

1.0 INTRODUCTION

- 1.1 The Environment Agency (EA) welcomes the opportunity to provide written evidence for the House of Lords Environment and Climate Change Committee, as part of their short inquiry into nature-related Protected Areas.
- 1.2 Protected areas are important for protecting and recovering nature and helping the UK meet its domestic and international environmental commitments. Nature recovery is central to our ambition to create better places. Our work with others has shown that we can significantly increase the scale of our outcomes for nature's recovery while also delivering other multiple benefits for society.
- 1.3 We are well placed to support the government's ambitions for protected areas given our advisory, regulatory and operator roles. Protected areas are an important and essential component of the suite of measures and tools to help protect nature and strengthen its recovery. Strong commitment from all government departments and organisations, effective partnership working, and realistic funding and resourcing are also crucial for successful delivery of ambitions for these sites.
- 1.4 Our remit covers land and fresh, estuarine and coastal waters and wetlands within England in relation to protected areas. These include Sites of Special Scientific Interest (SSSIs) designated for flora and / or fauna under the Wildlife and Countryside Act 1981 and Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated under the Conservation of Habitats and Species Regulations 2017. We have worked with these sites and related laws since its inception as an Arm's Length Body (ALB).

2.0 Environment Agency detailed responses

- 2.1 The Protected Area networks are essential components in a suite of measures and tools to protect the environment. Their ability to protect the environment needs to be strengthened if protected sites are to be restored to or maintained in favourable condition (the original aim of the Conservation of Habitats and Species Regulations). There continues to be evidence that habitats and species remain increasingly isolated and at risk (e.g. JNCC – Commons Standards Monitoring Report 2022).
- 2.2 Successful nature protection and recovery on land, in freshwaters and at sea will be dependent on positive actions across a significant proportion of the landscape (including the water environments), not just nationally prioritised protected areas. We have considered aspects in more detail under the following sections, using the prompt questions we were provided with:

2.3 **What does the Environment Agency see to be its role in contributing to the UK's commitment to protect 30% of land and sea by 2030?**

2.3.1 The UK's commitment to protect 30% of land and sea by 2030 (30x30) is part of a worldwide initiative for governments to designate 30% of Earth's land and ocean area as protected areas by 2030. Its success requires contributions from all parts of society, including from public bodies such as the Environment Agency, and a whole economy effort.

2.3.2 The Environment Agency provides vital services to communities and businesses across the country while protecting, enhancing and restoring our environment. We consider ourselves to be a nature positive organisation that is helping to halt the decline in biodiversity, restore nature and create better places for people and wildlife.

2.3.3 We already play a key role in driving forward measures to reverse the biodiversity crisis. We do this through **our own operations**, through **regulating business, advising government** and through **provision of expert advice** especially in the fresh, estuarine and coastal water and wetland habitats. Our partnerships with others are especially crucial in this area of our work. **Working with others** we have shown we are able to significantly increase the scale of our outcomes for nature while also delivering other multiple benefits for society.

2.3.4 Our role in addressing the **Biodiversity crisis** and contributing to the 30x30 commitment covers the following 6 broad areas:

- i. **Protecting.** *We will act to prevent further decline in our existing biodiversity including building greater resilience to climate change.*

We do this by: Ensuring we are an exemplar organisation demonstrating best practice in our own approach to delivering for protected habitats and species and in managing ongoing and new threats to biodiversity. We demonstrate this through our **regulatory functions** such as under the Eel Regulations, Habitat Regulations and migratory fish bylaws for example. Operationally, we work within our organisational species licences and **deliver Invasive Non-Native Species (INNS) interventions and promote biosecurity**. Through the support we give to **partnership work** like the Keeping Rivers Cool initiative ([jncc.gov.uk/our-work/keeping-rivers-cool case study](https://jncc.gov.uk/our-work/keeping-rivers-cool-case-study)) we will also identify the opportunities to **increase the ability for habitats and species to adapt to a changing climate**.

