



Department
for Environment
Food & Rural Affairs

Rebecca Pow MP
Parliamentary Under Secretary
of State

www.gov.uk/defra



Department for Levelling Up,
Housing & Communities

Rt Hon Stuart Andrew MP
Minister of State for Housing

www.gov.uk/dluhc

Chief Executives of Local Planning Authorities
affected by nutrient pollution

Council Leaders of Local Planning Authorities
affected by nutrient pollution

By email only

16 March 2022

Dear Chief Executives and Council Leaders,

We are writing following interim advice you will have received from Natural England today advising you that projects and plans affecting protected sites in unfavourable condition due to nutrient pollution are required to provide mitigation, in order to meet the requirements of the Conservation of Species and Habitats Regulations 2017 (as amended). We want you to feel supported to continue taking planning decisions, and so we are writing to you to set out our approach, building on the [policy paper](#) we have published today.

England's protected sites (or "Habitats Sites" as defined in the National Planning Policy Framework) are a vitally important part of this government's ambitious commitments on the environment. One of the significant causes of their decline is the damage caused by nutrient pollution in water courses. Following on from European case law, the Conservation of Species and Habitats Regulations 2017 (as amended) requires that all plans and projects that result in additional nutrient loads to a site in unfavourable condition must not add to the existing pollution load. The interim advice is being issued to you following an extensive review on the available evidence for water dependent sites currently classified as being in unfavourable condition.

The government already has highly ambitious plans to reduce nutrient pollution from both agriculture and sewerage works, and has further plans for the future. However, we recognise that restoring sites to favourable condition will take time and government is committed to sustainable development and building the homes the country needs. Defra and DLUHC have therefore worked closely to ensure that local authorities and developers have the tools they need to deliver mitigation effectively where necessary. Finally, we will explore legislation to further strengthen requirements to reduce nutrients at source enabling more sustainable development. This will provide greater certainty for Local Authorities.

To support LPAs now, DLUHC will provide £100,000 in each affected catchment for an officer to support the management of strategic mitigation projects across a whole catchment area. The Chief Planner is writing to all local authority Chief Planning Officers today to outline how this can be accessed. Catchment officers will work closely with the Planning Advisory Service and Natural England staff at local level. In addition, the Planning Advisory Service is running a series of workshops to support affected local planning authorities.

These are pragmatic short-term steps but do not amount to a permanent solution that will improve water quality and allow sustainable development to proceed, and so we are going further. The government already has highly ambitious plans to reduce nutrient pollution from both agriculture and sewerage works and has further plans for the future. We welcome the new and proactive investment from Severn Trent Water, United Utilities, South West Water and Yorkshire Water in collectively investing an additional £24.5m to fund nature-based based 'strategic solutions', like new wetlands, to tackle nutrient pollution. We will work with the wider industry to deliver further action, as far as possible.

The Planning Advisory Service will be in touch with your officials about the workshops they will be running over the next few weeks and months. You can find more information in the Chief Planner's letter and at <https://local.gov.uk/pas/topics/environment/nutrient-neutrality-and-planning-system>. Defra officials are also setting up a forum to hear from local authorities about their experience of delivering nutrient neutrality and would be happy to hear from you. Please contact nutrient.neutrality@defra.gov.uk for details. The advice letter from Natural England also contains the contact details for your Local Area team, who will be able to provide additional information and support on next steps.

This letter is also copied to the LGA Chairman.

REBECCA POW MP

RT HON STUART ANDREW MP