortened versions (see boxes for full versions). Source of targets: EU proposed Restoration Law unless *EU Biodiversity Strategy to 2030* indicated as BDS. England, 2018 25 Year Environment Plan, unless DEFRA 2022 consultation on environmental targets, indicated as ET. All NI targets are from the 2021 DAERA consultation.

| Target topic | EU | England | Northern Ireland |
|------------------------------|--|--|---|
| Headline biodiversity | Europe’s biodiversity on the path to recovery by 2030 (BDS). | Halting a decline in the abundance of species by 2030 (Environment Act 2021). Growing & resilient network of land, water & sea that is richer in plants and wildlife [over the next 25 years, i.e., by 2042]. | Nature Positive on land by 2030 & living in harmony with nature by 2050. |
| Divergence with EU | | More specific 2030 target, broader ill-defined 2042 difficult to compare. | 2030 as EU, possibly more ambitious, but uncertain as not defined and 2050 vision very unclear. |
| Divergence intra-UK | | Ambitions rather uncertain and difficult to compare but appear similar for 2030. | |

23 - Divergence in biodiversity targets post Brexit

| Target topic | EU | England | Northern Ireland |
|--|---|--|--|
| <p>Restoration of terrestrial, coastal and freshwater ecosystems (see also habitats for HD species targets below)</p> | <p>Measures necessary to achieve good condition of HD habitats in place on 30% of the area requiring them by 2030; 60% by 2040 and 90% by 2050.</p> <p>Measures necessary to re-create HD Annex I habitats to reach their favourable reference value, in place on 30% of the area requiring them by 2030; 60% by 2040 and 100% by 2050.</p> <p>Measures to provide sufficient quality and quantity of habitats for HD species and wild birds.</p> | <p>Creating or restoring 500,000 ha (15% increase) of wildlife-rich habitat outside the protected area network, compared to 2022 levels (ET).</p> <p>[Restoring 75% of one million ha of terrestrial and freshwater protected sites to favourable condition (25YEP). Not in ET consultation – future target to be announced in 2023]</p> | <p>Create or restore 75,000 ha of wildlife-rich habitat outside the protected site network, focusing on Priority Habitats.</p> <p>All semi-natural peatlands are conserved or restored to healthy, functioning ecosystems by 2040.</p> <p>Restore 75% of 150,000 ha of terrestrial and freshwater protected sites to favourable condition.</p> |
| Divergence with EU | | Covers a wide range of combined habitats, with no sub-targets (see below), includes HD habitats but also of potential low biodiversity value – with no prioritisation. PA target is to be confirmed leaving a gap. Restoration not clearly defined as in EU, and nor are some habitats. | As for England, covers a wide range of habitats of variable value, with no sub-targets except for peatland restoration, which appears more ambitious than EU. |
| Divergence intra-UK | | The same types of target and comparable ambitions, but NI retains focus on Priority Habitats (dropped in England). NI has higher ambitions for peatland & has a proposed PA condition target. | |

24 - Divergence in biodiversity targets post Brexit

| Target topic | EU | England | Northern Ireland |
|--|---|---|--|
| Restoration of marine ecosystems (see also habitats for HD species targets below) | <p>Measures necessary to achieve good condition of habitats listed in Annex II in place on 30% of the area requiring them by 2030; 60% by 2040 and 90% by 2050.</p> <p>Measures necessary to re-create habitats listed in Annex II to reach their favourable reference value, in place on 30% of the area requiring them by 2030; 60% by 2040 and 100% by 2050.</p> <p>Species habitat measures as above.</p> | <p>Reversing the loss of marine biodiversity &, where practicable, re-storing it.</p> <p>Ensuring seafloor habitats are productive and sufficiently extensive to support healthy, sustainable ecosystems.</p> <p>70% of designated features (c.150 habitat types & species) in the MPA network in favourable condition by 2042 (ET).</p> <p>Achieve Good Environmental Status (ET).</p> | <p>A healthy NI marine area which is managed sustainably.</p> <p>Achieve Good Environmental Status.</p> |
| Divergence with EU | | Similar, slightly higher ambition for MPAs, but very broad ill-defined targets elsewhere. No clear target for re-creation. | Follows MSFD status target but lacks equivalent clear restoration targets within MPAs and wider marine area. |
| Divergence intra-UK | | Significant divergence regarding MPAs. | |
| Restoration of river ecosystems | Restoration of ≥25,000 km of rivers into free-flowing rivers by 2030. | No equivalent targets. | No equivalent target. |
| Divergence with EU | | Significant divergence. | |