- ii. **Enhancing and restoring.** *We will increase the area of England that is protected and managed favourably for nature.*

We do this by: Creating and restoring priority habitat. We created nearly 8,400 hectares (ha) of priority habitat and restored over 10,500 ha of similar habitat types over the 10 years to 2021. We aim to **create or restore a further 20,000 hectares of priority habitat by 2030** through our organisational commitment to biodiversity net gain and other opportunities. In doing so we will also be seeking to deliver climate

mitigation through a number of actions, including **offsetting our own carbon emissions** using nature-based solutions as part of our **eMission 2030 commitment**. Where our regulatory power allows we will also facilitate offsetting solutions by others that also deliver for nature. We will also deliver projects working towards the government aims to get **75% of SSSIs into favourable condition**. Aligning also with the Environmental Improvement Plan (EIP) 2023, which has a new interim target of 'all sites of special scientific interest (SSSIs) to have an up-to-date condition assessment; and for 50% of SSSIs to have actions on track to achieve favourable condition by 31 January 2028'.

Our 'nature positive' catchment based approaches and projects enhance ecosystems, **enrich biodiversity and promote carbon storage**. Our **natural flood management schemes** deliver enhancements for nature while delivering flood protection for people and businesses. Our role delivering the government's **river restoration landscape recovery scheme**, as part of Environmental Land Management (ELM), will demonstrate how better land management can deliver better freshwater biodiversity. We will work widely with partner organisations using shared capacity to scale up projects and deliver at a landscape scale.

We are leading a flagship initiative to restore habitats in our estuaries and at the coast. By 2043, this initiative, "**Restoring Meadow, Marsh and Reef (ReMeMaRe)**", aims to restore *at least* 15% of the three priority habitats that make up the acronym: seagrass meadows, saltmarshes and native oyster beds and reefs. We have already produced a suite of [tools](#) on how and where to restore and will continue to work with partners to turn the initiative into a full programme or practical restoration.

- iii. **Advising.** *We will use our expertise to help shape government policies and programmes so they can deliver our shared biodiversity ambitions*

We do this by: Advising and influencing government and others to ensure there is a legislative framework which reverses the decline in biodiversity while enabling sustainable development. We are the go-to government agency for **nature recovery ambition in the water environment** and Defra sees us in that leadership role and space. We are influencing the shape and ambition within a number of policy areas including the Nature and Climate Programme (including **England Peat Action Plan** and **Tree Strategy**); the **Nature Recovery Network, Local Nature Recovery Strategies, Environmental Land Management, Biodiversity/Marine Net Gain; Invasive Non-Native Species (INNS); Highly Protected Marine Areas; UK Marine Strategy** and **species recovery and reintroduction** (e.g., beavers) policies etc. We have also influenced new legislation such as the Environment Act 2021 and continue to **shape the legally binding targets** (Biodiversity, Water, Air Quality and Waste) which underpin it.

- iv. **Evidence.** *Our delivery, advice, and communications to others will be underpinned by a sound understanding of the science around the biodiversity and climate crises.*

We do this by: Ensuring our advice and actions are based on the latest research and evidence on how best to deliver for nature. **Communicating to the wider public** the science behind the challenge to ensure we bring people with us in delivering the nature-based and climate solutions we want to see. **Reporting** on what is happening in a transparent, factual and accessible way. Providing evidence and tools that will facilitate the delivery and enable **effective monitoring of the biodiversity outcomes** we seek. **Managing robust databases** on our water dependent species and habitats, which are updated through monitoring of freshwater biodiversity and sourcing of Local Environmental Record Centre data. We use our data and evidence to **develop metric and indices** such as those for Biodiversity Net Gain and Natural Capital. We also provide tools, guidance and training to **ensure the technical resilience of our national and operational teams** and encourage membership of professional bodies.

We are supporting the **Natural Capital Ecosystem Assessment (NCEA) Programme**, which has been set up to collect data on the extent, condition and change over time of England's ecosystems and natural capital, and the benefits to society. It represents an opportunity to fill the evidence gaps required for effective decision making and environmental outcomes across the land and sea environment.

It will create a shift in how we balance exploitation with the wider benefits that our environments provide. Our role will be critical in helping to achieve the ambitions of NCEA due to its pivotal role as a regulator for water quality and flood and coastal risk management.

