

Natural England and Neutrality

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Timeline: the introduction of restrictions following Dutch-N



Nutrients

November 2018 - Court of Justice for the European Union Dutch-N nitrate cases



June 2019 - Natural England tightens its advice to 14 Hampshire and Sussex local planning authorities in the Solent catchment



August 2020 – Natural England advises local authorities that six additional catchments are in an adverse condition.

32 local authorities are now affected having one or more catchments within their administrative area



16 March 2022 – further 20 catchments found to be in an adverse condition

An additional 42 local authority areas are caught



Water neutrality

14 September 2021 – Natural England advises four local authorities that housebuilding permissions must be refused unless water neutrality can be demonstrated. Four local authorities are affected



Recreational impact zones

2012 - New Forest SAC / Ramsar – habitat mitigation scheme introduced in 2012

2022 – Chiltern Beechwoods (March) – 19,452 homes delayed across five local authorities



Nutrients

- LURB amendment to the Habitat Regulations
- Recognition that mitigation solutions were too few
- Delaying 100,000 homes across 57 local authorities
- Government acknowledges contribution from new housing very small
- Amendment removed the need for applicants to undertake a Habitats Regulations Assessment and mitigate for nutrients and preventing local planning authorities requiring this through plan-making



Office for Environmental Protection:

*“These interventions do not unequivocally secure, for the long-term, the same level of environmental outcome as legal obligations in the Regulations do”
(my emphasis)*

Dame Glenys Stacey Chair, Office for Environmental Protection, letter to government, 30 August 2023



Amendment defeated - 'won on the playing-fields of Eton'



Labour's opposition

“The House of Lords has tonight rejected the government’s reckless plan to drop nutrient neutrality river protections.

“Time for ministers to get round the table and agree a solution that builds the homes we so desperately need without damaging our precious natural environment.”



Labour's alternative solution

- Grampian condition to allow housebuilders to commence construction before mitigation is established
- occupation of homes restricted until mitigation is provided and operational
- affordable housing exempted under the 'imperative reasons of overriding public interest' (IROPI) clause



What remains unaffected

The amendment will work alongside:

“...existing obligations in the LURB to upgrade wastewater treatment works in affected catchments by 1 April 2030 (where designated by the Secretary of State). The Government estimates that this will lead to around a 69% reduction in phosphorus loads and around a 57% reduction in nitrogen loads in total from wastewater treatment works across all affected catchments, reducing a significant source of nutrient pollution.”

Chief Planner’s Letter, 1 September 2023

Will Labour allow these improvements to be factored-into the nutrient budget calculation in 2030?



Water neutrality



- Three west Sussex local authorities affected but potential to spread
- Possibility that water abstraction from a certain source in the Arun Valley is having an adverse impact on a protected species cannot be discounted
- Nearly 20,000 homes delayed
- Non accountability: Defra, Environment Agency, Natural England, Southern Water, the LPAs
- Harris v Environment Agency 2022 – failure of public body to meet legal obligations
- Water Resources Management Plan - parallel statutory regimes



Recreational impact zones

Number increasing, e.g:

New Forest

Wirral

Chiltern Beechwoods

Burnham Beeches

Epping Forest

Chiltern Beechwoods – 19,452 homes delayed
(May 2022) across the five local authorities
(Buckinghamshire, Dacorum, St Albans, Central
Beds and Three Rivers).

Requires SANGS type solutions but Dutch N
delays





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