25 - Divergence in biodiversity targets post Brexit

| Target topic | EU | England | Northern Ireland |
|---|---|--|--|
| Restoration of agricultural ecosystems | <p>Increasing national trends in: grassland butterfly index; share of agricultural land with high diversity features (hedges etc).</p> <p>Measures to increase the national common farmland bird index by 10% by 2030 and each decade to 2050 (compared to baseline) in the most depleted countries, or 5% in others.</p> | No equivalent target. | No equivalent target. |
| Divergence with EU | | Significant divergence. | |
| Restoration of forest ecosystems & trees | <p>Increasing national trends in: standing deadwood; lying deadwood; share of forests with uneven-aged structure; forest connectivity; common forest bird index.</p> <p>Three billion trees are planted, in full respect of ecological principles (BDS). Estimated to add 2–3 million</p> | Increasing woodland to 12% cover [from about 10%] by 2060, i.e., planting 180,000 ha by end of 2042. | Increase NI woodland cover to 8.8% (122,000 ha) by 2030. Target expected to be increased to over 9%. |

26 - Divergence in biodiversity targets post Brexit

| Target topic | EU | England | Northern Ireland |
|---------------------|---|--|---|
| | ha of forest cover, increasing by 1.3–1.9%. ⁴⁸ | | |
| Divergence with EU | | Similar targets to increase tree numbers / cover, but no targets for quality indicators (forest birds covered under combined species index). | Similar targets to increase tree numbers / cover but lacks details and no quality indicators. |
| Divergence intra-UK | | Little divergence as similar targets. | |

⁴⁸ European Commission (2021) *The 3 Billion Tree Planting Pledge for 2030*. SWD(2021) 651 final. https://knowledge4policy.ec.europa.eu/publication/commission-staff-working-document-swd2021651-3-billion-tree-planting-pledge-2030_en

27 - Divergence in biodiversity targets post Brexit

| Target topic | EU | England | Northern Ireland |
|--|--|--|--|
| Restoration of urban ecosystems | <p>No net loss of urban green space & tree cover by 2030 compared to 2021, with an increase of $\geq 3\%$ by 2040 and 5% by 2050.</p> <p>No net loss of urban tree cover by 2030 compared to 2021, with $\geq 10\%$ cover by 2050.</p> | No equivalent targets. | No equivalent target. |
| Divergence with EU | | Significant divergence | |
| Overall species targets | <p>No deterioration in trends or status of HD species and all birds by 2030, and 30% of species with an unfavourable status to have a favourable status or positive trend (BDS) – not legally binding.</p> <p>See also species habitats targets for terrestrial and marine habitats above.</p> | <p>Recovering threatened, iconic or economically important species of animals, plants and fungi, & where possible preventing human induced extinction or loss of known threatened species.</p> <p>Halt decline in species abundance by 2030 and increase by 10% by 2042 compared to 2030 levels (ET).</p> <p>Improve the Red List Index for species extinction risk by 2042 compared to 2022 (ET).</p> <p>Making sure populations of key [marine] species are sustainable with appropriate age structures.</p> | No species targets. |
| Divergence with EU | | Legally binding, but very different types of targets that are difficult to compare including | Substantial divergence, as species targets have an |

