



# Great British Energy Bill: Nature recovery

## Briefing for Report Stage

This briefing is on behalf of environmental coalition [Wildlife and Countryside Link](#) ahead of Report Stage in the House of Commons of the Great British Energy Bill.

17 October 2024

### Executive summary

Commons Report Stage of the Great British Energy Bill provides an opportunity to lay amendments which would, if accepted by the Government, help meet the legally-binding environmental target to halt and reverse the decline of nature, alongside achieving climate mitigation targets.

Putting nature on the face of the Bill and at the heart of the new publicly owned company would support GB Energy to build nature into renewable energy design and deployment – ensuring it delivers for climate and nature together.

Wildlife and Countryside Link, England’s largest environmental coalition, would be delighted to discuss supporting interested MPs to table a constructive amendment at Report Stage which would give GB Energy a nature recovery duty.

### What’s missing from the Bill: A duty for nature alongside climate

Great British Energy, established by the [Great British Energy Bill](#), is an important part of the Government’s plans to achieve clean energy by 2030 and net zero by 2050, and the legislation to establish this company is welcome. **In its current form, however, the Bill will not ensure that GB Energy delivers for nature alongside climate.**

The Government was elected on a manifesto which recognised the close links between climate and nature, acknowledging that ‘the climate and nature crisis is the greatest long-term global challenge that we face’ and that ‘the climate crisis has accelerated the nature crisis.’ Clean power and net zero is one of the key five missions of the Government.<sup>1</sup> It is important to also recognise that nature has a pivotal

<sup>1</sup> <https://www.gov.uk/government/news/energy-secretary-ed-miliband-sets-out-his-priorities-for-the-department>



role to play in climate efforts: restoring nature has the potential to provide a third of the climate mitigation effort needed to reach net zero.<sup>2</sup>

The GB Energy Bill is currently a missed opportunity to ensure that GB Energy delivers for nature alongside climate, straying from the joint nature and climate approach set out in the manifesto the Government was elected on.

The Dasgupta Review,<sup>3</sup> and more recently Natural England's State of Natural Capital Report for England,<sup>4</sup> demonstrated that our natural assets are declining because they go unaccounted for in decision-making. As a result, we all suffer the consequences of the loss of clean air and water, health and wellbeing, and of climate change.

Without a nature remit, GB Energy risks simply preserving the status quo of treating nature as a nice-to-have, rather than a core consideration to be built in from the start.

**We are calling for GB Energy to be given a nature recovery duty, alongside its clean energy, energy efficiency and energy security objectives, in line with the approach set out in the manifesto the Government was elected on.** A nature recovery duty would place a clear and active requirement on GB Energy to do what it reasonably can within its means to contribute to the achievement of biodiversity targets set under the Environment Act.

### Why is a nature recovery duty needed for an energy company?

Currently, public bodies in the UK, including public sector companies, often fail to consider environmental costs and benefits. Despite some good practice, outdated legislation means that Forestry Commission continues in many places to prioritise commercial considerations over growing and maintaining biodiverse woodland habitats on the Public Forest Estate.<sup>5</sup> Network Rail does not remove the invasive non-native species finding footholds in railway banks in its ownership.<sup>6</sup> Historically, Ofgem has prioritised lowering consumers costs, leading National Grid to site cables through protected sites on land and at sea, causing declines in site condition.<sup>7</sup>

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<sup>2</sup> <https://www.iied.org/cba14-closing-uk-minister-urges-countries-allocate-more-finance-nature-based-solutions-help-tackle>

<sup>3</sup> <https://www.gov.uk/government/publications/final-report-the-economics-of-biodiversity-the-dasgupta-review>

<sup>4</sup> <https://naturalengland.blog.gov.uk/2024/10/09/state-of-natural-capital-report-for-england-published-today/>

<sup>5</sup> See for example the decisions made around the replanting of Wareham Forest in Dorset in 2021: <https://anewnatureblog.com/2021/02/11/forestry-commission-ignores-pleas-and-replant-conifers-afterwareham-heath-fire/> See also proposals for coniferous planting on an important bird breeding site within Northumberland National Park: <https://www.northumberlandnationalpark.org.uk/wp-content/uploads/2020/12/Report-5-Woodland-CreationGrant-Wallshield-Consultation.pdf>

<sup>6</sup> <https://www.thetimes.com/uk/transport/article/network-rail-lets-japanese-knotweed-blight-homes-pqtq5jbj7>

<sup>7</sup> [https://wcl.org.uk/docs/assets/uploads/The\\_state\\_of\\_pollution\\_in\\_rivers\\_Briefing\\_note\\_Feb\\_2024\\_1.pdf](https://wcl.org.uk/docs/assets/uploads/The_state_of_pollution_in_rivers_Briefing_note_Feb_2024_1.pdf)



It is important the GB Energy does not repeat these mistakes.

