

What have the Habitats Regulations ever done for us?



Introduction

The Habitats Regulations have had a rough few years.

The regulations, intended to protect wildlife, have come under sustained assault from those who see environmental regulation as an unnecessary blocker to economic growth. Prominent politicians have adopted this cause, from Boris Johnson bemoaning ‘newt-counting delays’ as a ‘massive drag on productivity and prosperity of this country’ to Rachel Reeves claiming there is a binary choice between development on one hand and ‘protecting some snails’ on the other.¹ These views have led to Johnson, Reeves and colleagues to cross party lines to bash the Habitat Regulations, hoping that it will serve as a political piñata, from which economic growth will emerge.

We are still waiting for that economic growth from environmental deregulation. To date, the main impact of the political push against the regulations has been chilled environmental action. Regulators have been cowed, and directed away from close enforcement. Environmental groups have had to devote huge amounts of time and energy to defending environmental protections, detracting from efforts to actively recover nature and benefit people in the process. Political opportunities to pioneer ambitious measures have been wasted. The relationship between many politicians and environmental groups, along with their millions of members, has been poisoned by years of parliamentary trench warfare around deregulation proposals.

The arrival of a new Prime Minister, committed to a break with the politics of the recent past and taking office in a burning summer when the impacts of environmental decline are clear to all, provides an inflection point.

This report, published in a summer of political reappraisal, attempts to step back. It looks beyond years of Westminster noise to get back to the fundamentals – what are the Habitats Regulations intended to do, and how well do they do it? It delves into the arguments made by deregulators and presents the evidence that these protections are necessary, effective and eminently compatible with good growth. It highlights what the Habitats Regulations do for people, including the prosperity, health and meaning they nurture.

It is time to turn the page on Westminster’s obsession with environmental deregulation and to recognise the Habitats Regulations for what they are – an anchor for nature’s continued survival in this country, and with it all the good things that nature brings to everyday life. ‘Newt counting’ offers tangible hope for Britain’s future. Baseless political attacks on cherished wildlife do not.

Note on report coverage

This report primarily focusses on the Habitats Regulations as applied on land and coast in England by the UK Government.

It does not cover the regulations in Scotland, Wales and Northern Ireland. The Scottish, Welsh and Northern Irish Governments have responsibility for the application of the regulations in their own nations. References to the Government refer to the UK Government. References to Parliament refer to the UK Parliament at Westminster.

The report contains one section covering the regulations at sea. The regulations apply beyond 12 miles from shore through the separate Conservation of Offshore Marine Habitats and Species Regulations 2017 and one section below considers the impact of these marine regs on nature.



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The purpose and operation of the Habitats Regulations

The Habitats Regulations were introduced into UK law three decades ago. Speaking in the House of Commons debate to support their introduction in 1994, Simon Hughes MP set out why they were needed:

“Habitats, species and biodiversity are under extreme risk and in danger. Throughout most of the earth’s history, the rate of extinction has been in the order of one to 10 species per year. In the next 30 years, we risk losing between 150,000 and 300,000 species per year... At the end of last year, the Government-commissioned countryside survey of 1990 was published. The broadsheet newspapers carried the following headlines: ‘Decade of decline for wildlife’. ‘Em survey reveals decline of this green and pleasant land’. ‘Hedgerows in steep decline, department’s survey shows’. Whether considering hedges, arable fields, weeds, pastures, meadowland, moorland or plant life, the survey showed that there had been significant reductions almost entirely across the board.”²

The regulations were designed to respond to these decades of nature decline by protecting selected wildlife from damage from intensive human activity. Originally drawn up by British environmentalist Stanley Johnson on behalf the European Union³, the regulations were fully implemented by the UK as a then EU member state and came into force on 30th October 1994. In 2017, the regulations were placed purely into UK law, to keep them in place post Brexit.⁴ They remain in place today.

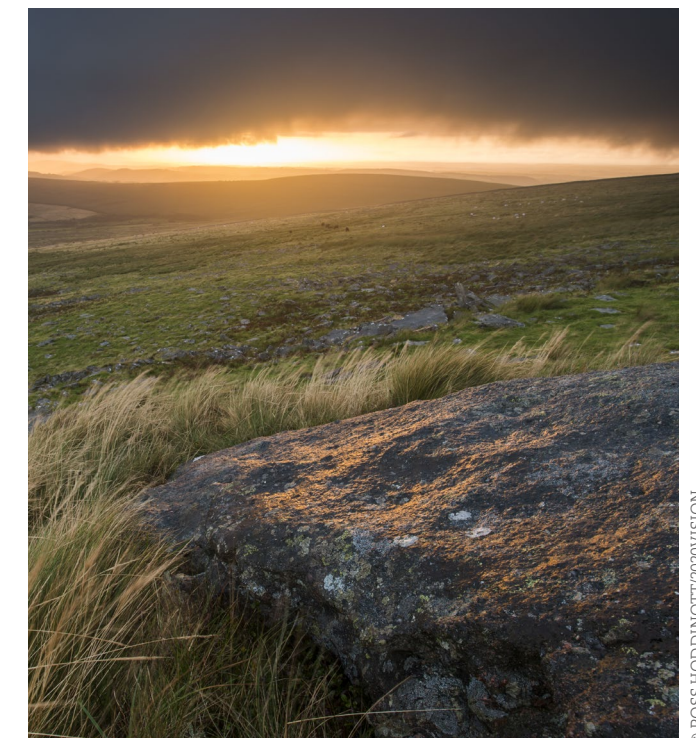
The operation of the regulations falls into two parts; strict protections for selected sites and less strict protections for selected species.

