Why the Nuclear Regulatory Review is flawed - and how it could turn the nature crisis into a catastrophe

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Research commissioned by The Wildlife Trusts

Introduction

The planning system matters for nature. It gives opportunities for public involvement, protects vulnerable species and habitats, and ensures the role of environmental regulators in examining and improving plans and projects. This system helps development to happen without destroying the UK's natural environment. When it is done right, it can help development to happen alongside benefits for nature.

The UK is home to many irreplaceable habitats and species that cannot move easily - once lost, they can never be recovered. The Government has commitments and targets to halt the loss of biodiversity and to restore it, but this cannot happen without protecting our most important sites and species. Currently we are heading in the wrong direction, and there is a nature crisis in this country. We are off track to meet most environmental targets by 2030. The UK is already one of the most nature-depleted countries in the world, and one in six species is at risk of being lost altogether.[1] This will have economic impacts too - the loss of nature could reduce UK GDP by up to 5% by 2050.[2]

Since coming into power, the UK Government has embarked on a programme of reforms to the planning system. Nature has been repeatedly blamed for holding up development. This has gone beyond headlines in newspapers and has been included in speeches by the most senior members of the Government; in short, they have blamed bats, newts and protecting the environment for slowing down housebuilding.

Large nuclear projects, using potentially risky technology, have potential for significant environmental impacts on sensitive places and so it is right for there to be robust environmental assessments of these projects. The Government has an ambitious programme of nuclear deployment. It has published a new National Policy Statement for nuclear power.[3] It has removed the restriction on new nuclear power to eight sites around the UK. It has said it will aid the completion of Hinkley Point C, provide additional funding for Sizewell C, and consider one large new nuclear power plant alongside the deployment of Small Modular Reactors. Due to their requirements and the types of site needed, nuclear projects have often impacted on ecologically sensitive areas. The new National Policy Statement on nuclear reiterates the importance of the Habitats Regulations and the protection of legally protected sites and wildlife.[4]

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[1] The Wildlife Trusts, 2023, *Landmark report shows UK wildlife's devastating decline*, https://www.wildlifetrusts.org/news/landmark-report-shows-uk-wildlifes-devastating-decline

[2] Edie, 2025, *Private sector action on nature can prevent UK GDP drop of 5%, say WWF and GFI*, https://www.edie.net/private-sector-action-on-nature-can-prevent-uk-gdp-drop-of-5-say-wwf-and-gri/

[3] UK Government, 2025, *National Policy Statement for Nuclear Energy Generation EN-7*, https://assets.publishing.service.gov.uk/media/69125d53ece74c08fbaa646e/national-policy-statement-nuclear-energy-generation-en-7.pdf

[4] UK Government, 2025, *Supplementary Information to the National Policy Statement for Nuclear Energy Generation EN-7*, https://assets.publishing.service.gov.uk/media/694171442d5e7e8632537545/nps-nuclear-en7-supplementary-information.pdf

As part of its efforts to boost nuclear deployment, the Government commissioned John Fingleton to lead a taskforce review of nuclear regulation. The final report of the Nuclear Regulatory Review was published in November 2025.[5] It diagnosed environmental regulations as a blocker to nuclear deployment and included recommendations to water down those regulations. The Prime Minister and the Chancellor have said that the Government accepts the principles of the Review, that within three months a plan will be published by DESNZ to implement the Review, and that its recommendations will be implemented within two years using legislation.[6] Environmental groups are very concerned the recommendations will be adopted for the nuclear sector using legislation and potentially applied to other types of major infrastructure.

The Nuclear Regulatory Review is part of a wider pattern of the Government adopting the arguments of developers to pinpoint where delays are coming from; however, it is inaccurate and does not represent reality. Research by The Wildlife Trusts already shows that - despite the headlines and claims by the Chancellor and others - bats and newts, for example, were a factor in just 3.3% of planning appeals.[7] This briefing will highlight how the claims made by the Nuclear Regulatory Review are similarly short on evidence and, if adopted, will do little to speed up planning decisions but, instead, will turn the nature crisis into a catastrophe. Many industries already say that the uncertainty caused by constantly changing regulations holds back development; the Nuclear Regulatory Review threatens to do just that.

Flaws and Inaccuracies in the Nuclear Regulatory Review

The Review, commissioned by the Government, identifies three major areas for reform: risk aversion, process over outcomes, and a lack of incentives. The Review also turns nature into a scapegoat for a failure to deliver nuclear projects.