- v. **Planning.** *We will ensure that the planning frameworks owned by ourselves and others recognise the value of Nature and ensure outcomes for Biodiversity across land and sea.*

We do this by: Ensuring outcomes for biodiversity as part of our wider planning duties e.g., River Basin Management Plans and Flood Risk Management Plans. Influencing other planning authorities (such as local planning authorities, the Marine Management Organisation and major infrastructure planning routes) through responses to consultations and inquiries to ensure that biodiversity opportunities and accountabilities are identified and properly considered.

Water dependent SACs and SPAs are 'protected areas' under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 and River Basin Management Plans play a key role in delivering the measures necessary to maintain or restore these sites to favourable condition.

- vi. **Funding.** *We will bring in more funding for partners and ourselves to deliver actions on the ground that will enhance our biodiversity.*

We do this by: Seeking increased resources both for ourselves and others to enhance biodiversity outcomes including through increased private investment. We actively engage in spending reviews to secure Defra funding for our and other ALB nature and climate workstreams. We are also actively engaged in **shaping and influencing the Nature for**

Climate programme and associated grant schemes (especially for trees and peat), as well as others such as the **Green Recovery Challenge Fund**. We play a key role in informing multi billion investment through the **Water Industry National Environment Programme** including multiple benefit outcomes for nature and water. We seek opportunities to **bring public and private funds** together to deliver projects and initiatives to protect and enhance habitats and species contributing to nature recovery e.g. through the private finance requirements of the Landscape recovery pilot we lead on. Or working in partnership with others including Natural England to maximise **Business for Nature partnership** opportunities and the Catchment Based Approach to improve the water environment ([CaBA catchmentbasedapproach.org](https://www.catchmentbasedapproach.org)). Our planning and partnership work has already resulted in £5.3 billion worth of funded action to improve the health of England's waters between 2022 and 2027.

2.4 Of the delivery tools or mechanisms which the Environment Agency is involved in, which are the key mechanisms for contributing to the '30 by 30' target, and how will this contribution be realised?

2.4.1 We undertake extensive work to protect and improve the quality of the water environment, which simultaneously protects wildlife and biodiversity. For example, our permitting of discharges and licencing abstractions and impoundments aims to achieve very high standards for the protection of nature for protected sites. We check the operator complies with permit conditions by inspecting sites, monitoring discharges, auditing, and validating data. Where non-compliance is identified, we take enforcement action. Our diffuse agricultural pollution nutrient reduction plans have been produced with Natural England with 4000+ farm inspection this year, targeted at protected sites. We are working with the water industry through the Water Price Review process (PR24) which prioritises work on protected sites, with, for example, recent targeted actions on Combined Sewage Overflows (CSOs) upstream of protected areas. PR24 also takes forward substantial nutrient reduction, which aligns with the nutrient neutrality issues within protected areas.

Our long-term planning work on water resources also offers protection for biodiversity, through supplying drinking water without damaging protected sites. An example of this is the Chalk Streams Implementation Plan where we invested

£2.8million funding to help deliver the Chalk Streams Restoration Strategy (www.gov.uk/government/news/new-chalk-streams-strategy).

We are also working with water companies to reduce the demand for public water supply in England by 20% by 2038 and to achieve a 50% reduction in water leakage by 2050, helping to ensure more water is available for wildlife and flora in protected sites and elsewhere.

2.4.2 We continue to work with government, ALBs and partners to develop nature-positive investment solutions so that opportunities in nature can be scaled-up across the country. From our experience, there is growing demand for nature-positive investment opportunities, but there is a large

gap in the supply of projects for investment. By aligning policy drivers with the potential markets, and developing a roadmap and overarching market rules, private sector, public and third sector partners can develop this supply pipeline.

