
STATUTORY INSTRUMENTS

2023 No. 91

**The Environmental Targets (Biodiversity)
(England) Regulations 2023**

PART 1

Introduction

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Environmental Targets (Biodiversity) (England) Regulations 2023.

(2) These Regulations come into force on the day after the day on which they are made.

(3) These Regulations extend to England and Wales but apply in relation to England only, including the territorial sea adjacent to England.

Interpretation

2. In these Regulations—

“the 2021 Act” means the Environment Act 2021;

“the 2022 Red List Index for England” means the document entitled “Outcome Indicator Framework for England’s 25 Year Environment Plan: D5 Conservation status of our native species, Data Sheet 2022 (NERR124)” published by Natural England in October 2022(1);

“native species” means species which naturally occur or have in the past naturally occurred in England, and include—

(a) regularly occurring migratory species (both breeding and non-breeding) and natural colonists; and

(b) species that have been reintroduced in England following past extinction;

“natural colonists” means species that arrived in England of their own accord and have become established, including those that become migratory species;

“species” includes ranks below and above species level, where these are listed—

(a) for the purposes of Part 2 of these Regulations, in the 2022 Red List Index for England; or

(b) for the purposes of Part 4 of these Regulations, in Schedule 2.

Biodiversity targets

3.—(1) Regulations 4, 7 and 14 specify targets for the purposes of the Secretary of State’s duty in section 1 of the 2021 Act to set a long-term target in respect of biodiversity.

(1) The 2022 Red List Index for England may be found at <http://publications.naturalengland.org.uk/publication/6315201438941184>. A printed copy of the 2022 Red List Index for England may be obtained from Natural England, County Hall, Spetchley Road, Worcester WR5 2NP.

(2) Regulation 11 specifies a target for the purposes of the Secretary of State’s duty in section 3 of the 2021 Act to set a target in respect of a matter relating to the abundance of species.

PART 2

Long-term biodiversity target: species’ extinction risk

Species’ extinction risk target

4. The long-term biodiversity target for species’ extinction risk is to reduce the risk of species’ extinction by 2042, when compared to the risk of species’ extinction in 2022.

Measurement of species’ extinction risk target

5.—(1) The target in regulation 4 is met by 31st December 2042 if the extinction risk value for 2042 calculated in accordance with paragraph (2) has a greater value than the baseline value, with the extinction risk value for 2042 and the baseline value being expressed as values in a range from 1 to 0 where—

- (a) a value of 1 would indicate that all baseline species were of Least Concern; and
- (b) a value of 0 would indicate that all baseline species were Regionally Extinct.

(2) The Secretary of State must ensure that an extinction risk value for 2042 is calculated in 2042 using the same methodology that was used to calculate the baseline value⁽²⁾, to indicate the aggregate risk of extinction for all baseline species at the time of its calculation.

(3) In this regulation—

“baseline species” means a species listed in the 2022 Red List Index for England;

“the baseline value” means the value of 0.9070, being the value set out in the 2022 Red List Index for England to indicate the aggregate risk of extinction for all baseline species.

(4) In this regulation—

- (a) a species is considered to be of Least Concern when it is classified as such for the purposes of calculating the 2022 Red List Index for England;
- (b) a species is Regionally Extinct when it is classified as such for the purposes of calculating the 2022 Red List Index for England.

Reporting date for the species’ extinction risk target

6. For the purposes of section 6(1) of the 2021 Act (environmental targets: reporting duties), the reporting date for the target in regulation 4 is 1st July 2043.

(2) An explanation of how the 2022 Red List Index for England is calculated can be found in the document named “Outcome Indicator Framework for England’s 25 Year Environment Plan: D5 Conservation status of our native species – Technical background document for D5 Conservation status of our native species” published in October 2022, which can be found online at <http://publications.naturalengland.org.uk/publication/6315201438941184>. A printed copy of this document may be obtained from Natural England, County Hall, Spetchley Road, Worcester WR5 2NP.