28 - Divergence in biodiversity targets post Brexit

| Target topic | EU | England | Northern Ireland |
|---|--|---|---|
| | | ambition; but are broader than EU's focus. Use of less sensitive Red List Index rather conservation than status assessments or trends for threatened species. | important complementary role to habitat targets but are absent in Northern Ireland. |
| Divergence intra-UK | | Substantial divergence, as England will have a legally binding species target(s) – but no species targets at all in NI. | |
| Species restoration / recovery targets | <p>Put in place measures necessary to improve the quality & quantity of the habitats of HD species and wild birds (inc. marine species) and fish listed in Annex III, until sufficient quality & quantity is achieved.</p> <p>Reverse the decline of pollinators by 2030 & then increase to satisfactory levels (BDS & RL).</p> <p>50% reduction in the Red List species threatened by invasive alien species (BDS).</p> | No close equivalent, but will be partly covered by habitat, species abundance and Red List index targets (above). | No species target. |
| Divergence with EU | | Targets are broader and based on combined species populations, whilst being more quantified. | |
| Divergence intra-UK | | Little divergence in practice as no equivalent targets. | |

3.1 Divergence between the UK and the EU

It is difficult to compare the headline targets that have been set in the EU Biodiversity Strategy with those proposed for England and Northern Ireland, as they are all set out in broad and mostly ill-defined differing terms. As far as can be determined, they appear to have at least similar general ambitions for 2030 of halting biodiversity loss, as the EU target refers to 'being on the road to recovery', in England species declines are to be halted, and 'biodiversity changes are positive rather than negative' in Northern Ireland. However, these interpretations should be treated with caution. The magnitude of later improvements and intended longer-term ambitions are much less certain as they are not given in the EU target and not quantified for England and Northern Ireland. Furthermore, the England 25YEP goal of a 'growing and resilient network of land and water and sea that is richer in plants and wildlife' makes little sense. Similarly, the aim of 'living in harmony with nature', as included in the Northern Ireland target is very difficult to interpret. Whilst it might suggest that detrimental impacts from human activities on nature have ceased, this would be an unrealistic aim.

Given the wording of the headline targets, and their uncertain meaning, the remainder of this analysis focuses on the more specific biodiversity outcome objectives and targets, as these are more clearly defined and show areas of divergence, including in ambition. However, it remains difficult to draw conclusions on the overall set of targets and their coherence as the final versions are unpublished in Northern Ireland, and the current proposals are incomplete in England (e.g. for terrestrial protected areas) and there is no up-to-date list of which targets remain valid and which have been dropped or modified. Those in Northern Ireland and England have not been developed from a published comprehensive review of needs and options (e.g. a biodiversity strategy) and do not form a clear logical framework, as for example noted for England by the OEP⁴⁹ and NGOs⁵⁰. The EU Biodiversity Strategy targets are more comprehensive and coherent, although there are gaps. The proposed EU Restoration Law targets are much more coherent and comprehensive, as they cover all ecosystems, all 233 HD habitats and a large number of species (i.e. 1,389 HD species and all c.479 wild native regularly occurring birds). Furthermore, they are more specific and measurable as required for a legal instrument, and associated scrutiny and enforcement.

One of the principal areas of divergence in the nature targets concerns their breadth and focus on priorities. Most notably the EU Restoration Law's strongest

⁴⁹ OEP (2022) <https://www.theoep.org.uk/report/oep-response-consultation-environmental-targets>

⁵⁰ Countryside and Environment Link (2022).

provisions relate to HD habitats and an additional list of marine habitats, as these are considered to be of highest priority. There are also measures, albeit weaker, relating to the habitats of HD species and birds. In contrast, the nature targets for England are very broad and aim to include as many species as possible with appropriate and reliable data, and a relatively wide range of so called 'wildlife-rich habitats'. Whilst this increases the representativeness of the species index (a valid stated aim), the main problem and area of divergence is that such a single index can mask a range of changes that could be undesirable.