- 2.4.3 It is important to consider how we promote nature recovery beyond designated protected areas. This includes delivery of the Environment Act 2021 statutory targets including for biodiversity and water and to reverse the decline in species abundance by the end of 2030. Some aspects of delivery are already in train in England, such as Environmental Land Management Schemes (ELMS), Biodiversity Net Gain (BNG), Local Nature Recovery Strategies (LNRS) and specific funds for priority habitats (woodlands, peatland, marine). We would like to see better funding and policy support for the habitat targets outside protected sites to increase aquatic habitat quantity and quality. We also would like to see further policy support, both inside protected sites and outside of those sites, for the target to reverse the decline in species abundance.
- 2.4.4 To safeguard, maintain and expand wider nature recovery areas, BNG and LNRS frameworks should align with and be supported by proposed planning policy reforms. This includes future changes to planning obligations, digitisation of the planning system and updates to the National Planning Policy Framework (NPPF), plus the vision for a revised environmental assessment framework that secures wider environmental enhancements.
- 2.4.5 Whilst development can conflict with nature, it can also and does provide spaces in which wildlife can thrive. Biodiversity net gain, along with other new duties under the Environment Act 2021 such as LNRS will create a step change in the planning system's approach to nature and the promotion of nature recovery beyond protected sites. It should move development from 'no net loss' where developers only had to mitigate for the biodiversity that was lost through the development (resulting in a neutral impact at best), to delivering measurable net gains for nature.
- 2.4.6 To fully realise the government's ambition for net gain it's important that the BNG regulations and guidance are ambitious in scope, minimise the number of exemptions, build on existing legal protections for nature and make sure gains are genuinely additional. Government proposes LNRS should be the spatial nature strategy for biodiversity net gain delivery. We support this objective and advise this can only be achieved by aligning BNG and LNRS policy and guidance.
- 2.4.7 A Natural Capital approach, as strongly advocated in the government's original 25Year Environment Plan (25YEP) and in the recent Environmental Improvement Plan (EIP) 2023, is an effective enabler of many of the outcomes required for protected areas. The promotion of this approach will help identify benefits, risks, pressures, and finance levers to support the protection & enhancement of habitats and species.
- 2.4.8 The Lawton review report [Making space for nature: a review of England's wildlife sites](#) and its central messages around 'more, bigger, better and joined' is as relevant today as it was in 2010. Delivering those four key outcomes will be central to promoting nature recovery outside designated protected areas and help address the problem of small, isolated and fragmented sites.

- 2.4.9 We believe the nature conservation requirements for public bodies are clear. They could perhaps be strengthened, but the real need for change is in how these requirements are funded. Current funding rules mean that it is hard to combine funding aimed to improve natural habitats and processes in a holistic manner. We know from past work that functioning ecosystems will deliver a range of benefits, but often we cannot quantify these benefits on a site-by-site basis. For example, we know that managing habitats/changing land management within a wider catchment area will reduce flood risk and will help to achieve climate resilience, but it is hard to attribute these benefits to a specific flood and coastal risk management (FCRM) project site downstream with a defined benefit area. This means that opportunities are missed as quantifying flood benefits in such situations is complex and often costly, meaning it cannot be done as part of the FCRM project.
- 2.4.10 Under our Restoring Meadows Marsh and Reef (ReMeMaRe) initiative, we have produced a suite of four Restoration Handbooks, providing guidance on how to restore seagrass, saltmarsh, and native oyster habitats across the UK, as well as guidance on restoring coastal habitats with dredged sediment. We have developed 'restoration potential maps', identifying areas of the coast where habitat creation may be most successful. We have also supported a similar mapping approach in the offshore marine environment, to facilitate recovery of habitats through the removal of pressures. This is being supported by The Crown Estate as part of their Offshore Wind Evidence and Change programme. We have produced new data layers to support the development of restoration plans (e.g., historic native oyster extent and seagrass extent data layers).
- 2.4.11 We are working across Government and with academia to understand the value of our estuarine, coastal, and marine ecosystems, particularly in their role around blue carbon. This includes working with the Department of Energy Security and UK Centre of Ecology & Hydrology to develop the evidence base required for the inclusion of saltmarsh onto the UK Greenhouse Gas Inventory so natural and restored saltmarshes can contribute towards the UK Net Zero target. We are also supporting the development of a Saltmarsh Code for a certification scheme for offsetting carbon credits from saltmarsh restoration, which will all help to protect the value of these habitats.

2.5 **How effective is the Government's coordination with arms-length bodies in its work toward '30 by 30'?**

- 2.5.1 The EA's multi-faceted work to tackle the biodiversity crisis and aid nature recovery are not as well understood by others or as visible as we want them to be. This can limit the opportunity to shape and influence government policy to explicitly take account of nature recovery in the water environments, for example, and our role in driving this. It also limits the funding and resources allocated to the EA to tackle the biodiversity crisis and to deliver nature recovery.

