

PAS - Workshop 4

Nutrient Neutrality – Delivering a Catchment Approach

28th April 2022 and 3rd May 2022

Agenda

- Chairing a Nutrient Management Board – Cllr Elissa Swinglehurst, Herefordshire Borough Council
- Catchment Based Approach and NN – Rob Collins, Catchment Based Approach (CaBA)
- Nutrient Neutrality and Land Supply – Simon Cole, Assistant Director, Planning & Development, Ashford Borough Council
- Long term strategic plan for returning sites to favourable condition status - Elen Strale and Stephanie Firth, Defra
- Diffuse Water Pollution Plans and Nutrient Management Plans - William Crookshank, Environment Agency

Nutrient neutrality and land supply

Ashford Borough Council

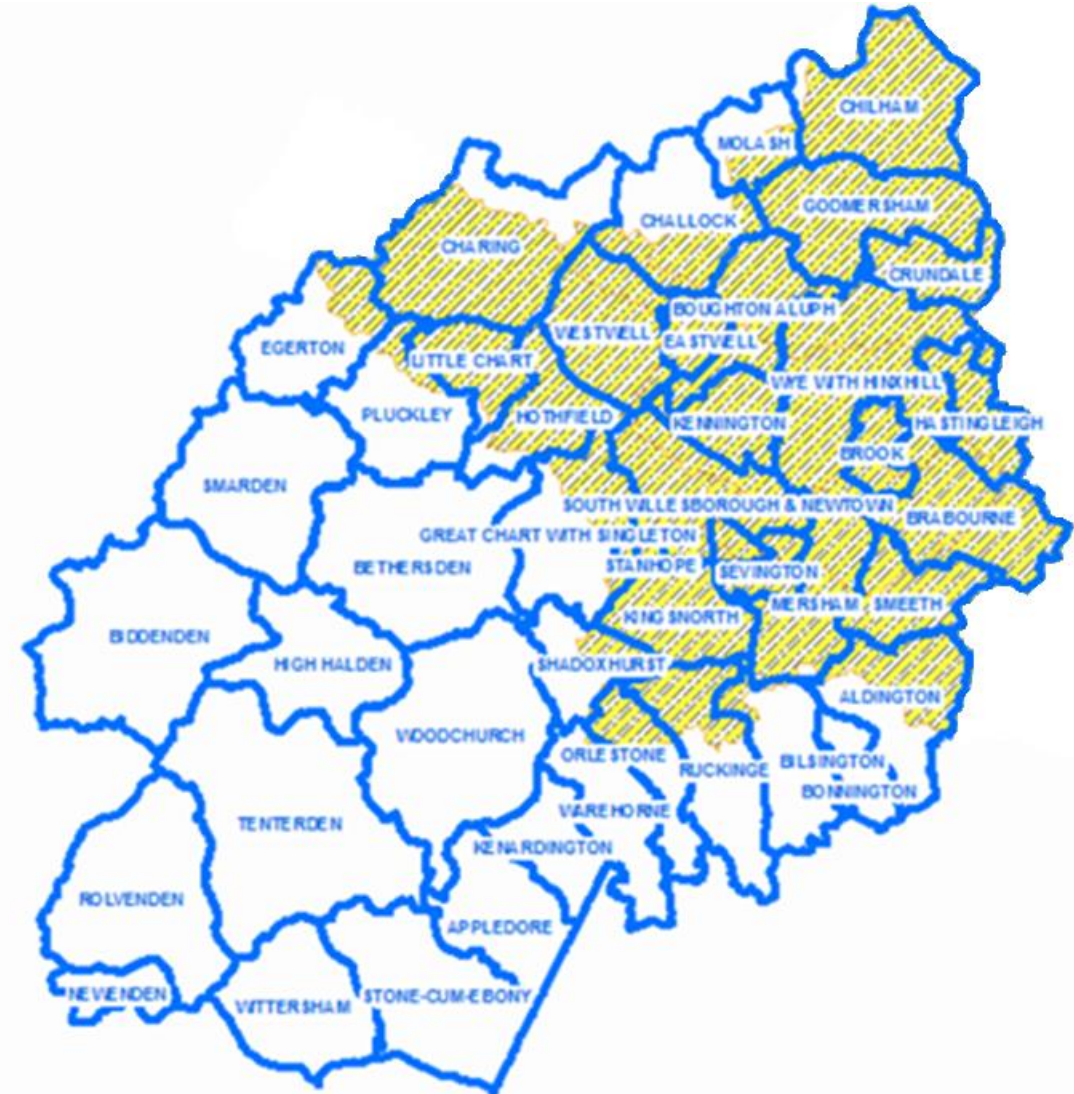
Thursday 28 April 2022

Context

- Current Local Plan (up to 2030) adopted in February 2019. (No issues of nutrient neutrality raised at any stage).
- Nutrient neutrality advice from NE issued to Ashford Borough Council in July 2020
- Regarding the poor water quality of the Stodmarsh Lakes (in the neighbouring district).
- NE Advice covers both phosphorus and nitrogen

Area impacted in Ashford

- Around 4,500 dwellings currently caught in live applications. Up to 10,000 homes affected for period up to 2030.
- Around 90% of Local Plan site allocations are located within area affected by nutrient neutrality
- Includes the town of Ashford, and larger settlements, such as Charing and Wye
- Remaining area not covered by nutrient neutrality requirement is environmentally sensitive, e.g. AONB, countryside, smaller rural settlements



Housing Land Supply

- 2021 Housing Land Supply position was the first calculation to take account of Stodmarsh.
- Calculated a position of 4.54 years (a decrease of 0.26 years from 2020 position)
- 35% of dwellings included in the land supply calculation are caught by nutrient neutrality.

Step 1 – Which sites are affected?

- First step is to work out which schemes are affected by the NE Advice (e.g. located in the catchment and/or discharge foul water to the affected Wastewater Treatment Works).

Step 2 – What mitigation is being used?

- Can schemes deliver their own mitigation?
- Is strategic mitigation being delivered within the district/catchment?

Mitigation

- Whether a site can deliver mitigation, will depend on a number of factors including:
 - Type of mitigation needed
 - Location
 - Size of development
 - Viability
- What types of mitigation are available in the area? Are there private trading systems? Are the Council looking to deliver mitigation? Can the developers deliver onsite or offsite mitigation?

Ashford's approach