Under the regulations, sites have been designated for protection on the basis of specific habitats or species that are present there. These protected sites are mostly known as Special Areas of Conservation (SACs). There are also two further types of protected site, Special Protection Areas (SPAs), which specifically provide protection for rare birds and Ramsar sites, which specifically protect wetlands. One million hectares of land in England falls under site protections, 8 per cent of the total. The protections for these sites kick in when a project would affect a site. At this stage the regulations require a Habitats Regulations Assessment (HRA) to assess the project’s likely impacts on the habitats or species the site is protected for, with a focus on the site’s ecological integrity. Unless the HRA shows that damage will not occur, the project cannot take place. The only exception is if the applicant

can demonstrate imperative reasons of overriding public interest for the project to proceed (known as the IROPI test), and that effective compensatory environmental measures will be delivered alongside the project.

83 wildlife species in England are protected under the regulations, around 0.1 per cent of all species present in the country. Species protections require projects that could damage or disturb a protected species to obtain a European Protected Species (EPS) license before going ahead. This requires the regulator, Natural England, to be satisfied, through a license application, that mitigation and compensation activities alongside the project work will maintain the favourable conservation status of the relevant species in its native range. This wording allows for some damage to protected species population directly affected by the project, in return for mitigation and compensation to help the species more generally and prevent an overall decrease in its abundance.

These two sets of measures comprise the Habitats Regulations protections. Eight per cent of land is protected from damaging activity in most cases, and 0.1 per cent of species require mitigatory measures when damaged. This amounts to traffic islands and speed bumps on a busy road; a few theoretical refuge areas and safety measures set down against the intensifying roar of human activity.



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The arguments made against the Habitats Regulations

To properly understand the regulations and their impact, it is necessary to first look in detail at the arguments made by those who claim they must be weakened or removed. Who is attacking the Habitats Regulations, and how do their arguments stack up?

The timeline of attacks against the Habitats Regulations

In 1994, the Habitats Regulations came into force in the UK, as applied European Union law. In 2017 the Habitats Regulations were placed purely into UK law, ahead of Brexit. Attacks against the regulations began in earnest around Brexit, when the UK Parliament gained increased power to weaken or remove the regulations, due to their transference to UK law. This opportunity was seized by think tanks with an ideological commitment to deregulation, and lobby groups with a financial interest in it, who started arguing that environmental regulations posed a block to economic growth and should be weakened.⁵ These arguments soon found favour with politicians.

Since 2020, a series of political attacks on the Habitats Regulations have made it more difficult to enforce them and, in some cases, actively weakened their implementation:

- **June 2020:** Boris Johnson, then Prime Minister, attacked the Habitats Regulations as a drag on productivity and pledged action to tackle this.⁶
- **September 2022:** Kwasi Kwarteng, then Chancellor in the Truss administration, published a Mini-Budget that pledged to reform habitats and species regulations.⁷
- **September 2022:** Jacob Rees Mogg, then Business Secretary in the Truss administration, introduced the Brexit Freedom Bill to revoke up to 4,000 pieces of law inherited from the EU, potentially including the Habitats Regulations. In April 2023 the scope of the Bill (now renamed as the EU Retained Law Bill) was reduced to 800 pieces of law, excluding the Habitats Regulations.
- **August 2023:** Michael Gove, then Housing & Communities Secretary in the Sunak administration, introduced a late amendment to the Levelling Up & Regeneration Bill to disapply Habitat Regulations protections in areas affected by nutrient pollution. The amendment was voted down by the House of Lords in September and did not return.⁸