PART 3

Long-term biodiversity target: wildlife-rich habitat restoration or creation

Wildlife-rich habitat restoration or creation target

7. The long-term biodiversity target for the restoration or creation of wildlife-rich habitat is that on or after the day these Regulations come into force, in excess of 500,000 hectares of a range of wildlife-rich habitats are to be restored or created by 31st December 2042.

Measurement of the habitat restoration or creation target

8.—(1) In order to measure the area of wildlife-rich habitat which is restored or created, the Secretary of State must obtain information about action that has been or is being undertaken in order to restore or create the wildlife-rich habitat on or after the day on which these Regulations come into force, including information about—

- (a) the location of the action;
- (b) the size of the area intended to become wildlife-rich habitat;
- (c) the type of wildlife-rich habitat that is being restored or created.

(2) The Secretary of State must keep a record of the information obtained under paragraph (1).

(3) For the purposes of this Part, habitat is restored or will be restored when appropriate action has been or is being taken to improve the condition of relict or degraded habitat which might reasonably be expected to lead to an expansion of the wildlife-rich habitat there, but excluding such action taken—

- (a) on protected sites; or
- (b) for the purpose of replacing habitat that has been lost on or after the day these Regulations come into force.

(4) For the purposes of this Part, habitat is created or will be created when appropriate action has been or is being taken to establish wildlife-rich habitat on land, or water, excluding such action taken—

- (a) on protected sites; or
- (b) for the purpose of replacing habitat that has been lost on or after the day these Regulations come into force.

(5) In paragraphs (3) and (4) “appropriate action” includes action—

- (a) to develop one or more specific wildlife-rich habitat types; or
- (b) to allow a dynamic mosaic of wildlife-rich habitats to develop through the restoration of natural processes and ecosystems.

Reporting date for the wildlife-rich habitat restoration or creation target

9. For the purposes of section 6(1) of the 2021 Act, the reporting date for the target in regulation 7 is 1st December 2043.

Interpretation of Part 3

10. In this Part—

“baseline” means the baseline from which the breadth of the territorial sea is measured;

“European site” has the meaning given in regulation 8 of the Conservation of Habitats and Species Regulations 2017(3) (European sites and European marine sites);

“marine conservation zone” means an area designated as a marine conservation zone under section 116(1) of the Marine and Coastal Access Act 2009(4) (marine conservation zones);

“nautical mile” means an international nautical mile of 1,852 metres;

a “protected site” means a site which is—

- (a) a European site;
- (b) a site of special scientific interest; or
- (c) a marine conservation zone,

on or before the day these Regulations come into force, to the extent that the site is situated wholly or partly in England or in its waters;

“site of special scientific interest” means an area notified under section 28(1) of the Wildlife and Countryside Act 1981(5) (sites of special scientific interest);

“territorial sea” means such of the territorial sea of the United Kingdom that is adjacent to England;

“water” and “waters”, in relation to England only, means all waters, including, in the case of the sea, the area of the sea and the seabed below that area of the sea which is on the landward side of a line every point of which is at a distance of one nautical mile on the seaward side from the nearest point of the baseline;

“wildlife-rich habitat” means a habitat that is one of the following types of habitat and which is of sufficient quality that it is, or will be, capable of supporting flora and fauna which are typically found in the habitat in question—

- (a) a habitat type of principal importance for the conservation of biodiversity listed by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006(6) (biodiversity lists and action (England));
- (b) another habitat type listed in Schedule 1.

PART 4

Targets relating to the abundance of species

CHAPTER 1

2030 Species abundance target

2030 species abundance target

11.—(1) The 2030 species abundance target is that the overall relative species abundance index on the specified date indicates that the decline in the abundance of species has been halted.

(3) [S.I. 2017/1012](#), as amended by [S.I. 2019/579](#).

(4) [2009 c. 23](#). There are amendments of section 116, but none is relevant.

(5) [1981 c. 69](#). Section 28(1) was amended by section 105(1) of, and paragraph 79 of Schedule 11 to, the Natural Environment and Rural Communities Act 2006 ([c. 16](#)) and by section 148 of, and paragraph 2(1) and (2) of Schedule 13 to, the Marine and Coastal Access Act 2009 ([c. 23](#)).