- The Council decided to deliver short-term strategic mitigation, to release the hold on granting planning permissions.
- This includes the creation of strategic wetlands within the borough.
- Land acquisition discussions are currently ongoing with several landowners.
- Current thought is that developers would 'purchase' nutrient credits to off-set impact.
- Details to be published in a future SPD.

Step 3 – Calculate timing of mitigation

- Certain types of mitigation need run-in times, which should be taken into account in housing land supply.
- For example, wetlands need lead-in times to allow for the planning, environmental permits, construction period and time for wetland to grow and establish (at minimum 1 – 2 growing seasons).
- Whereas other types of mitigation, e.g. taking land out of agricultural use are more instantaneous.
- This impacts on when development can be commenced and occupied, and will influence housing land supply / housing delivery test results.

Council's timescales

- Several of the larger sites are looking to deliver on-site mitigation, in the form of wetlands. Delivery of housing will be limited to when the wetland proposals can be granted and the construction/period for wetland establishment.
- Smaller sites reliant on borough mitigation strategy. Current assumptions:-
 - Permissions granted for wetlands from Autumn 2022 – work can commence
 - Completions can be reasonably assumed from year 4 onwards
 - Occupations are restricted until mitigation established (2024) – may affect developer intent to commence ?

Council's timescales cont'd ...

- The Council calculated the timescales for the borough mitigation as follows:

Time	Steps
Spring 2022	Land acquisition
Summer 2022	Strategic wetlands planning application
Summer 2022	Consultation/Adoption of SPD to accompany Borough Mitigation Strategy
Summer/Autumn 2022	Planning permissions for affected developments to be issued/considered as appropriate
Autumn 2022 – Summer 2024	Construction of wetlands
Autumn 2024	Wetlands fully operational

Appeals & Housing Land Supply

- The Council's Housing Land Supply calculations & Stodmarsh assumptions tested at appeal
- For an Inquiry on land outside the Stour Catchment (e.g. no nutrient neutrality requirement).
- Appellants argued that our land supply position was much lower. Appellants argued that the land supply should be recalculated as one of two scenarios:
 - Include no sites with nutrient neutrality (unless can clearly demonstrate own mitigation). Calculated position as 2.75 years.
 - Delayed delivery, but still meet 'deliverable' definition. Calculated position as 3.57 years.