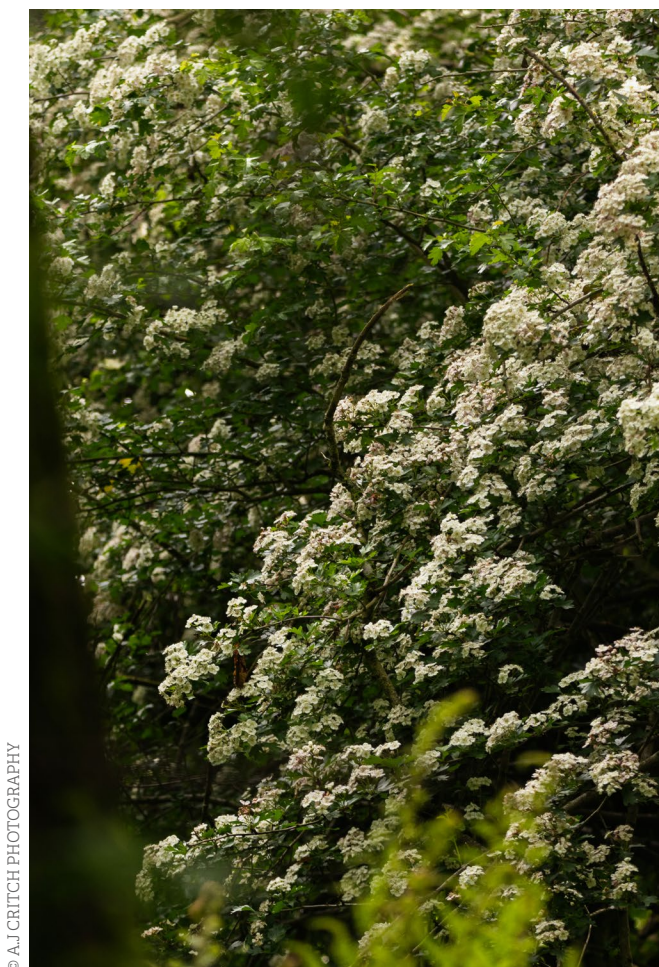
- **January 2025:** Rachel Reeves, then Chancellor in the Starmer administration, attacked the Habitats Regulations as a blocker to development. In March the Starmer administration introduced the Planning & Infrastructure Bill, including an alternative to the Habitat Regulations protections in some areas. After months of debate, and agreement of additional environmental safeguards to bring the alternative closer to the regulations, the Bill passed into law in December 2025.⁹
- **December 2025:** Keir Starmer, then Prime Minister, accepted recommendations from the Fingleton Review for sweeping legislative changes to reduce Habitats Regulation compliance requirements for nuclear projects and suggested applying it beyond nuclear. After fierce public and political opposition, the plans were modified in March 2026 to minor changes to compliance for nuclear only, with minimal legislative changes to the Habitats Regulations.¹⁰ At the time of writing, these changes are due to be introduced through an expected Nuclear Regulation Bill, included in the Starmer administration's May 2026 King's Speech.
- **May 2026:** The Conservative Party, as the official opposition, published an Alternative King's Speech which included proposals to disapply the Habitat Regulations for all nuclear projects.¹¹ Similarly, Reform have committed to a 'Great Repeal Bill' to remove extensive regulations, including environmental regulations.¹²

Brexit put the Habitats Regulations on the table¹³, deregulatory lobbyists were quick to seize the opportunity, and politicians fell for their claims. How well do those claims stack up?

Deregulator's claim: 'The Habitats Regulations don't work for nature'

"What is most shameful about our current nature legislation set-up, including the habitats regulations, is not just that it stops us from building the homes and infrastructure that our country needs and that it damages our economy in the meantime, but that it does not even work on its own terms. As was mentioned earlier, Britain is one of the most nature-depleted countries in the world; I am told that it is second only to Singapore. Why is that? Because the money that we force builders to pay for nature projects is not being spent in the most efficient way." - Chris Curtis MP, Commons 2nd reading of the Planning and Infrastructure Act, 24th March 2025¹⁴

This argument has been made repeatedly by opponents of the Habitats Regulations. It is typically deployed as it is above, as a device to swiftly dismiss environmental concerns about deregulation before proceeding to the deregulatory advocate's main concern; the supposed economic burden of nature protections. Nature-loving Brits shouldn't be worried about deregulation, so the argument goes, as the Habitats Regulations aren't working for wildlife, demonstrated by ongoing nature loss. It is often followed by the suggestion that the Habitats Regulations' focus on protecting individual places and species from damage is ineffective, and that a better approach would be to allow specific damage to take place, in return for significant compensation for nature across the board.



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These arguments may flatter the consciences of politicians keen to not come across as environmental villains, but they do not stand up to ecological scrutiny.

To put it simply, wildlife does best where humans aren't; where natural habitats remain similar to the state the species evolved to exist in. In England, these 'wild' places have shrunk significantly over centuries of intensifying human activity. Natural habitat loss has been particularly acute over recent decades. Over the course of the 20th century, the extent of species-rich grasslands in England decreased by 97 per cent, lowland heathlands by 80 per cent, and ancient woodland by 70 per cent.¹⁵ These trends are continuing, with a net increase in urban areas of 3,376 km² recorded between 1990 and 2015 – an area the size of Cornwall.¹⁶ Species that can only thrive in a natural, or even semi-natural habitat, have fewer and fewer places in which to live. On an intensively developed island, preserving the minority of places unchanged by the intensification of human activity is an ecological imperative. We are squeezing wildlife into ever smaller spaces, and those precious few places that do remain untouched by human activity must be protected.

Replication is not an effective alternative to this preservation. Ancient and delicate ecosystems can't easily be replicated or replaced. Natural habitats take centuries to fully develop, and many species are reluctant to move from a chosen spot. A brand-new replacement habitat will have just a fraction of the biodiversity of a new one. You can't simply tear down Stonehenge and rebuild it anew elsewhere. In the words of ecologist Aldo Leopold, "wilderness is a resource which can shrink but not grow... the creation of new wilderness in the full sense of the word is impossible."¹⁷

The Habitats Regulations approach of prioritising avoidance of harm to the natural habitats we have left is founded on this scientific truth. As an evidence-based approach, it has worked.

