

# Levelling Up & Regeneration Bill: Briefing for Commons Committee

## New clause 46: Nature recovery

### Summary

This briefing is on behalf the [Better Planning Coalition](#), representing 29 organisations across the housing, planning, environmental, transport and heritage sectors. It covers [new clause 46](#) on nature's recovery, which has been tabled by Rachael Maskell MP.

This new clause would address a significant omission in the Bill, by placing a duty on relevant Ministers to identify and maintain a network of sites for nature protection and recovery, to deliver on targets in the Environment Act and the promise to protect at least 30% of England's land for nature by 2030. These commitments have been made by the Government but require legislative changes to the planning system in order to be delivered. With under 8 years to go until 2030, and the Levelling Up and Regeneration Bill the only legislation touching on the planning system on the horizon, this new clause is essential if critical environmental promises are to be met.

### Planning for nature's recovery

It is disappointing to note that nature's presence in the Bill is limited, with the new and potentially damaging EORs as a new system of environmental assessment proposed by Part 5 (see [separate briefing](#)) comprising the sole environmental item of significance. Given the ecological emergency, and the potential the planning system has to either worsen this crisis or to help address it, we had hoped to see far greater environmental focus within the Bill.

At present, the planning system is one of the factors hastening the ecological emergency, as it is failing to prevent unsustainable development from harming sites important to nature. In the words of the State of Nature report: *'development for housing, industry and infrastructure projects... result in a loss of natural habitats, as well as fragmentation and change to those that remain'*.<sup>1</sup> The scale of loss can be illustrated by the fact that grassland habitats the size of Dorset have been lost to development in Great Britain since 1990.<sup>2</sup> Over 1,000 ancient woodlands are under threat from development.<sup>3</sup>

Changes in the planning system, however, could transform it into a positive contributor to nature's recovery, by strengthening and expanding the protections for nature rich spaces. These increased protections would safeguard and foster vital habitats for wild species, helping to meet the Environment Act apex target of halting the decline in species abundance by 2030. A legal underpinning could be provided for the commitment, not yet enshrined in law, to protect at least 30% of land in England for nature by 2030. These steps forwards for recovering nature, and towards meeting Government promises to do so, could be delivered through a nature recovery clause in Part 5 of the Bill.

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<sup>1</sup> <https://www.rspb.org.uk/our-work/state-of-nature-report/>

<sup>2</sup> <https://www.ceh.ac.uk/press/almost-2-million-acres-gb-grassland-lost-woodland-and-urban-areas-expand>

<sup>3</sup> <https://www.woodlandtrust.org.uk/press-centre/2020/01/thousand-threatened-ancient-woods/>

## **New clause 46**

The clause would place a duty on Ministers to ensure the identification of and maintenance of a network of sites for the purpose of restoring and protecting the natural environment. It stipulates that this restoration and protection should achieve Environment Act targets, including the long-term targets covering air quality, water, biodiversity and resource efficiency in section 1 of the Act, and the target to halt the decline in the abundance of species by 2030 in section 3 of the Act. The clause requires the network to cover at least 30% of England by 2030, including all irreplaceable habitats and sites of special scientific interest for biodiversity, and sets out the conditions sites in the network must meet.

What would this all mean in practice?

### **Better protection for existing nature sites**

Firstly, it would strengthen the protection and support afforded to Sites of Special Scientific Interest (SSSIs). SSSIs protect the most important and vulnerable habitats and species in England, currently covering 8% of England. Protections for SSSIs against development are weaker than they should be, failing to prevent harm from development in many cases. Currently fewer than 40% of SSSIs are in favourable condition, often as a result of damaging planning decisions in or in the vicinity of the SSSI. As demonstrated by the progression of plans to develop the Swanscombe Peninsula in Kent, despite its recent designation as a SSSI<sup>4</sup>, current SSSI protections are no safeguard. Monitoring of these sites, to check they remain in good ecological condition, is also woefully inadequate - in 2021, 78% of SSSIs had not been monitored in the past six years.<sup>5</sup> The clause would address both shortcomings, precluding all development that could harm an SSSI both directly and indirectly, and requiring ongoing monitoring and management to keep sites in favourable condition for nature.

### **Designating new nature sites for protection**

As well as better protecting the sites currently in the system, the clause would extend protections to more sites and other habitats essential for nature's recovery. The SSSI network is currently only representative, meaning that it protects examples of the most important sites for nature rather than all of them. Subsection 5 would make the SSSI network comprehensive rather than representative, allowing new SSSIs to be notified to protect the remaining fragments of priority habitats and species as important places for wildlife around the country. Similarly, all irreplaceable habitats would have to be included in the protected network, along with sites identified by Local Nature Recovery Strategies as having the potential to grow the nature network and connect spaces of value to nature.