Recommendation 11 calls for various changes to the Habitats Regulations, including removing the requirement for compensation to be like-for-like. Recommendation 12 calls for nuclear developers to be allowed to comply with the regulations simply by paying a fixed sum (an amount per acre), which would be used by Natural England for nature somewhere else. When it comes to local planning, The Wildlife Trusts remain concerned with the related idea of payments for Environmental Delivery Plans as a way for developers to meet their legal obligations. A strategic approach might be appropriate when it comes to, for example, pollution impacts, but would not be suitable for irreplaceable habitats or species that cannot re-establish elsewhere easily.[8]

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[5] 2025, *Nuclear Regulatory Review*, https://assets.publishing.service.gov.uk/media/692080f75c394e481336ab89/nuclear-regulatory-review-2025.pdf

[6] UK Government, 2025, *Prime Minister's strategic steer to the nuclear sector following the 2025 Nuclear Regulatory Taskforce's Review* https://www.gov.uk/government/publications/prime-ministers-strategic-steer-to-the-nuclear-sector/prime-ministers-strategic-steer-to-the-nuclear-sector-following-the-2025-nuclear-regulatory-taskforces-review

[7] The Wildlife Trusts, 2025, *Planning & Development: Nature isn't the problem*, https://www.wildlifetrusts.org/sites/default/files/2025-05/Planning%20on%20bats%20and%20newts%20-%20FullReport.pdf

[8] The Wildlife Trusts, 2025, Parliamentary briefings - The Planning and Infrastructure Bill

Recommendation 19 would remove the duty on Local Authorities to seek and further National Parks and Landscapes, returning to the old language of "have regard to". The combination of these changes would not only substantially weaken protections for nature but would also introduce significant uncertainty in the nuclear sector and for other sectors about whether standards and regulations that are bedding in and increasingly becoming well understood are in fact about to change.

The Review was produced without enough environmental expertise - and this shows. It contains a number of errors when it comes to environmental evidence, which has led to a misdiagnosis of the problem and to damaging recommendations about environmental regulations.

The Review relies heavily on the case study of the Hinkley Point C nuclear power station. It is quick to use the case study to blame nature without examining the actions and decisions of the developer. A large amount of confusing and misleading information has been issued to the media and in the Review itself to further this narrative.

Here are some of the facts:

- Hinkley Point C is on the edge of one of the most highly ecologically protected sites in Europe and will draw through a swimming pool's worth of water every second for 70 years of operation. This will have enormous impacts on surrounding ecosystems, fish, and other species.[9]
- A £700 million figure has been widely circulated in the press relating to fish deterrents and is quoted in the Review. This is incorrect. The cost of the fish deterrent system is £50 million.[10]
- EDF themselves unilaterally decided in 2017 not to proceed with the fish deterrent system, despite it being a requirement. They then proceeded to apply for permit variations, undertake further environmental assessments and initiate a public inquiry to attempt to remove the requirement. These developer decisions have caused self-inflicted delays.[11]
- Hinkley Point C's original budget was £18 billion. It has since risen to an estimated £46 billion. The fish deterrent (at £50 million) comes to just 0.1% of this increased £46 billion budget. Nearly £30 billion in cost increases for Hinkley Point C have nothing to do with nature.[12]
- The Nuclear Regulatory Review says (for example) that just 0.08 salmon, 0.02 trout, and 6 lamprey per year would be saved. This deliberately downplays the impact on nature. This statement relies on analysis by the developer EDF, who captured fish and put trackers on them and used old data from Hinkley B power station. Since then ,a more thorough analysis has been completed for the Environment Agency, who have

[9] Somerset Wildlife Trust, 2025, webpage, *Severn Estuary Interests Group responds to Nuclear Review (Fingleton Report) challenging misleading environmental narrative*, https://www.somersetwildlife.org/news/severn-estuary-interests-group-responds-nuclear-review-fingleton-report-challenging-misleading

[10] Devon & Severn Inshore Fisheries and Conservation Authority, 2025, *Devon and Severn IFCA Assessment of Fingleton Nuclear Regulatory Review 2025*, https://www.devonandsevernifca.gov.uk/wp-content/uploads/2025/12/Devon-and-Severn-IFCA-Response-to-Fingleton-Nuclear-Regulatory-Review-2025-v1.0-1.pdf

[11] *Ibid*.