In 2015, the European Union published a comprehensive report on the environmental impact of the Habitats Regulations across Europe and it found that they are working. It compared the ecological condition of habitats strongly protected by the Habitats Regulations (with over three quarters of the habitat type covered by HR site protections) with those only weakly protected (with a third or less of the habitat type covered by HR site protections). 60 per cent of habitats in the strongly protected by HR group were stable or improving, compared to 42 per cent of the weakly protected by HR group. The report found similar results for species, with 40 per cent of bird species protected by the Habitats Regulations increasing in number, compared to 25 per cent for bird species not protected by the Habitats Regulations.¹⁸

These findings confirmed the picture painted by a ZSL led study from 2013, which profiled 19 species recovering in Europe due to Habitats Regulations protections, including grey seals and beavers.¹⁹ Bat species can also be added to this list, with bat numbers across Europe increasing by 43 per cent in the two decades after the Habitats Regulations protections came into force, halting massive historical declines.²⁰

The evidence is clear – where nature is left alone it does better, and the Habitats Regulations have been an effective at achieving this for the wildlife they protect.

This does not mean that the Habitats Regulations on their own can turn round the national decline in nature. The regulations protect 8 per cent of England and 0.1 per cent of English species. What they cover they protect well, but they do not cover everything. This point was made during the parliamentary debates around the introduction of the Habitats Regulations back in 1994, when Lord Moran highlighted that:

“It is clear that for most and perhaps all the listed species and habitats which occur in the United Kingdom the protection and management of SACs will not be enough to obtain favourable conservation status. Species such as the otter, to name only one, travel great distances and are not confined to particular sites. Consequently, new and more effective policies are needed for the wider countryside.”²¹

The failure of successive Governments to bring forward effective nation-wide conservation policies, to complement the Habitats Regulations and their strong but extremely limited coverage, is the primary culprit for the ongoing decline in England’s nature. Sustained political attacks on the Habitats Regulations from 2020 onwards has made the job of the regulations yet harder. To blame the Habitats Regulations for failing to recover nature from its decline is akin to blaming a candle for not illuminating an entire house, as evening falls.



Deregulator’s claim: ‘The Habitats Regulations impose undue burdens on businesses’

“The big problem with the status quo is a lack of flexibility. If your high speed railway is set to harm a colony of bats, then to avoid building a £120m bat tunnel you need to be able to design a compensation package that prevents harm to that specific colony. This can be extremely difficult in practice. So the railway builder ends up spending a huge wad of cash on a ‘bat tunnel’ because they don’t want to cancel the multi-billion pound project...Individually, each aspect of the Habitats Regs creates problems, but it is their combination that produces £120m bat tunnels and 80,000 page environmental impact assessments.”
- Sam Dumitriu, Head of Policy at Britain Remade, in blog ‘What’s really wrong with the Habitats Regulations?’, 21st November 2025²²

This argument is beloved by think tankers and corporate lobbyists working in and around Westminster and nearly always features the eponymous HS2 bat tunnel.²³ The disparity between the size and cost of the tunnel, and the limited number of bats benefiting from it, is used to characterise the Habitats Regulations as unreasonable, unflexible legislation which generates perverse outcomes.

This foundational narrative for attacks on the Habitats Regulations is based on a fundamental inaccuracy. There was no requirement under the regs for HS2 to build a bat tunnel to ‘prevent harm to that specific colony’. Sheephouse Wood, the natural habitat the bat tunnel part of the line was built through, is not covered by a Habitats Regulation site protection. The Habitats Regulations were triggered there due to species protections under the regulations, because the listed species of Bechstein’s Bats was found. As such the requirement on HS2 was not to demonstrate that damage would not occur (the sites requirement) but that mitigation would maintain the favourable conservation status of the relevant species in its native range (the species requirement). The requirement was to maintain the conservation status of Bechstein’s bats as a species, not to avoid any damage to a specific colony.

The reasons why HS2 felt that a bat tunnel was the only route to meeting this less-than-onerous species requirement will remain a mystery. Natural England and environmental groups did not plan, design or cost the tunnel: this was an entirely HS2 owned solution to the problem as they understood it.²⁴ Perhaps it shouldn’t be a surprise that a project that managed to chalk up a £60 billion overspend and a seven-year delay got the Habitat Regulations wrong, just as they got so much else wrong. Institutional incompetence leads to perverse outcomes.

Think tanks and lobbyists opposed to nature protections have seized on HS2’s mistake, to suggest that Habitats Regulations species protections are just as strict as site protections (see example text

above). In fact, species protections – the most common parts of the regulations that developers encounter – offer tried and tested routes to gaining a license to proceed with development work. Wildlife Trusts analysis commissioned in 2025 found that just 3 per cent of planning appeals the year before concerned development refusals connected to bat and newt species (the most encountered species requiring a license).²⁵ The vast majority of developments triggering the Habitats Regulations on species grounds propose viable mitigation strategies and secure licences, allowing them to proceed. The cost of this licensing process is far from extortionate. Defra analysis from 2025 found the total cost to all business of licensing charges under the Habitats Regulations came to £0.5 million a year.²⁶ To put this in context, a 2021 Government proposal for developers to maintain a Premises Information Box in each high-rise building was estimated to cost UK business £1 million per year.²⁷

What then of site protections? These are stricter than species protections, for good reason. They are meant to be the gold standard for nature protections, the high walls to protect the remaining spaces where nature is clinging on. They protect just 8 per cent of England, the last fragments left for nature. Given all we know about the vital importance for nature of spaces not disturbed by intensive human activity, it is entirely appropriate – indeed scientifically necessary – for damage to be precluded in these spaces.