Thus, whilst in some respects the legally binding species target in England is internationally leading, its single broad formulation means that it could be achieved despite major losses in species of high importance. This is, for example, a particular risk for marine species as they are only represented by seabirds, which also comprise a very small proportion of the species included in the index. Thus, major declines in all seabirds, and wider marine biodiversity, could occur without a noticeable impact on the index. To overcome this drawback, and be more aligned with EU ambitions, sub-targets could be set for high-priority sub-groups, such as seabirds and farmland birds (for which there are already robust indicators – see below) and pollinators.

Similarly, the proposed habitat restoration targets in Northern Ireland and England cover a wide range of habitats that are considered to be 'wildlife-rich'. In Northern Ireland the proposed focus is on Priority Habitats, as in the 25YEP for England. A broader target is now proposed in England, which no longer focuses on Priority Habitats and includes some habitats that may be of no more than moderate ecological quality and biodiversity value. As such habitats are expected to make up a large proportion of the restored area, in practice much less than the target area of 500,000 ha is likely to be genuine Priority Habitats (as originally envisaged in the 25YEP). This contrasts with the EU, where the focus is on HD habitats, which are all of very high biodiversity importance.

Whilst the proposed species targets for England would be quantified and legally binding, they are less focused on priorities and seem to have lower ambitions and urgency. Comparisons with the EU Biodiversity Strategy target are not straightforward, but the EU requirement to increase the number of species with a favourable conservation or positive trend by 30% by 2030, would probably be more challenging than halting the decline in the proposed England species index by 2030.

It is clear that the EU has greater ambitions for reversing the decline in farmland birds, than England and Northern Ireland. Firstly, this is evident from the existence of the proposed legally binding dedicated target. For such species the EU 2030 target is to increase populations in the most depleted countries by 10% (5% in

others), despite the Restoration Law probably not coming into force until 2024. This recognises the role of birds as indicators of wider farmland biodiversity and the severity of declines in EU farmland birds (which have been equally high in the UK). Nevertheless, the target's ambitions are considered to be realistic as they are based on UK research that has shown that farmland bird annual population growth rates of more than 1% are achievable through well-tailored and targeted agri-environment schemes.⁵¹

Despite the stated intentions of the English Government to use former CAP direct payments for generating public goods, including biodiversity, there are currently no clear targets for the policy, and no separate targets for farmland birds or other farmland species across England or Northern Ireland.

3.2 Divergence within the UK

While the pace of progress towards formulation and adoption varies significantly, there is now consistency amongst the four UK nations in their intention to produce biodiversity targets. In turn this should at least inform policy and provide a basis for performance monitoring, reporting and evaluation. The degree to which they will be legally binding is less certain, except in England, where there is already an obligation under the Environment Act to halt the decline in species by 2030 and a legal duty to set further longer-term legally binding species abundance targets. The Scottish Government has committed to legally binding targets, although there is little sign of the development of suitable measurable outcome targets in the current consultation draft of the biodiversity strategy. In Wales, there have also been calls from a Senedd committee for the targets to be legally binding, and the responsible minister has indicated that this is the intention of the Government. As outlined above, the Programme for Government has committed to developing targets to protect and restore nature, but the timetable and legislative process is uncertain. In Northern Ireland, whilst the draft Environment Strategy did not propose legally binding targets, it did indicate that legislation would be proposed for some international targets (e.g. for the 30x30 protected area target). However, the outcome of this is unknown, as the final Strategy has yet to be published.