(6) [2006 c.16](#). Section 41 is amended by section 102(8) of the 2021 Act. The list published by the Secretary of State in accordance with section 41 can be found in the document entitled “List of habitats and species of principal importance in England” published on 8th September 2022 and updated on 29th November 2022. This document can be found online at <https://www.gov.uk/government/publications/habitats-and-species-of-principal-importance-in-england>. A printed copy of this document may be obtained from the Department for the Environment, Food and Rural Affairs, Seacole Building, 2 Marsham Street, London SW1P 4DF.

(2) The specified date for the 2030 species abundance target described in paragraph (1) is 31st December 2030.

Measurement of 2030 species abundance target

12.—(1) The 2030 species abundance target is to be measured by calculating the difference between the overall relative species abundance index for the years 2029 and 2030 in order to establish whether the overall relative species abundance index for the year 2030 is the same as, or higher than, the overall relative species abundance index for the year 2029.

(2) The overall relative species abundance index for a year is derived from the calculation of the geometric mean of the relative species abundance indices for every species listed in Schedule 2 for that year, which is smoothed to reduce the impact of between-year fluctuations in data collected over time.

(3) The same methodology must be used to determine the overall relative species abundance index for each year.

(4) In this regulation—

“baseline index” means the index value of 100 for any species in the first year that it is included in that relative species abundance index;

“geometric mean” means a mathematical process where a series of numbers are multiplied together and then the “n”th root of the product is calculated, where “n” is equal to the length of the series;

“relative species abundance index” for a species means an index which—

- (a) is an annual measure;
- (b) provides a standardised measure of abundance of that species across England; and
- (c) is expressed as a value relative to 100, where—
 - (i) 100 is the baseline index for each species in the first year that it is measured in that relative species abundance index; and
 - (ii) 0 means no sightings of that species were recorded in a year⁽⁷⁾.

(5) Where a species listed in Schedule 2 appears in more than one dataset that meets the criteria referred to in sub-paragraphs (a) and (b) of the definition of “relative species abundance index” in paragraph (4), the relative species abundance index for that species is calculated—

- (a) in the case of a species listed in Schedule 2 that is a plant, from the average value of species abundance for that species derived from all the species abundance datasets in which it appears;
- (b) in the case of a species listed in Schedule 2 that is an animal, from the species abundance dataset that the Secretary of State considers best provides—
 - (i) an annual measure; and
 - (ii) a standardised measure of abundance of that species with the widest coverage across England.

(6) For the purposes of paragraph (4), an index is only to be used if it is calculated using the same methodology each year.

(7) If the value of the relative species abundance index is 50, this means that the abundance of that species has decreased by 50% compared to the first year of measurement. If the value of the relative species abundance index is 200, this means that the abundance of that species has doubled compared to the first year of measurement.

Reporting date for the 2030 species abundance target

13. For the purposes of section 6(1) of the 2021 Act, the reporting date for the target in regulation 11 is 15th April 2032.

CHAPTER 2

Species abundance: long-term target

Long-term biodiversity target to reverse the decline of species abundance

14. The long-term biodiversity target to reverse the decline of species abundance is that the overall relative species abundance index by 31st December 2042 is—

- (a) higher than the overall relative species abundance index for 31st December 2022; and
- (b) at least 10% higher than the overall relative species abundance index for 31st December 2030 (the specified date for the 2030 species abundance target).

Measurement of the long-term biodiversity target to reverse the decline of species abundance

15.—(1) The long-term biodiversity target to reverse the decline of species abundance is to be measured by calculating the overall relative species abundance index for the following dates—

- (a) 31st December 2022;
- (b) 31st December 2030; and
- (c) 31st December 2042.

(2) Regulation 12(2) to (6) applies in relation to the measurement of the long-term biodiversity target to reverse the decline of species abundance as it applies to the measurement of the 2030 species abundance target described in regulation 11.

Reporting date for the long-term biodiversity target to reverse the decline of species abundance

16. For the purposes of section 6(1) of the 2021 Act, the reporting date for the target in regulation 14 is 15th April 2044.

Trudy Harrison
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29th January 2023