This is achieved by the de minimis rules, which require all likely damage to the habitats and species the site is protected for to be measured in advance of a development. This has been criticised by deregulators as efforts to protect tiny numbers of wild animals, but assessing the likely impact of a development on listed species and habitats provides a workable way of measuring likely impact on the entire site. Noting the likely loss of hundreds of animals from an assemblage of listed species is not an exercise in pettifoggery, but a measurement of wider nature impacts. If nature is to survive, there must be some spaces where all damage from intensive human activity is ruled out. The de minimis approach, focussed on indicator impacts, allows for that damage to be detected, before it occurs.

Even if damage is detected, there are means for development still to proceed, if imperative reasons of overriding public interest (IROPI) are demonstrated and effective compensation is delivered.²⁸ Here then, even in the places meant to be sacrosanct for nature, is a route for human needs to take precedence, just as they do everywhere else. There is no limit on the type of development that can be considered for IROPI, meaning that new roads, and even leisure parks, can qualify.

It is notable that many of the examples given of the Habitats Regulations allegedly delaying development actually occur at this stage, as developers seek to reduce the cost of agreed compensation on a consented development.

The Hinkley Point C nuclear power station was consented in 2013, on IROPI grounds, with a compensation package agreed to address damage to affected sites protected by the Habitats Regulations. The developer, EDF, has spent the intervening 13 years challenging the extent of the estimated damage to the protected sites in a bid to reduce the cost of compensation. These efforts have generated voluminous paperwork and contributed to the project running years behind schedule, with an overspend currently estimated at £28 billion.²⁹ The developer has sought to project blame onto the Habitats Regulations, when the real causes of delay and overspend can be traced to their own bad decisions.³⁰ If EDF had left the damage estimates alone and swiftly progressed the agreed compensatory package, Hinkley Point C would be much closer to completion than it is now. Similarly, the choice of another location, away from protected sites, would have enabled much faster progress.

Despite EDF’s distorted claims about the small likely impacts on nature and the excessive costs of compensation having been widely debunked – with the company suggesting that only single-digit numbers of fish would be protected by the installation of a ‘fish disco’, whilst the Environment Agency warned that the plant could see 4.6 million fish die every year³¹ – these ill-founded industry figures are still cited by others as an argument for deregulation. An example of this can be found in the July 2026 discussion paper ‘Barriers to project delivery’, published by the industry body representing water companies, Water UK, which amplified the Fingleton Review attacks on the Habitats Regulations.³² Whilst it is notable that some water companies have distanced themselves from the publication, the water industry’s adoption of these arguments is revealing. Mistruths about the Habitats Regulations have emboldened actors widely discredited in the eyes of the public to join the regulation-bashing bandwagon. The water industry which inflicted the sewage scandal on England has lined up with HS2 and energy companies to attack wildlife rich spaces; a rouge’s gallery, united in trying to project blame away from their own actions.

In sum, the species element of the Habitats Regulations represents a limited burden on businesses who understand the rules (unlike HS2 with their bat tunnel). The site element of the regulations imposes more onerous requirements, but for scientifically justified reasons, with an IROPI get-out. When choosing this IROPI route, businesses can be their own worst enemy (as shown by EDF at Hinkley C).

This isn’t to say there aren’t opportunities to make the process even smoother.

More funding for advice would make a difference, as austerity casts a long shadow over planning efficiency. In 2012, before the worst of the cuts, Defra reviewed the Habitats Regulations from an economic perspective and concluded that ‘in the large majority of cases the implementation

of the Directives is working well, allowing both development of key infrastructure and ensuring that a high level of environmental protection is maintained.³³ This conclusion is supported by the fact that housebuilding in the UK reached its highest level in the UK between 2002 and 2007,³⁴ when the Habitats Regulations were fully in place.

The austerity of the 2010s did have an impact on this smooth regulatory implementation, as planning departments experienced average cuts of 33 per cent³⁵ and environmental regulators experienced cuts of 50 per cent.³⁶ The resulting capacity and expertise gaps have still not been fully made up. Defra assessed the Habitats Regulations again in 2025 and found them still fit for purpose, whilst noting ongoing advice capacity issues and observing that ‘any unnecessary burden experienced, was largely attributed to interpretation, implementation and enforcement challenges.’³⁷

Those challenges could be resolved by expanding capacity and rebuilding expertise in planning authorities and environmental regulators, to offer earlier, fuller advice to business on Habitats Regulations compliance. The cessation of political attacks on the Habitats Regulations could also lift the chilling that has laid heavy on Habitats Regulation implementation since 2020.