A more positive precedent can be found in the form of the UK Infrastructure Bank (UKIB). This was successfully amended by Labour, Liberal Democrat, Green and crossbench peers during the passage of the UK Infrastructure Bank Act 2023, giving the bank remit to invest in nature-based solutions. This has directly led to UKIB investment in natural capital projects.<sup>8</sup>

Rather than falling into the trap of treating nature as an impediment to building the infrastructure needed to meet net zero, GB Energy should build and invest in projects that embed nature into plans from the start, minimising their environmental impact, and ideally maximizing their contribution to nature's recovery.

There is huge potential for this. Done well, renewable energy development can work in harmony with legal protection for carbon-rich habitats and deliver more nature-based solutions on land and at sea. Once operational, offshore wind structures can attract benthic invertebrates, juvenile corals and some fish species, by providing space for these species to settle, shelter and forage.<sup>9</sup> Solar farms can benefit bees and butterflies through wildflower planting and management.<sup>10</sup> In contrast, if done poorly, clean energy infrastructure can run roughshod over critical natural infrastructure, further diminish nature's contribution to climate mitigation, and set back both nature and climate action.

**Through a nature recovery duty, GB Energy would have a statutory direction to invest in clean energy projects that meet the highest environmental standards, embed wildlife-friendly design into renewable energy project design, and create more space for nature on development sites.**

### **Embedding best practice into GB Energy operations**

A nature recovery duty will give GB Energy a requirement to factor the UK's critical natural infrastructure into its planning and decision-making, alongside the necessary clean energy infrastructure. This will not remove or reduce GB Energy's independence or ability to operate, it will simply require and embed best practice within the company – best practice which is not always implemented across the energy sector or across public bodies.

As a publicly-owned company, GB Energy must also deliver the best value for money for the public. Rather than spending public money on building or investing in projects that undermine our natural

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<sup>8</sup> <https://www.endsreport.com/article/1819446/first-natural-capital-loan-paid-uk-infrastructure-bank-stimulate-markets>

<sup>9</sup> <https://www.sciencedirect.com/science/article/pii/S0964569124000085?via%3Dihub>

<sup>10</sup> <https://www.lancaster.ac.uk/news/new-evidence-shows-uk-solar-parks-can-provide-for-bees-and-butterflies>



assets, a nature recovery duty for GB Energy means it must ensure that natural assets are protected and restored as part of delivering clean energy infrastructure.

The setting up of GB Energy via this Bill offers an opportunity for the Government to create a modern company which is fit to tackle the dual climate and nature crises and deliver the most public benefit. A nature recovery duty would be a straightforward, cost-effective way to ensure that GB Energy delivers for nature recovery and climate hand-in-hand.

We urge the Government to amend the Bill to give GB Energy a duty to deliver for nature, further smoothing the path to net zero. This issue was raised at Second Reading of the GB Energy Bill on 5 September 2024<sup>11</sup> and at Committee Stage of the Bill on 8 October 2024.<sup>12</sup>

**We would be delighted to discuss supporting interested MPs to table a constructive amendment at Report Stage which would give GB Energy a nature recovery duty. Please contact [emma.clarke@wcl.org.uk](mailto:emma.clarke@wcl.org.uk) if this would be of interest.**

### **Annex: Key questions**

*Will a nature recovery duty narrow the scope or operations of GB Energy as an independent company or be too onerous or expensive to deliver?*

No, a nature recovery duty for GB Energy would set a requirement on GB Energy to do only what it can reasonably do within its means to contribute to the achievement of environmental targets. It will not require GB Energy to take on new roles and functions.

For example, this could mean investing in clean energy projects that meet high environmental standards, building nature-friendly design elements into renewable energy projects, and creating and restoring habitats on development sites.

