
STATUTORY INSTRUMENTS

2023 No. 91

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

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(1) (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(2) (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(3) (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(4) (biodiversity lists and action (England));
- (b) another habitat type listed in Schedule 1.

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

(2) [2009 c. 23](#). There are amendments of section 116, but none is relevant.

(3) [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](#)).

(4) [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.