

Planning Committee

29 April 2022

Agenda item number 10

Nutrient Neutrality

Report by Planning Policy Officer

Summary

Part of the Broads has been identified as having issues relating to pollution from phosphates and nitrates. Natural England wrote to us (and the other affected Local Planning Authorities) advising of this issue and providing guidance. The issue relates to new overnight accommodation and therefore any such schemes within the catchment affected cannot be permitted currently. We are working with Norfolk Local Planning Authorities to fully understand the way forward with this issue.

Recommendation

That the report be noted.

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1. Introduction

- 1.1. On 16 March 2022 the Broads Authority and around 40 other Local Planning Authorities in England, received a [letter from Natural England](#) on the issue of Nutrient Neutrality. This letter set out Natural England's advice for development proposals that have the potential to affect water quality in such a way that adverse nutrient impacts on designated habitats sites cannot be ruled out. This letter provided advice on the assessment of new plans and projects under Regulation 63 of the Habitats Regulations.

The purpose of that assessment is to avoid adverse effects occurring on habitats sites as a result of the nutrients released by those plans and projects.

2. What is the issue?

- 2.1. In freshwater habitats and estuaries, poor water quality due to nutrient enrichment from elevated nitrogen and phosphorus levels is one of the primary reasons for habitats sites being in unfavourable condition. Excessive levels of nutrients can cause the rapid growth of certain plants through the process of eutrophication. The effects of this look different depending on the habitat, however in each case, there is a loss of biodiversity, leading to sites being assessed as being in 'unfavourable condition'.

3. What area does this apply to?

- 3.1. The area relevant to the Broads and to which this advice applies is shown on the map below. We are working with Natural England to thoroughly understand whether there are also areas/sites outside of the catchment where Nutrient Neutrality is an issue.



4. What is nutrient neutrality?

- 4.1. To achieve improvements in water quality, it is becoming increasingly evident that in many cases substantial reductions in nutrients are needed. In addition, for habitats sites that are in an unfavourable condition due to nutrients, and where there is considerable development pressure, mitigation solutions are likely to be needed to enable new development to proceed without causing further harm.
- 4.2. Mitigation through nutrient neutrality offers a potential solution. Nutrient neutrality is an approach which enables decision makers to assess and quantify the mitigation requirements of new developments. It allows new developments to be approved with no net increase in nutrient loading within the catchments of the affected habitats site.
- 4.3. Where properly applied, Natural England considers that nutrient neutrality is an acceptable means of counterbalancing nutrient impacts from development to demonstrate no adverse effect on the integrity of habitats sites.
- 4.4. It covers all types of overnight accommodation including new homes, student accommodation, care homes, tourism attractions and tourist accommodation and permitted development (which gives rise to new overnight accommodation) under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 4.5. The Nutrient Neutrality Methodology is a generic methodology which is applied nationally and can be used for all affected catchments and sites. The methodology can be used for both phosphorus and nitrogen. It provides a framework and a set of agreed “input values” to enable a nutrient budget to be determined for any development draining into a habitats site. These values are based on updated information and evidence; Natural England considers that they are suitably precautionary and will address impacts in perpetuity to remove risks to site integrity beyond reasonable scientific doubt. The nutrient budget calculated should form part of the Appropriate Assessment (AA) of any HRA produced to address nutrient impacts on affected habitats sites.

5. Nutrient neutrality elsewhere, prior to this letter

- 5.1. The main area where nutrient neutrality was originally found to be a solution to an issue was in the Solent. The mitigation here involves developers buying land from farmers and using it to ‘offset’ the nutrients arising from their proposed development.
- 5.2. Along with schemes brought forward by the Hampshire and Isle of Wight Wildlife Trust, there are also several other schemes available to mitigate the impact of nutrients for development. A list of potential mitigation schemes can be found [here](#).
- 5.3. In addition to securing funding to facilitate the availability of suitable mitigation sites, PfSH (Partnership for South Hampshire) have also employed a Strategic Environmental Planning Officer (SEPO) whose primary objective is to provide a strategic response to the issue of nutrient neutrality across the impacted areas of the Solent. As well as

providing a single point of contact to the development industry and landowners who may be able to offer mitigation solutions, the SEPO also monitors the supply and demand relating to nutrient neutrality mitigation and engages with stakeholders to facilitate mitigation schemes coming forward to satisfy demand. A key part of the current work of the SEPO is to promote consistency between local planning authorities regarding the legal process required to secure mitigation through the Planning Process.

- 5.4. A case study providing more information on development of both a wetland scheme and woodland planting scheme can be found here. [Nutrient Neutrality Case Study \(Meon Valley\)](#)
- 5.5. Related links with more information:
 - [Nutrient Mitigation - Partnership for South Hampshire \(push.gov.uk\)](#)
 - [Potential mitigation schemes available to developers - Partnership for South Hampshire \(push.gov.uk\)](#)
 - [A route to nitrate neutrality for the Solent | Hampshire and Isle of Wight Wildlife Trust \(hiwwt.org.uk\)](#)

6. What are we doing about this?

- 6.1. Planning permission for the development types set out in 4.4, that are within the catchment shown at Section 3, cannot be granted.
- 6.2. Since receipt of the Natural England letter the Local Planning Authorities in Norfolk have been meeting regularly to discuss this and these meetings have taken place at officer and member level. All Norfolk Local Planning Authorities are working together well on this and there is liaison with Natural England.
- 6.3. At the Broads Authority we have been researching how the LPAs in the Solent area have been addressing this issue. Two National Parks are already undertaking Nutrient Neutrality (South Downs and New Forest) and they have provided advice and thoughts to us and other National Parks affected. This information has been shared locally.
- 6.4. We have placed text on the [planning pages of the website](#), like the other Norfolk Local Planning Authorities, explaining the situation.
- 6.5. One of the areas where better information is needed relates to whether sites or areas outside of the catchment need to apply nutrient neutrality because the wastewater from those sites or areas goes to a Water Recycling Centre within the catchment. The reverse may also apply in that there may be some sites or areas within the catchment where nutrient neutrality does not apply because their waste water goes to a Water Recycling Centre outside of the catchment.
- 6.6. There is funding available from Government to appoint a specialist officer to research and advise on the requirements and the Norfolk Local Planning Authorities are pursuing

this, as well as preparing a Brief for specialist support on the development of a mitigation strategy.

- 6.7. The Planning Advisory Service is providing training sessions on this issue for affected Local Planning Authorities.

7. Financial implications

- 7.1. The Government has allocated £100,000 to each catchment area affected. There are two catchments in Norfolk and these are the River Wensum and parts of the Broads; the Norfolk Local Planning Authorities have requested £200,000. This money will be used to employ specialist staff to research, advise and assist with implementing nutrient neutrality.
- 7.2. In terms of impact on development, using the Solent example set out in this report, there will be a cost born by developers who are likely to need to buy credits to mitigate the impact of the development that they propose.

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