- 2.5.2 We support a more holistic approach to delivering the commitment to protect 30% of land and sea in the UK by 2030. We believe that more needs to be done to secure lasting sustainable nature recovery and improvement outside of the core of protected areas. Currently there are no 'Other Effective area-based Conservation Measures' (OECMs) in England. The evolution of policy and potential reform therefore needs to look at how to make this happen in reality. It is critical that there are effective measures to promote nature recovery in the wider countryside/seascape. Without these any protected areas network will always be limited in what it can achieve.
- 2.5.3 We would welcome development of future options for terrestrial, freshwater and marine protected sites to allow priority habitats and supporting networks to be included. In addition to the SAC, SPA, MCZ and SSSI networks of protected areas whose protections should be retained and strengthened, we need stronger protection for sites of similar quality as SSSIs. SSSIs are a 'representative' example of important sites/habitats, and those of a more local importance including Local Wildlife Sites¹. These sites are of local importance due to scarcity, for example, and include excellent examples of rare habitats. They can contribute to a coherent ecological network and should have clear and effective protection and mechanisms to help fund/achieve appropriate management. Local Nature Recovery Strategies (LNRS) should underpin action to protect and enhance these natural environments. We are currently supporting Defra on the designation of new Highly Protected Marine Areas (HPMAs) including site specific conservation advice.
- 2.5.4 Greater access to information will help ALBs such as the EA in their impact assessment and decision-making processes. For example:
- A single point of reference linking all relevant organisations such as JNCC/NE/MMO/NRW and Ireland / Northern Ireland
 - Greater clarity around SSSI (Sites of Special Scientific Interest) features
 - Mapped distribution of habitats and species
 - Condition status of habitats and species
 - Clarity around pressures and threats affecting the habitats and species
 - Information about other current decisions for in combination assessment
 - Expand the format used for Marine Protected Areas (MPA) advice to terrestrial and aquatic sites (SSSIs and SACs/SPAs).
 - Update of Ramsar features to align criteria with other protected areas.
- 2.5.5 We believe that there is a need for some flexibility to recognise natural changes and dynamic processes. For example, a habitat type in a specific SSSI unit may not always remain the same. Designations should ensure there is space for this type of dynamic change so we don't waste resources 'fighting' nature. A review of the features and boundaries under the existing designation may be needed for some protected sites, but (if resourced) Natural England's designations programme should provide the processes to ensure the SSSI series remains current and can respond to changing environmental pressures. In addition, the conservation objectives for SACs and SPAs all include the caveat "subject to natural change".

- 2.5.6 Wherever possible, any scales of protection should be equivalent / transferable between the aquatic, terrestrial and marine mechanisms. This would help to mesh mechanisms at the land-sea boundary and enable estuarine and coastal habitats to flex between the tiers and associated scales of protection. This is important because estuarine and coastal systems suffer from additional complexity given the jurisdictional boundaries created at the land-sea boundary, being overlapped by both terrestrial and marine mechanisms. There have been historic losses of estuarine and coastal ecosystems over previous centuries, primarily due to large scale land reclamation. For example, there has been an estimated loss of 85% of England's saltmarsh in recent centuries. Restoring and conserving estuarine and coastal ecosystems in a fully functioning state requires large-scale realignment of the natural land-sea boundary (wherever appropriate). This aspect is crucial to restore and conserve estuarine and coastal ecosystems and their true function (e.g., fish nursery habitat, coastal flood defence, blue carbon stocks, water quality improvements, etc.).
- 2.5.7 We strongly believe any potential future Nature Bill in England presents an ideal opportunity for policy language to become more inclusive and expanded to encompass explicit reference to the aquatic environment (freshwater, wetlands, estuarine and coastal waters) in addition to the existing terms terrestrial/land and marine. Rivers, wetlands, estuaries and the species they support are an integral part of nature and of delivering nature recovery. The historic use of the terms 'terrestrial' and 'land' to describe both land and water environments does not reflect the deployment of nature-based solutions for improving water quality, flood protection and other benefits by management of rivers and wetlands, nor is it consistent with water and biodiversity targets now published within the Environment Act. Modernising the terminology around terrestrial and marine environments would also be helpful from a species perspective.
- 2.5.8 There is a need to ensure that any failure to comply with environmental law incurs economic penalties that provide an economic incentive for changing behaviours and addressing issues. We need an enabling environment to promote nature recovery for public and environmental good. Habitat restoration and enhancement should be an activity that is supported and encouraged by Government policy, not least because it helps to create a better place for people and wildlife and supports an array of Government targets and ambitions.