Appeals & Housing Land Supply cont'd...

- Inspector considered that there was not sufficient information to support Council's timescales.

e.g. "Whilst the Council's Cabinet Meeting of 29 July 2021 approved finances for the purchase of land, I have been given very little evidence regarding any progress on the acquisition of suitable wetland sites or on the SPD or individual site measures as mitigation."

- Inspector concluded that Council had a 3.5 year supply and considered appeal on these grounds, applying presumption in favour of sustainable development, allowing the appeal.
- Inspector's conclusion:

"In applying section 38(6) of the Planning and Compulsory Purchase Act (2004), I have found that the proposal would not accord with the development plan as a whole. However, in my opinion the presumption in favour of sustainable development is a material consideration that indicates that the decision should be taken otherwise than in accordance with the development plan. ..."

Windfalls & Housing Land Supply

- For districts which are mostly/all covered by nutrient neutrality requirements, any 'hostile' windfall applications are still constrained by the same issue.
- The situation is more difficult for districts, such as Ashford, which is only half covered in the nutrient neutrality requirement, this places additional pressure of areas outside of catchment.
- Potentially undermines adopted spatial strategy in Local Plan, if Local Plan had focused development in areas now affected by nutrient neutrality.

Windfall appeals & Housing Land Supply

- For windfall appeals in the catchment, it appears that PINS are more reluctant to grant planning permission where they are the 'competent authority'.
- Impact of Footnote 7 of NPPF
- Process often needs to be clarified for Inspectors, so that they are aware they are the competent authority for the HRA/AA, and any mitigation needs to show the development is nutrient neutral.

Future Local Plans

- One solution to rectify housing land supply position would be to undertake new Local Plan to allocate new sites.
- However, nutrient neutrality means Ashford is unable to commence Local Plan Review as couldn't easily promote allocations within the catchment, which is the most sustainable part of the borough.
- A solution for nutrient neutrality will need to be in place, or significantly planned, to be able to commence a future Local Plan.

Government position on Housing Land Supply

- Recent extract from Chief Planners letter about impact on Housing Land Supply
- No clear indication of how Government considers Councils should take impact of nutrient neutrality into account
- No updates to PPG as of yet.

We are considering wider ramifications for this advice and are actively reviewing the relevant sections of the Planning Practice Guidance to ensure it provides the best support for decision-making and plan-making in-light of the challenges of nutrient neutrality. We also recognise that there may be implications for the Housing Delivery Test and 5 Year Housing Land Supply and will keep the situation under review.

Conclusion

- Nutrient neutrality can have significant impact on housing land supply and housing delivery. Can cut across a ‘plan-led’ approach.
- Process includes identifying which sites are caught, and then whether the sites are delivering their own on-site or off-site mitigation.
- Timescales for delivery will depend on the type of mitigation
- Detailed evidence needed to justify any approach
- Significant risk to areas outside nutrient neutrality requirement to “compensate” for the impact of nutrient neutrality on land supply

