

# Nutrient Neutrality

## A summary guide

This document has been produced by Natural England, Defra and DLUHC to provide a non-technical summary of nutrient neutrality for water quality. This is supplementary to Natural England's formal advice and guidance.

## Nutrient Pollution

Nutrient pollution is a big environmental issue for many of our most important places for nature in England. In freshwater habitats and estuaries, increased levels of nutrients (especially nitrogen and phosphorus) can speed up the growth of certain plants, disrupting natural processes and impacting wildlife. This process (called 'eutrophication') damages these water dependent sites and harms the plants and wildlife that are meant to be there. In technical terms it can put sites in 'unfavourable condition'\*. The sources of excess nutrients are very site specific but include sewage treatment works, septic tanks, livestock, arable farming and industrial processes.

*\*What is unfavourable condition? In this context, a site in 'unfavourable condition' is not being adequately conserved and/or the results from monitoring show that important features of the site are not meeting all the mandatory site-specific targets*

## Nutrient pollution and development

Where sites are already in unfavourable condition, extra wastewater from new housing developments can make matters worse and undermine ongoing efforts to recover these sites. However, when development is designed alongside suitable mitigation\* measures, that additional damage can often be avoided.

*\*What is mitigation? In this context, we mean action taken to stop nutrient pollution impacting sites. This could be onsite – preventing nutrient pollution directly from the development in question, or offsite – reducing nutrients from other sources that affect the site overall.*

## Nutrient pollution and the law

Many of our most internationally important water dependent places (lakes, rivers, estuaries, etc) are designated as protected under the [Conservation of Habitats and Species Regulations 2017 \(as amended\)](#). We call these 'Habitats Sites'.

When competent authorities\* assess projects and planning applications, they must consider whether the plan or project is likely to have significant effects on the Habitats Sites. They do this using the Habitats Regulations Assessment (HRA), made up of several distinct stages of assessment which must be undertaken in accordance with this legislation.

*\*What is a competent authority?* In this context, a competent authority includes planning decisions-makers such as Local Planning Authorities (LPAs), the Planning Inspectorate and the Secretary of State. It also includes all government departments, public bodies (such as the Environment Agency and Ofwat), Statutory Undertakers (such as water companies) and persons holding public office.

When a planning application is submitted where significant environmental effects cannot be ruled out, a competent authority (usually the LPA or Environment Agency) must make an appropriate assessment of the implications of the plan or project for that site, taking account of the site's conservation objectives. If the appropriate assessment cannot rule out damage due to nutrient pollution, planning permission would be denied under this legislation unless mitigation to reduce or eliminate the impact can be put in place.

Natural England has reviewed the available evidence on Habitats Sites that are in unfavourable condition due to high nutrient levels. Where plans or projects will contribute additional nutrients to these sites, then a robust Habitats Regulations Assessment is required in accordance with well-established principles. This may highlight the need for new solutions to inform sustainable development to protect these sites.

## **Nutrient neutrality – a proposed approach**

Natural England has issued advice highlighting the need to carefully consider the nutrients impacts of any new plans and projects on internationally protected Habitats Sites, and whether mitigation is needed to protect sites from additional nutrient pollution. This falls under Natural England's statutory duties and is part of a coordinated cross departmental response by government, supported by Defra and DLUCH.

Natural England's advice comes with tools and guidance to help developments demonstrate that they do no harm, so that they can go ahead. We call this approach 'nutrient neutrality'. The methods created by Natural England use the latest evidence and bespoke catchment calculators to assess the site's current nutrient status and the likely impact of any new development. This allows competent authorities and developers to identify the level of mitigation required to cancel out the additional nutrient pollution expected from a particular project.

**Development plans can be considered 'nutrient neutral' where they can demonstrate that they will cause no overall increase in nutrient pollution affecting specified Habitats Sites.**

With this vital information, developers can deliver projects that demonstrate zero net increase in nutrient levels within the catchments of these Habitats Sites (or "nutrient neutrality"), allowing competent authorities to make more informed planning decisions.

This approach is not mandatory and, if they prefer, competent authorities can determine their own solutions as appropriate. Nutrient neutrality is intended to be an interim solution whilst we return Habitats Sites to favourable condition.

## **Multiple benefits**

Suitable mitigation measures might include constructed wetlands, changes in land management or retrofitting Sustainable Urban Drainage systems within the catchment of the impacted site(s). This means that nutrient damage to Habitats Sites will not be made worse through these developments, allowing nature recovery plans to start reversing existing damage. Importantly, development that can mitigate nutrient impacts and demonstrate nutrient neutrality will be permitted, assuming it passes all other planning requirements.