¹ Also known as County Biological Heritage Site (CBHS), County Wildlife Site (CWS), Local Nature Conservation Site (LNCS), Site of Metropolitan Importance for Nature Conservation (SMINC), Site of Nature Conservation Interest (SNCI), Site of Borough importance for Nature Conservation (SBINC), Site of Importance for Nature Conservation (SINC), Site of Local Importance (SLI), Site of Local Importance for Nature Conservation (SLINC)

- 2.5.9 We believe we should move to a more outcomes-focused approach to site management, by building on Site Improvement Plans (SIPs) to offer a holistic site outcome plan. We believe that significant progress could be made by putting funding and resource into implementing the SIPs we already have. They outline the priority measures needed to achieve and maintain the European species and habitats within a site in favourable condition. NE and EA are the two main delivery partners for the majority of SIP actions. However, the scale of work required is not achievable by these organisations alone.
- 2.5.10 SIPs have no status or legal force so it is inevitable that their recommendations are not always acted upon. We need a way of enforcing measures in such plans. Placing SIPs within a more holistic site outcome plan (for example, the Humber and Thames 2100 strategies [Humber 2100+ - Environment Agency - Citizen Space \(environment-agency.gov.uk\)](#) and [Thames Estuary 2100 \(TE2100\) - GOV.UK \(www.gov.uk\)](#)), will allow environmental management to be embedded at an appropriate scale for the challenges faced (including catchment and coastal based approaches, source to sea connectivity, climate change) and will facilitate the working with natural processes. Protected Site Strategies (as set out in Section 110 of the Environment Act 2021) could also do this, although they are only at the pilot stage at the moment and we don't yet know how many will be in place and by when. The Environment Agency are working with Natural England on these pilots [Springing into Action with Protected Site Strategies for Nature's Recovery - Natural England \(blog.gov.uk\)](#).
- 2.6 **To what extent does the Environment Agency's environmental monitoring data (e.g., regarding different types of pollution or water quality) breakdown results for protected areas? If such data is held, please provide a summary of the key trends with regards to pollution and other factors affecting the environmental condition of protected areas.**
- 2.6.1 The only information we include in River Basin Management Plans (RBMPs) on the quality of SAC and SPA protected areas is supplied by Natural England. The RBMPs don't hold any information on the national SSSI sites. We don't have any existing summaries that breakdown our environmental monitoring data or water body classification results by nature protected areas.
- 2.6.2 The only existing document linked to (but not part of) the RBMPs which may be of help to the inquiry is the biodiversity narrative. www.gov.uk/biodiversity-challenges-for-the-water-environment. There are many references in the RBMPs to the SAC and SPA networks of protected areas but they are high level and they don't address the monitoring/data issue raised in this question.
- 2.6.4 We are responsible for monitoring the ecological status of the water environment out to 1 nautical mile off the coast under the Water Environment Regulations (WER) / Water Framework Directive (WFD) duties. A summary of our WER/WFD classifications for each river basin district can be found on the Catchment Data Explorer: [England |](#)

[Catchment Data Explorer.](#)

- 2.6.5 With regards to trends in data, over the past decade we have not seen any huge improvements in ecological status across waterbodies in England, nor have we seen huge declines, suggesting that ecological status is flatlining. This is likely to be due to the constant shifting pressures on the water environment, particularly population growth and climate change.
- 2.6.6 Monitoring data under WER/WFD gets shared with Natural England (NE), who have a responsibility to monitor the condition of protected areas (both terrestrial and inshore) and the Joint Nature Conservation Committee (JNCC) for offshore sites. Both NE and JNCC periodically reported on the condition of protected sites under the reporting requirements of Article 17 of the Habitats Directive and Article 12 of the Birds Directive (jncc.gov.uk/our-work/european-reporting). The UK's most recent reports submitted to Europe were in 2019, during the period when the UK was an EU Member State (see JNCC [Article-17-habitats-directive-report-2019](#)).