Chairing a Nutrient Management Board

Cllr Elissa Swinglehurst
Herefordshire Borough Council

Catchment Based Approach (CaBA) and Nutrient Neutrality

Rob Collins

Director, Policy and Science, The Rivers Trust

CaBA Support Team

rob.collins@theriverstrust.org

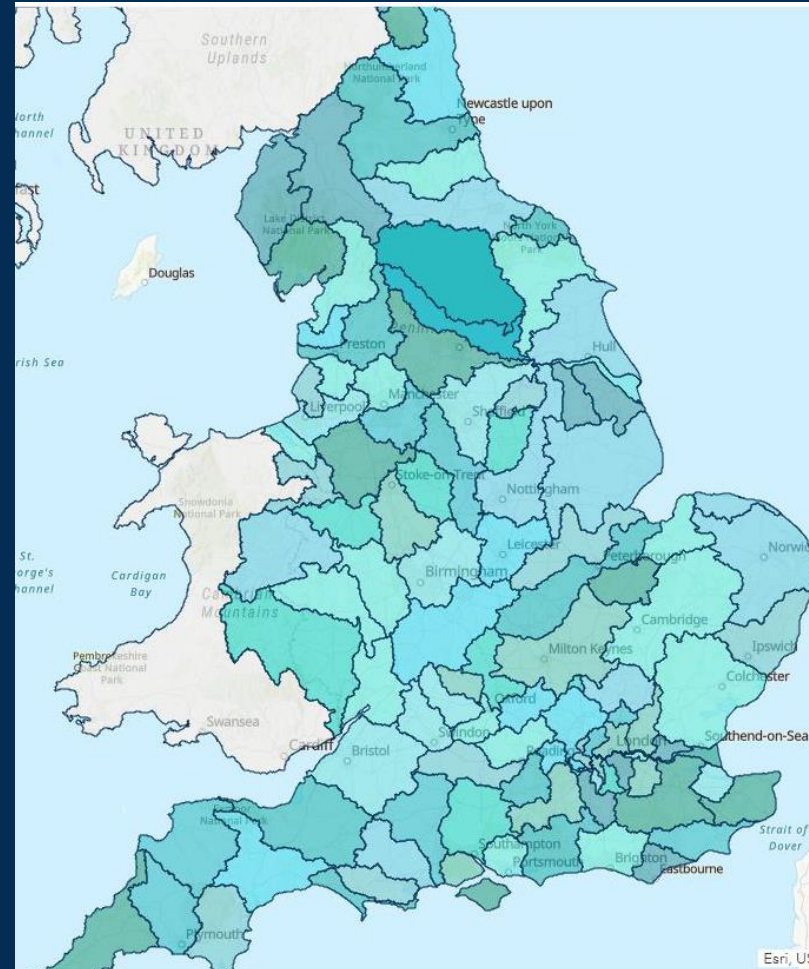
<https://catchmentbasedapproach.org/>



**Catchment
Based Approach**

Catchment Based Approach (CaBA)

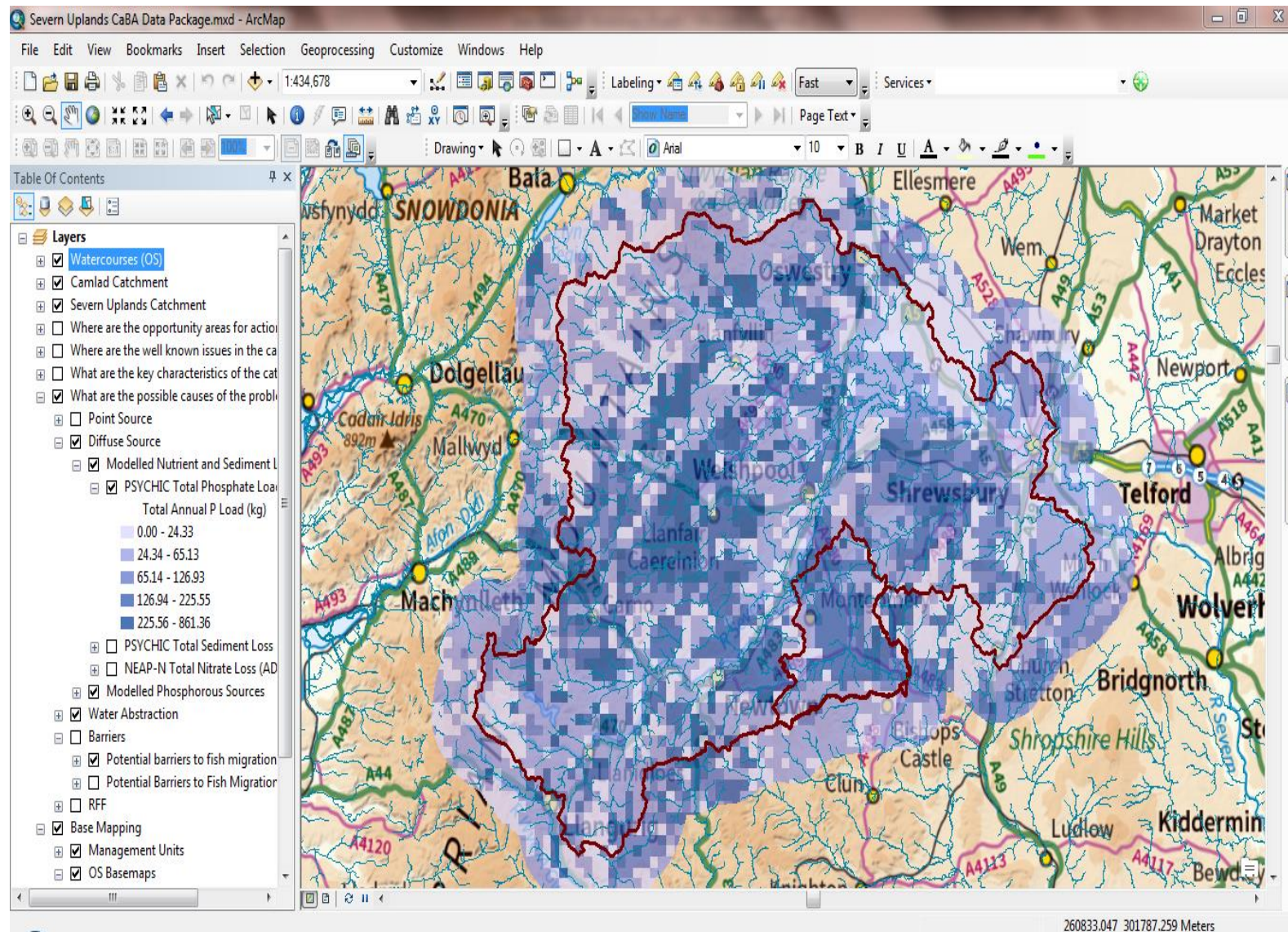
- 106 river catchment Partnerships encompassing the whole of England
- Diverse mix of organisations – environmental NGOs, water companies, Local Authorities, Government Agencies, farmer groups, local community groups
- Each with a host or lead organisation, supported by an EA Catchment Coordinator