[12] *Ibid*.

found that 4.6 million adult fish per year being killed is a more accurate number, or 182 million fish in total over sixty years.[13] These fish populations are a foundation stone for the wider ecosystem of the Severn Estuary, supporting internationally important migratory bird populations and other species. Many of the fish are rare or endangered. Damage on the scale suggested by the Environment Agency figures could have calamitous impacts on that ecosystem and the economic and social activities that rely on it.

As the above sets out, EDF decisions have been the source of issues ascribed by the review to nature protections. EDF, a company owned overseas, has tried over many years to wriggle out of the mitigation measures agreed as part of the planning consent, and has deployed flawed data to try and justify these attempts. Considerable time and significant expense would have been spared if EDF had followed the planning process and the terms of their planning consent, by taking nature into account from the start. It is disappointing that the review seems to have accepted the developer's own excuses for their failure to do this at face value. The review should have done more to represent the views of others involved in the process, including statutory nature advisors who have detailed ecological knowledge.

In line with this flawed approach, the Review's author John Fingleton was reported as saying to the press that the construction of the Wylfa nuclear power plant was halted due to the arrival of a single tern (a bird).[14] Such statements are highly misleading. The construction of Wylfa is taking place next to the most important tern breeding colony and most important lagoon habitat in Wales. Analysis by North Wales Wildlife Trust, National Trust and RSPB has found that the construction and operation of the plant risks the total collapse of the entire breeding colony, and wider damage to wild species and protected sites.[15]

The Review also refers to the Bat Conservation Trust as an example of how to spend money on nature far more effectively, saying that they received £180,000 from the green recovery fund for horseshoe bat habitats. This is incorrect; the Bat Conservation Trust has not received any money from the green recovery fund for this purpose, nor did the Trust carry out the referenced project.[16] The project is mentioned in the context of the so-called bat tunnel that was constructed by the HS2 developer - this structure was not advised by Natural England. Notwithstanding the error, it is not appropriate or useful to compare the costs of one small-scale conservation project with the costs of a major, avoidable development mitigation project, except as further proof that harm should be avoided wherever possible as a way of reducing costs and delays.

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[13] *Ibid*. and Bristol Avon Rivers Trust, 2025, *Bristol Avon Rivers Trust Position Statement: Impact to Fish from EDF Hinkley Point C*, https://bristolavonriverstrust.org/hpc-impact-to-fish/

[14] The Times, Clatworthy B., 2025, *How the arrival of one Arctic tern halted work on entire nuclear plant*, https://www.thetimes.com/uk/politics/article/risk-averse-infrastructure-fish-disco-p8gjhncml?gaa_at=eafs&gaa_n=AWEtsqdALb5x7HqyqbmPwQkQXGoT1yTo34hQ2v_rb1PVA0nkyT9tI-3pZU_L2RPdASA%3D&gaa_ts=693fed6e&gaa_sig=p6_mkS7gLuR8hQ60j2uBdnmkVJ5VBTcO_NAPbeWoR-PYiFih8zfYusSA2p4k52BOer7xOFwk3bU0hTQ8wM3axQ%3D%3D

[15] Planning Inspectorate report 2019, https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010007-003948-Recommendation%20Report%20-%20English.pdf

[16] *Pers comms* from Bat Conservation Trust, 22 December 2025

At Bradwell B, a site identified for a new nuclear power station in 2012, complications caused by the involvement of Chinese firms has been the main cause of delays to any progress.[17]

Environmental Damage of Nuclear Regulatory Recommendations

The UK has goals to halt and reverse the decline of nature. The Government has committed to set aside 30% of land for nature. Carrying forward the Nuclear Regulatory Recommendations would allow harm to some of the country's most important species and nature sites. This would put the UK even further off track for restoring nature. The Office for Environmental Protection published a report in early 2026 concluding the UK is likely to miss seven out of ten of its nature targets, citing existing changes to the planning regime as a key risk for nature.[18]

The Habitats Regulations 2017 were created to maintain environmental protections that had applied when the UK was a member of the European Union. They apply to terrestrial and marine sites protected for their habitat or species importance and ensure that projects that impact on those sites are assessed.

The Environment Act 2021 introduced an important requirement for the Government not to introduce laws that would reduce the level of environmental protection, and it explicitly mentions that the level of protection provided by the Habitats Regulations was included in the Act.