Similarly, there is a role for updated, effective guidance on Habitats Regulations compliance. The text of the regulations themselves is limited, and much of the detail of enforcement comes from perceived practice. Guidance can clarify where such perceptions have strayed from the text of the regulations and ecological imperatives and highlight useful further sources of advice. These include the Environment Principles statement which applies across Government. The Environment Principles statement clarifies that the precautionary principle, which underpins the Habitats Regulations and other environmental mechanisms, requires decision makers to understand risk ‘as a combination of the likelihood of the environmental damage occurring and its severity’.³⁸ This reminder of ecological imperatives and practical good sense through guidance could provide a useful steer for developers and decision makers, along with restatement of the determinant that should underpin all Habitats Regulations decisions – what outcome would best avoid wildlife harms from damaging human activities?

The Habitats Regulations work well for businesses who constructively engage with them. Investment in advice, funding and guidance offers a readily deliverable way to increase this constructive engagement.

After examining the context and the substance of the claims deregulators make about the Habitats Regulations, those claims can be dismissed as largely baseless. With these disproven claims cleared away, what do the Habitats Regulations really do?



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The real impact of the Habitats Regulations

What the Habitats Regulations really do: For nature

The Habitats Regulations provide flashes of hope for nature, causes for optimism amidst widespread decline.³⁹ It is its’ species protections we can thank for there being more bats in the night sky than there were in the 1980s⁴⁰, and for more visits to the coast being brightened by sightings of grey seals, again recovering in population⁴¹. Against a backdrop of widespread species decline, Habitats Regulations are keeping protected species with us for longer and even allowing for modest recovery in some cases – flickering light against a dark backdrop.

As most green and blue spaces wither, it is the Habitats Regulations site protections that have kept places beloved by the public intact for another generation. Protections stretch across the land, from Cornish cliffs to Chesil Beach, across the ash-hugged hills of the Wye Valley to the South Pennine Moors, over the fens of East Anglia to the ancient oaks of Epping Forest. These sites remain as older generations knew and loved them, precisely because the Habitats Regulations have kept the churn of intensive modern activity away from their bounds. The above sites all sit outside National Parks; the protective record of the regulations also includes hundreds of sites within National Parks where an extra layer of the Habitats Regulation protections has kept concrete and pollution at bay.

The efficacy of the Habitats Regulations at protecting these cherished spaces is demonstrated by what happened to such places before the protections were in place. The intensification of development and agriculture in England in the latter half of the 20th century inflicted huge casualties on nature, including large chunks of the North Downs dug out for motorways, Dorset heathlands immortalised by Thomas Hardy paved over for housing and ancient limestone ridges in the Peak District quarried away. Writing in 1971, journalist and environmentalist Kenneth Allsopp reflected on the tide of post-war development inexorably advancing over England’s wild spaces:

“Our generation of campaigners feel anguish that the countryside and its marvellous multiplicity of life is under siege and succumbing; our aesthetic is that of greenwood and birdsong and space. I think we must recognise that we may be on to a loser and that the enemy’s ingenuity may be able to dispense with that archaic and romantic traditional idyll.”⁴²

The Habitats Regulations have not been able to lift this siege, but they have bolstered the inner redoubt. They ensured that the modern intensification of human activity did not snuff out every wild space in England, as looked grimly inevitable to environmentalists in the 1970s. The decision of MPs like Simon Hughes in 1994 to back the regulations lit an evening candle for nature. Thanks to the regulations, there are still spaces effectively protected for nature, from which wider nature recovery efforts can be mounted. It is striking that most recent conservation success stories start from sites protected by the Habitats Regulations, including the reintroduction of red kites from SACs in the Chiltern Hills and the reintroduction of white-tailed eagles from SACs on the Isle of Wight. If the attacks on the Habitats Regulations finally cease, environmental groups will be empowered to divert resources currently committed to regulatory defence to more such proactive, nature-boosting schemes, building on the regulations to bring more wildlife back to the benefit of more people.

These are the successes to sing about, and a reminder of not only what we stand to lose without the Habitats Regulations, but what they can help achieve. They are also the context through which Westminster arguments to abandon the Habitats Regulations should be viewed. Those Westminster arguments are calls to make the one effective check on damaging human activity a temporary one, to extend development to its furthest stretch and to roll the dice on whether a country can survive without its wild spaces.

What do we stand to lose, if this or a future Government takes the gamble?



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What the Habitats Regulations really do: For people

The Office of National Statistics (ONS) attempted to measure the socio-economic value of nature through the UK Natural Capital Accounts, a 2023 publication. The ONS put nature-related related tourism as the top of the list, estimating it to be worth £10 billion per year to the economy. This was followed by the health benefits recreation in nature provides to the UK population, which the ONS valued at £8 billion per year. Finally, the ONS estimated that the desirable aesthetics provided by nature sustains an uplift to house prices worth £8 billion annually.⁴³

The Habitats Regulations protect many of our most important remaining natural sites, which attract millions of tourists each year and support outdoor recreation to boost public health. They stand as the legislative guarantor of much of the annual £26 billion nature dividend for the UK economy, as measured by the ONS.