### **A flourishing network for nature**

These measures together would provide a legal framework to enable and sustain a network of sites for nature's recovery. In the words of the Wildlife Trusts: *'A network like this will allow plants, animals, seeds, nutrients and water to move from place to place enabling the natural world to adapt to change, providing*

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<sup>4</sup> See <https://www.gravesham.gov.uk/regeneration/major-projects-regeneration/5>

<sup>5</sup> [https://www.wcl.org.uk/docs/WCL\\_Achieving\\_30x30\\_Land\\_and\\_Sea\\_Report.pdf](https://www.wcl.org.uk/docs/WCL_Achieving_30x30_Land_and_Sea_Report.pdf)

*plants and animals with places to live, feed and breed. To be effective, like our road network, it must be treated as a joined-up whole.*<sup>6</sup>

Such a network, as well as constituting meaningful delivery of the Government's 30x30 commitment, would provide a green highway to meeting the Environment Act target of halting the decline in species abundance by 2030. By making space for the natural world through the planning system, wild animals and plants - including the 40% of species in long-term decline and the 15% at risk of extinction - can recover and thrive.

### **Benefits for people and communities**

There is an urgent environmental imperative for the nature recovery clause to be included in the Bill, to ensure that planning changes vital for nature take effect swiftly enough to count in 2030, when 30x30 and species abundance deadlines fall. In the absence of other planning legislation, the Levelling Up and Regeneration and Bill represents the one and only shot that nature has of securing the planning changes needed in time for 2030.

This should not, however, obscure the direct levelling up benefits that recovering nature will provide. The impacts of environmental decline are not felt equally across the country, with deprived communities being hit hardest. High quality, accessible natural spaces are shrinking fast in low-income communities, only 46% of those with an annual household income under £15,000 now living within a 5-minute walk of a green space, compared to 70% of people with an annual household income over £35,000.<sup>7</sup> Similar trends can be observed with regard to clean air and access to clean water.

Such disparities in how different areas experience the environment make nature's decline a levelling up issue, as well as an ecological crisis. As Link CEO Richard Benwell said when giving evidence to the Bill committee on 23<sup>rd</sup> June:

*"Really, we ought to be thinking about levelling up not just geographically, but temporally: we ought to be thinking about the concerns of future generations. This is about making sure that geography does not define destiny. If you are more likely to be flooded, less likely to breathe clean air, or going to be in a place where you cannot access clean rivers or access a positive natural environment, this ought to be something of the past; that the length, quality and happiness of your life are defined by the physical environment around you."*

A flourishing network of nature recovery sites, and the recovery of nature they will contribute to, will benefit most the economically deprived communities bearing the brunt of environmental degradation.

### **Defending nature**

Discussion of new clause 46 comes at a time when all those who care about nature are concerned by the apparent direction of the new Government.

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<sup>6</sup> <https://www.wildlifetrusts.org/nature-recovery-map>

<sup>7</sup> <https://www.groundwork.org.uk/wp-content/uploads/2021/05/Out-of-Bounds-equity-in-access-to-urban-nature.pdf>

A series of recent announcements, including a commitment in the Growth Plan to minimise “*the burden of environmental assessments*”<sup>8</sup>, suggest that Ministers are considering a fundamental deprioritisation of the environment, in the alleged interests of growth. In an open letter to the new Prime Minister<sup>9</sup>, 79 nature, climate, countryside and health organisations have warned of the folly of this this, stressing that a healthy environment is a prerequisite of a healthy economy and highlighting that human quality of life is diminished as nature is degraded. New clause 46 provides the Government with the opportunity to commit to a different path – to reaffirm environmental promises and to legislate practical steps to recover nature, securing a healthier, happier, more abundant future for all.

## Summary

New clause 46 will provide the planning measures needed to meet the Government’s promises to protect 30% of land for nature, to halt the decline in species abundance by 2030 and to reverse the environmental decline hitting deprived communities the hardest. Without this addition, the Bill will be missed opportunity to commit to nature’s recovery and secure the benefits this recovery will bring.

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## About the Better Planning Coalition

The Better Planning Coalition represents 29 organisations across the environment, housing, planning, heritage and transport sectors with one common goal: a planning system fit for people, nature and the climate. The Coalition is working to improve the Levelling Up & Regeneration Bill.

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<sup>8</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1105989/CCS207\\_CCS0822746402-001\\_SECURE\\_HMT\\_Autumn\\_Statement\\_2022\\_BOOK\\_Web\\_Accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1105989/CCS207_CCS0822746402-001_SECURE_HMT_Autumn_Statement_2022_BOOK_Web_Accessible.pdf)

<sup>9</sup> <https://www.wcl.org.uk/open-letter-to-pm-on-environmental-deregulation.asp>