

Planning Conference 17 September 2024 Nutrient Neutrality

James Stevens
Home Builders Federation



Extent of the issue:

Restrictions began came into force from June 2019

27 catchments covering 62 local authorities (had been 74) are affected by Natural England's guidance - approximately 14% of England's land area

Government estimated in 2023 that the delivery of circa 16,500 homes per year or 100,000 homes could be affected by the issue up to 2030.



The sources of these excess nutrients:

The government says:

“predominantly originate from wastewater and agricultural run-off (fertilisers and animal waste) – with a very small contribution made by housing”

11 September 2023 statement

HBF calculates that the occupants of new homes responsible for less than one per cent



LURA - Wastewater treatment works improvements:

- The government estimates that the upgrade of wastewater treatment works in designated catchments by 1 April 2030 will lead to around a 69% reduction in phosphorus loads and around a 57% reduction in nitrogen loads in total from wastewater treatment works
- This will vary, however, between individual catchments and may differ where water companies are able to make use of alternative catchment-based approaches
- *“These figures have been generated by modelling the expected decrease in the concentration of nitrogen and phosphorus in treated wastewater following the upgrade of relevant treatment plants (those serving a population equivalent over 2,000) to the nutrient pollution standards set out on the face of the Bill (0.25 mg P/L and 10 mg N/L), relative to the concentration of nitrogen and phosphorus currently discharged by those treatment plants”*

Government statement 11 September 2023



Tackling nutrient pollution at source

Government has stated that it is committed to addressing nutrients release through farming

Announced various measures to control and reduce nutrient pollution

- *“These measures will make a difference but may not be sufficient to unblock all of the housing blocked by nutrient neutrality, certainly not at the speed these homes are needed by local communities”*

20 September 2023 statement



Supply of mitigation solutions:

- Government's Local Nutrient Mitigation Fund - £110 million – slow progress
 - Round one – awards to eight lead authorities to establish strategic-level solutions
 - Round two – applications for £10 million each being considered
- Natural England's Nutrient Mitigation Scheme
 - £280 million from government to Natural England
 - Teesmouth & Cleveland Coast catchment
 - Poole Harbour catchment
- Local authority schemes – e.g. the Solent
- Commercial schemes
 - Variable coverage – some areas good, others much less so. Some areas unviable



Cost of mitigation

Extremely variable - depends on:

- site specific circumstances
- whether it is short-term bridging mitigation (up to 2030) or full-term

Indicative costs (but some schemes can cost more and less) –

Somerset (commercial)	£44 - 65k per credit
Wiltshire (Council)	£14k per credit
Wiltshire (commercial)	£40.5k per kg
Avon Valley (commercial)	£15k per credit rising to £75k per credit post 2030
Solent (commercial)	£5k per kg
Solent (Council)	£3.5 - 5k per credit
Teesmouth (NE)	£1,825 per credit (short-term)
Herefordshire (Council)	£14k per kg

Also, issues with how these credits are allocated to those who need them



CG Fry

Court of Appeal judgment:

The Court of Appeal upheld the decision of the High Court - appropriate assessment as required by the Habitats Regulations may have to be carried out at a subsequent approval stage, such as the discharge of a condition or in reserved matters approvals. The Court found that those types of decisions fell within the wide scope of “consent, permission or other authorisation” [para 77].

Where there is a requirement to undertake an appropriate assessment, it is the effects of the project as a whole that is the basis of the assessment, not just the matters related to the condition or reserved matters in question.

Legitimate for the government to bring Ramsar sites into scope through policy.



Does the new government have a plan?

Letter to nature conservation organisations, 20 July 2024:

“Environmental assessments and case-by-case negotiations of mitigation and compensation measures often slow down the delivery of much-needed housing and infrastructure...we are determined to transform the system to ensure a win-win for housebuilding and nature.”

Grampian condition?

Levy?

Will this require legislation?



Establishing a baseline – what will it take to return catchments to a ‘favourable condition’?

Industry uniquely subject to a restriction on its activity

Very little information available publicly justifying this restriction

HBF has written to the Environment Agency:

- seeking information on the volume of nutrients in the designated catchments
- the sources of these nutrients – who is producing them and where?

Aim:

1. To identify locations where actions to reduce emissions could have the greatest effect
2. Publish periodically information on nutrient loadings in each catchment
3. Can reductions in emissions be used to release homes?





The voice of the
home building
industry

www.hbf.co.uk | 0207 960 1600 | twitter: [@homebuildersfed](https://twitter.com/homebuildersfed)