This ONS measurement provides an indicator of the worth of the Habitat Regulations, rather than mapping its full extent. To the ONS estimates, we should add less measurable, but no less significant economic benefits. The continued existence of Chesil Beach, of Epping Forest, and the other special places protected by the Habitats Regulations provide wellbeing and a sense of life satisfaction for people, with knock-on impact for the economy. The WELLBY metric is used by economists and refers to a one-point increase in wellbeing and life satisfaction on a 0 to 10 scale for one person for one year. One WELLBY contributes between £15,300 and £17,364 to the economy, through increased productivity.⁴⁴ Happier, more satisfied people are more economically productive people, and nature, underpinned by the Habitats Regulations, makes a huge contribution to that productivity-boosting happiness and satisfaction.

Even through a narrow economic lens, the Habitats Regulations more than wash their face for the UK economy, underpinning nature benefits that generate tourism revenue, provide health assets and increase productivity. An indicator of how much the public values nature benefits can be found in repeated polling showing high levels of public appreciation for ecosystem services⁴⁵ and overwhelming local support for nature recovery projects.⁴⁶

The Habitat Regulations also serve as an economic safeguard. By slowing nature's decline, the regulations slow economic harms associated with that decline, and with closely-linked climate change. The climate-accelerated fragmentation of the natural world, on which our economy has been built over millennia, is already causing economic blowback, including:

- More wildfire and drought costs, as healthy wild habitats decline and can no longer retain water in the summer. Heatwaves, like those seen in summer 2026, will hit people harder due to less cooling water and shade.

- More flooding costs, as healthy wild habitats decline and can no longer slow water down in the winter.
- More water and air pollution, due to wild habitats declining and being less able to provide natural (and free) cleaning services.
- Reduced crop yields, as fields scorch, soils erode and pollinator and pest predator populations decline.
- Increased disease in wild animals, crossing over into farmed animals.
- The collapse of fisheries, in freshwaters and at sea, due to plummeting fish stocks.

Removal or weakening of the Habitats Regulations will mean less nature and acceleration of these environmental harms, rushing faster over the economy.⁴⁷

Over 250 years ago, the pioneering environmentalist Gilbert White grasped how essential even seemingly insignificant species are to human society, writing of earthworms: *'though in appearance a small and despicable link in the chain of nature, yet, if lost, [they] would make a lamentable chasm. For to say nothing of half the birds and some quadrupeds which are almost entirely supported by them, worms seem to be the great promoters of vegetation, which would proceed but lamely without them, by boring and perforating and loosening the soil... The earth, without worms, would soon become cold, hard-bound, and void of fermentation, and consequently sterile.'*

It is a lesson from centuries ago, whose full truth we are now seeing in our own time, as the climate changes, protective wildlife slips away and our newly exposed economy starts to fray.⁴⁸

Purely economic analysis cannot of course capture the full value of cherished wild spaces and species. Our nature constitutes a bank of national beauty, in which everyone has a deposit. It provides daily pride and joy to millions and lifts England's vision of itself, and its standing in the world. The diminishment of this shared asset would leave the country immeasurably impoverished. The weakening of the Habitats Regulations would open a door – to an England where the Manchester Mosslands dry to dust, the Needles crumble into polluted seas and the oaks of Windsor Forest fall. To a future with less beauty, to fewer good things in life shared and appreciated by all.

The Habitat Regulations underpin an annual £26 billion economic dividend, aid productivity, boost national security against growing environmental harms and maintain shared beauty in our national life. Not a bad return for 'red tape'.

The Habitats Regulations: Impacts at sea

The regulations apply beyond 12 miles from shore through the Conservation of Offshore Marine Habitats and Species Regulations 2017⁴⁹, separate to the regulations which apply on land. Whilst the bulk of this report considers the Habitats Regulations on land, it is important to highlight what the marine regs have done for ocean wildlife.

The marine regs protect 116 marine Special Areas of Conservation and 125 marine Special Protection Areas, which together comprise the majority of the UK's current Marine Protected Areas network. The remainder of the network comprises of Marine Conservation Zones and Nature Conservation MPAs. The whole MPA network suffers from increasing development pressures and poor monitoring, but the SAC and SPA components do ensure some management measures and monitoring information in the areas they cover.

These Habitat Regulation protections require the regulator (the Joint Nature Natural Capital Committee beyond 12 miles from shore) to maintain Condition Assessments and General Management Approaches for each SAC and SPA, and to assess marine projects which could damage these sites. These requirements allow for a greater degree of protection and monitoring to be offered for SACs and SPAs than is the case for other parts of the MPA network. Wildlife Trusts reporting on the condition of the whole MPA network is based on this Habitat Regulations information, as the closest to complete data that is available for the network as a whole.⁵⁰

There are also signs of species recovery from these habitat regulations at sea. Against a grim backdrop of plummeting seabird populations, as a result of development pressures, avian flu and climate change, England's roseate tern population is a rare cause for hope, with numbers recorded in 2026 standing at a 50-year high.⁵¹ Roseate terns have just one breeding colony in England, Coquet Island off Northumberland. The seas around Coquet Island were newly designated as an expanded SPA in 2017, contributing directly to the recent recovery in numbers.⁵²

Closer application of effective Habitat Regulation protections across the sea could do much more to protect struggling marine wildlife. However, Government policy is going in the wrong direction. Spring 2026 saw Defra introduce The Conservation of Habitats and Species (Offshore Wind) (Amendment etc.) Regulations 2026. These regulations weaken the marine regs, allowing marine projects compensate for harms to SPAs and SACs through measures which have no direct link to the impacted habitat or species. Damage to a specific species like kittiwakes (who have declined by 43% in England since 1986⁵³) can now be compensated by a general network-boosting activity. That will do nothing to help struggling kittiwakes, but will enable developers to tick the compensation box,



despite no meaningful compensation being offered for the damage caused.⁵⁴

On sea, as on land, politicians are attacking the Habitats Regulations and weakening the one effective check on damaging, intensifying human activity.