The Office for Environmental Protection previously reviewed the effectiveness of environmental assessment regimes. It noted that Habitats Regulations Assessments (HRA) operate based on the precautionary principle and where there is likely to be a significant effect of a project on a European protected site or marine site. In its review it found that the majority of project applicants and planning authorities already find HRA to be clear and well understood, and it applies to an existing, extensive and ecologically important network of sites.[19] The main problems it found with the Habitats Regulations Assessments, as well as Environmental Impact Assessments and Strategic Environmental Assessments, relate to poor quality data and a lack of implementation of compensation measures and monitoring and enforcement of those. The issues it identified were not with any of the regulations proving a blocker to development.

Sites protected by the Habitats Regulations have a disproportionately high importance for nature. Scientific studies have clearly found that species do better within these protected areas

[17] The Times, Cole O. and Scott G., *Chinese firm 'will not bid' to run Essex nuclear power plant*, https://www.thetimes.com/uk/politics/article/chinese-firm-will-not-bid-to-run-essex-nuclear-plant-d0sd2ssvd?gaa_at=eafs&gaa_n=AWEtsqfutZcnJyl_XUDfW_R_iwvyyIlD9J4F1RaWE7ZzoqoSkZKGrDen9q7VEiqsDl0%3D&gaa_ts=6960d754&gaa_sig=pI4USPyPzOgi2l68c9w2G-yaIx9gApCmSpq7iZYlg_jXTC9WhWnwHWZ4GV4bl5yqozNaVACGtjb1_EZnNw2kFQ%3D%3D

[18] Office for Environmental Protection, 2026, *Progress in improving the natural environment in England 2024/2025*, https://www.theoep.org.uk/report/progress-improving-natural-environment-england-20242025

[19] Office for Environmental Protection, 2023, *A review of the implementation of environmental assessment regimes in England*, https://www.theoep.org.uk/sites/default/files/reports-files/E02979435_OEP%20Environmental%20Assessment%20Report_Accessible.pdf

and in the surrounding area.[20] There is what's called a "spillover effect" that benefits the wider countryside. If the UK wants to drive widespread nature recovery, then protected sites are the batteries that will power this. Sizewell C is being constructed next to the Minsmere-Walberswick Special Protection Area, one of the most important wetland reedbed sites in western Europe. Hinkley Point C is being built on the edge of the Severn Estuary, which is a Special Protection Area, Special Area of Conservation and Ramsar Site (an internationally important wetland), and near to the Somerset Levels which are also a Ramsar Site.

It is also important to highlight that wetland and coastal habitats are some of the most important carbon stores in the country. They can capture carbon quickly - saltmarsh absorbs carbon 40 times faster than woodland.[21] Allowing the destruction of these habitats will undermine the UK's efforts to achieve net zero.

The duty created by the Levelling Up & Regeneration Act 2023 on Local Authorities relating to National Parks and Landscapes is already providing much needed clarity on what the duties are for those who need to comply. Now that the new duty has been used on the ground several times, its application is becoming well-understood. Suggestions of changing or removing it, not long after its introduction, will introduce uncertainty and delay, as well as weakening National Park and National Landscape protections.[22]

Conclusion

The Nuclear Regulatory Review recommendations 11, 12 and 19 will harm nature and biodiversity. They are based on flawed evidence relating to environmental regulations and how they have been applied. As discussed, the true reasons for nuclear delay lie elsewhere. Implementing the Nuclear Regulatory recommendations would devastate nature without speeding up the nuclear planning and delivery process. The Government must reject the three Nuclear Regulatory Review's recommendations on environmental regulations and end its confected war on nature as a barrier to planning.

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Research commissioned by The Wildlife Trusts and conducted by Matt Williams

[20] Sanderson F. J., et. al., 2022, *Benefits of protected area networks for breeding bird populations and communities*, Animal Conservation https://www.bto.org/our-work/science/publications/papers/benefits-protected-area-networks-breeding-bird

[21] Wildfowl and Wetland Trust, webpage, *The Carbon-Storing Potential of Saltmarsh*, https://features.wwt.org.uk/the-carbon-storing-potential-of-saltmarsh/index.html

[22] Campaign for National Parks, 2025, *5 Facts: What the National Parks Duty Means for Planning*, https://www.cnp.org.uk/blog/5-facts-what-the-national-parks-duty-means-for-planning/