The 'reasonable steps' wording is well established in law. Recent precedents include The Worker Protection (Amendment of Equality Act 2010) Act 2023, which requires employers to take reasonable steps to protect employees from sexual harassment.<sup>13</sup> There have been no reports of this new duty creating an excessive burden on business. There is no reason to expect the implementation of the reasonable steps requirement in the Environmental Targets Bill to differ.

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<sup>11</sup> <https://hansard.parliament.uk/commons/2024-09-05/debates/FEB008F4-322C-48DF-8BE6-37B6A5A52F56/GreatBritishEnergyBill#contribution-4D7CED4B-9D6E-43F4-B023-89A30C4F61FC>

<sup>12</sup> [https://hansard.parliament.uk/commons/2024-10-08/debates/e4438644-aabc-4e08-90da-6cd029ad0155/GreatBritishEnergyBill\(FirstSitting\)#contribution-85F6224D-FEFE-4DA7-A395-30B977485789](https://hansard.parliament.uk/commons/2024-10-08/debates/e4438644-aabc-4e08-90da-6cd029ad0155/GreatBritishEnergyBill(FirstSitting)#contribution-85F6224D-FEFE-4DA7-A395-30B977485789)

<sup>13</sup> <https://www.legislation.gov.uk/ukpga/2023/51/section/1>



Thus a nature recovery duty would not remove or reduce GB Energy's independence to operate as a company – it would just embed the highest environmental standards within the company so that it delivers what it can for the Government's environmental targets and for public benefit.

*Why is a nature recovery duty appropriate for this high-level legislation?*

The GB Energy Bill clearly sets out the objectives of GB Energy around clean energy, energy efficiency, and energy security. A nature recovery duty would be complementary to these objectives and also most accurately reflect the Government's own environmental ambitions – there are legally-binding targets for nature's recovery, as well as for climate mitigation.

In addition, other public bodies which lack a clear statutory direction to deliver for nature alongside their other purposes, end up leaving nature out of decision-making. For example, the previous Government recognised that the Forestry Commission, which was set up in 1919 to promote the production and supply of timber,<sup>14</sup> was not delivering enough for biodiversity due to its purely commercial remit. Acknowledging this outdated legislation, the previous Government consulted in its Nature Recovery Green Paper to give the Forestry Commission a new duty to protect and promote nature's recovery.<sup>15</sup> This and related reform proposals were not applied by the previous administration, contributing to poor environmental outcomes.<sup>16</sup> The new Government should learn from this failure to align public bodies behind the achievement of nature recovery targets.

*Will having a nature recovery duty leave GB Energy open to legal challenge?*

The statutory direction will ensure that GB Energy operates to the highest environmental standards, reducing the scope and likelihood for environmental challenges. The best way of avoiding legal challenge is to get environmental considerations right from the start, the new duty will help GB Energy to achieve this and prevent legal challenges further down the line.

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Wildlife and Countryside Link (Link) is the largest nature coalition in England, bringing together 83 organisations to use their joint voice for the protection of the natural world and animals.

We are also calling for a nature recovery duty to be applied to all public bodies,<sup>17</sup> including Network Rail, The Crown Estate, Ofwat and Ofgem. A Private Members Bill from crossbench peer Lords Krebs, proposing an environmental duty, will be debated in the Lords on 18<sup>th</sup> October.

<sup>14</sup> <https://vlex.co.uk/vid/forestry-act-1919-808303297>

<sup>15</sup> [https://consult.defra.gov.uk/nature-recovery-green-paper/nature-recovery-green-paper/supporting\\_documents/Nature%20Recovery%20Green%20Paper%20Consultation%20%20Protected%20Sites%20and%20Species.pdf](https://consult.defra.gov.uk/nature-recovery-green-paper/nature-recovery-green-paper/supporting_documents/Nature%20Recovery%20Green%20Paper%20Consultation%20%20Protected%20Sites%20and%20Species.pdf)

<sup>16</sup> <https://www.theoep.org.uk/report/government-remains-largely-track-meet-its-environmental-ambitions-finds-oep-annual-progress>

<sup>17</sup> [https://wcl.org.uk/docs/Briefing\\_Environmental\\_Targets\\_Bill\\_Sep\\_24.pdf](https://wcl.org.uk/docs/Briefing_Environmental_Targets_Bill_Sep_24.pdf)





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