Conclusion

There is a gulf between the Habitats Regulations as discussed in Westminster and the Habitats Regulations in operation across the country. The Kafkaesque red tape attacked by politicians bears little resemblance to reality on the ground, where the regulations effectively guard cherished places and contribute to a better economy and better lives.

Why the disconnect?

To put it bluntly, it is because powerful vested interests have powerful incentives to portray the Habitats Regulations as they do. The ability to develop on sites protected by the Habitats Regulations offers tempting profits, especially given the advantages remote coastal protected sites offer nuclear developers (through access to water for cooling and limited local populations), and the high house prices commanded by residential development in scenic protected areas. The regulations also provide a convenient scapegoat for budget overruns and self-inflicted project delays. It is notable that Britain Remade, the organisation leading the charge against the Habitats Regulations, is reported to share registered office addresses and directors with Stonehaven, a PR company working for major energy developers, including Hinkley C owners EDF.⁵⁵ Large companies are spending large amounts of money trying to discredit the Habitats Regulations because they stand to benefit financially and reputationally from their diminishment.

The self-interested advocates of deregulation have some in-built advantages that have helped their false portrayal of the Habitats Regulations to gain ground in Westminster. The widespread decline in England's nature has allowed them to claim that the Habitats Regulations 'aren't working for wildlife', despite the regulations having only partial coverage and being shown to work where they apply. In this manner, a consequence of there not being enough of the Habitats Regulations has been turned into an argument for their complete removal. Sometimes this has been attempted by the very voices who led early attacks on the Habitats Regulations and directly reduced their effectiveness today.⁵⁶ That's like an arsonist who has tampered with fire extinguishers arguing for their complete removal, on the grounds of fire safety.

Deregulators have also benefitted from an institutional advocacy mismatch. While well-funded critics of the Habitats Regulations have dominated the narrative, budget-starved and procedurally-bound regulators have struggled to communicate their side of the story, especially on individual decisions. It takes resource, motivation and a willingness to sacrifice precise truth for compelling headlines to build a narrative in Westminster: attributes largely found amongst those with a financial interest in deregulation, not the overworked public bodies trying to uphold regulations.

Arguments that the Habitats Regulations are incompatible with growth have been broadcast by the advocacy equivalent of a speaker system, drowning out the evidence to the contrary.

The success of this narrative over recent years has made the British public worse off. The chilling impact of sustained political attacks on environmental regulators, and active regression in law achieved through the Planning & Infrastructure Act, have hacked holes in the shield the Habitats Regulations provide for nature. If deregulators continue to get their way, and the upcoming Nuclear Regulation Bill further weakens the protections, those holes will widen. Parties currently in opposition have pledged to do even worse, and to effectively remove the Habitats Regulations on taking office.

This autumn, the new Burnham administration has a choice. They can accede to self-interested deregulation advocates and continue the current drift to an England without strong nature protections. Or they can reflect on the socio-economic risks of environmental abandonment, listen beyond Westminster to the popular desire to keep nature protections and act on the evidence on how best this is to be achieved. That evidence is overwhelming; protecting sites and species as the Habitats Regulations does is the most effective way of keeping wild spaces intact and allowing wild species to recover. The evidence also shows that the regulations do this in a way that is fundamentally compatible with responsible business and good growth, and could be made even more so, with additional resourcing and guidance.

On taking office, Mr Burnham pledged to 'bring hope back'.⁵⁷ Nature, the source of hope for millions, stands ready to help. This must start in the places where the Habitats Regulations have enabled nature to cling on. These protected places are the wellsprings which, if left intact, can maintain the current stream of nature benefits for people and - if complemented with wider nature recovery measures - increase them.

From a boosted economy to protection against dangerous weather, through to national beauty shared and held in common, The Habitats Regulations do much for us and can do much more yet.

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The Wildlife Trusts are a federation of 47 charities, 46 individual Wildlife Trusts and a central charity, the Royal Society of Wildlife Trusts. Together we have more than 945,000 members, 33,000 volunteers and 4,100 staff across the UK. We share a vision of nature in recovery, with abundant, diverse wildlife and natural processes creating wilder landscapes where people and nature thrive.

Wildlife Trusts care for – and have restored – some of the most special places for wildlife in the UK. Collectively we manage more than 2,600 nature reserves, operate 123 visitor and education centres and own 29 working farms. We undertake research, we stand up for wildlife and wild places under threat, and we help people access nature.

We work with businesses who are committed to being nature positive and take action to help restore 30% of land and seas for nature by 2030.

The Wildlife Trusts



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