On top of this, many mitigation measures will involve a shift towards low nutrient loading practices such as creation of new wetlands, woodland or grasslands. This provides the additional benefit of creating new spaces for nature and recreation as well as offering potential new income streams for landowners.

Whilst nutrient neutrality will not solve all the challenges facing our freshwater systems, in areas where nutrient neutrality has already been implemented the method has been shown to help identify solutions for the joint pressures of meeting new housing demands, whilst protecting our most important sites for wildlife.

## **Natural England's role**

Natural England's role in the planning process is an advisory one, to help LPAs make good and robust decisions.

One of Natural England's statutory roles is to provide advice about the environmental impacts of plans or projects on sites which are important for nature. This advice takes account of the relevant legislation and case law which seeks to protect, conserve and enhance the environment.

The LPA decides whether to grant or refuse planning permission; Natural England can advise on impacts and help identify solutions to nutrient pollution through tools like nutrient neutrality. The LPA must have regard to Natural England's advice.

For planning applications that directly or indirectly result in additional nutrient loading which would, alone or in combination, have a significant effect on sensitive sites (which are already unfavourable because of nutrients, or the development would make it unfavourable), an appropriate assessment is needed. 'Nutrient neutrality' is one approach which can be used to mitigate harmful impacts.

## **Implications for Local Planning Authorities**

Natural England has advised LPAs in relevant catchments that they should undertake Habitats Regulations Assessments (HRA) of all development proposals which may give rise to additional nutrients entering their catchments, in line with the requirements of the Conservation of Habitats and Species Regulations 2017.

Where developments may fail the tests of an appropriate assessment based on nutrient pollution, LPAs may choose to use nutrient neutrality to counterbalance nutrient impacts.

Natural England understands there are challenges in securing necessary mitigation and is working with a range of stakeholders and partners to develop practical solutions. The Department for Levelling Up, Housing and Communities (DLUHC) and the Planning Advisory Service (PAS) have funded additional staff to support developers and LPAs with identifying and securing mitigation. There are also examples of successful mitigation projects from areas already using a nutrient neutrality approach, such as the government-backed nitrogen credit trading pilot project in the Solent. This pilot is testing whether creation of a more transparent and efficient catchment market can speed up the supply of nature-based mitigation to unlock housing development.

## Implications for Developers

Under this updated advice, developments are more likely require Habitats Regulations Assessments. Where developments would fail the requirements of the appropriate assessment, developers may be asked to take action to mitigate impacts through nutrient neutrality such as:

- building additional mitigation into their plans onsite,
- working with the LPA to arrange for mitigation offsite, or
- purchasing nutrient credits via a nutrient trading scheme (where other landowners in the catchment have taken action to reduce their nutrient load)

Nutrient neutrality provides a mechanism by which development that would otherwise be prohibited on the grounds of nutrient pollution may be given consent if mitigation is put in place. Using nutrient neutrality, developers only pay for mitigation required to counteract nutrients generated by their development.

## Further information and support

For developers – Please contact your Local planning Authority or access Natural England’s discretionary advice service (DAS) for further information

For Local Planning Authorities - Please refer to the formal advice and guidance sent to your planning team.

- The Planning Advisory Service (PAS) is running a series of introductory workshops for LPAs Please follow the link for further details: [Nutrient neutrality and the planning system | Local Government Association](#)
- Natural England is undertaking further research on the effectiveness of mitigation in different scenarios and developing additional tools to support implementation of nutrient neutrality mitigation

## What actions is government taking?

(Information provided by Defra)

In the short term, nutrient neutrality will ensure that pollution at Habitats Sites is not made worse by development. However, the Government recognises the importance of going beyond this to tackle the underlying causes of nutrient pollution and is taking steps to improve the state of our Habitats Sites. This includes:

- Increasing compliance with regulations that protect the environment from agricultural pollution.
- Encouraging farmers to go above and beyond to reduce, prevent and reverse pollution via three new Environmental Land Management schemes
- Providing increased advice and support to farmers so that they can improve their nutrient management practices.
- Proposing legally binding targets under the Environment Act for reduced nutrient loads from both agriculture and wastewater.
- Making clear through the Strategic Policy Statement to Ofwat that water companies should “prioritise improvements to Habitats Sites” within the next price review period, focussing particularly on the need to “address nutrient pollution”.

Interventions such as these will help our Habitats Sites recover and flourish in the longer term, enabling nature recovery and sustainable development