The targets that have been put forward so far for England and Northern Ireland show some similarities and some indications of significant divergence. The most closely aligned targets seem to be for the restoration of wildlife-rich habitats. However, an important difference in Northern Ireland is that the stated intention

⁵¹ Sharps *et al.* (2019) *Predicting the extent of agri-environment provision needed to reverse population declines of farmland birds in England*. Unpublished RSPB & BTO report to Natural England.

is to focus on 'Priority Habitats'. As noted above, this was also the stated aim for England in the 25YEP, but without any explanation this is no longer the case in the proposed target. The scope of wildlife-rich habitats has also been widened. Thus, the proposed habitat restoration ambitions in England have been reduced and would be lower than the draft proposals for Northern Ireland.

More significant potential divergence arises from Northern Ireland's specific and ambitious target for peatlands, whilst there are no specific targets for any habitats in England, other than an increase in woodland cover (as in Northern Ireland). On the other hand, England has a specific target for improving the conservation status of marine habitats and species features within the MPAs. Whilst the simple legally binding target for species abundance in England, as proposed by DEFRA, has its drawbacks, it is nevertheless an important advance. Northern Ireland would therefore fall far behind in ambition if it were not to introduce a similar, but ideally more appropriately prioritised and sophisticated species abundance target.

In some ways, due to their biogeographical separation, the emerging divergence in the types of biodiversity targets adopted in Northern Ireland and England may have limited implications for the effectiveness of conservation efforts at a country level. Common targets could provide some potential benefits from simpler UK level reporting (e.g. to the CBD) and cooperation with other UK agencies and government bodies. But ecologically it might be more beneficial for Northern Ireland's targets to be aligned with, or improve upon, those of the Republic of Ireland, and therefore the EU. This would be especially advantageous in facilitating collaborative actions, such as for migratory species, as well as transboundary sites and pressures on biodiversity.

More questions would be raised if substantial divergence occurs between England, Scotland and Wales in their biodiversity targets, and hence, logically, in their policies and measures. Whilst some context related divergence might be expected and beneficial, and there is a case for competition in moving standards upwards, there are dangers in certain jurisdictions falling behind and substantial divergence could hinder collaboration that would help with the achievement of many of the targets.

APPENDIX 1. DEFINITIONS USED IN THE PROPOSED EU NATURE RESTORATION REGULATIONS

Selected definitions taken from Article 3 of the proposed Regulation on Nature Restoration (COM(2022 304 final)).

- **'restoration'** means the process of actively or passively assisting the recovery of an ecosystem towards or to good condition, of a habitat type to the highest level of condition attainable and to its favourable reference area, of a habitat of a species to a sufficient quality and quantity, or of species populations to satisfactory levels, as a means of conserving or enhancing biodiversity and ecosystem resilience.
- **'good condition'** means a state where the key characteristics of an ecosystem, namely its physical, chemical, compositional, structural and functional state, and its landscape and seascape characteristics, reflect the high level of ecological integrity, stability and resilience necessary to ensure its long-term maintenance.
- **'favourable reference area'** means the total area of a habitat type in a given biogeographical region or marine region at national level that is considered the minimum necessary to ensure the long-term viability of the habitat type and its species, and all its significant ecological variations in its natural range, and which is composed of the area of the habitat type and, if that area is not sufficient, the area necessary for the re-establishment of the habitat type.
- **'sufficient quality of habitat'** means the quality of a habitat of a species which allows the ecological requirements of a species to be met at any stage of its biological cycle so that it is maintaining itself on a long-term basis as a viable component of its habitat in its natural range.
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- **'pollinator'** means a wild animal which transports pollen from the anther of a plant to the stigma of a plant, enabling fertilisation and the production of seeds.
- **'decline of pollinator populations'** means a decrease in abundance or diversity, or both, of pollinators; (
- **'urban green space'** means all green urban areas; broad-leaved forests; coniferous forests; mixed forests; natural grasslands; moors and

heathlands; transitional woodland-shrubs and sparsely vegetated areas - as found within cities or towns and suburbs.

- **'urban tree canopy cover'** means the total area of tree cover within cities and towns and suburbs, calculated on the basis of the Tree Cover Density data provided by the Copernicus Land Monitoring Service.



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