Catchment Based Approach

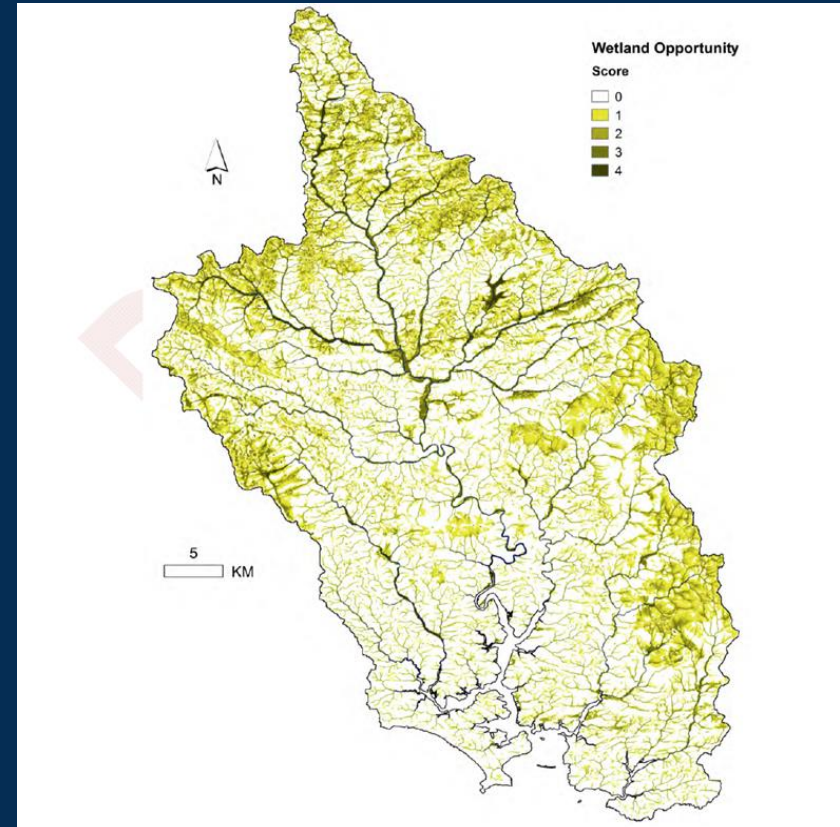
- Catalyst to bring a range of local stakeholders together
- Driving a more holistic and integrated approach
- Identify solutions to issues that are not easily addressed through direct regulation
- Co-delivery of action on the ground
- Multiple benefits realised through collaborative working
- Leveraging of funds from diverse sources

CaBA Data Package – 200 data layers

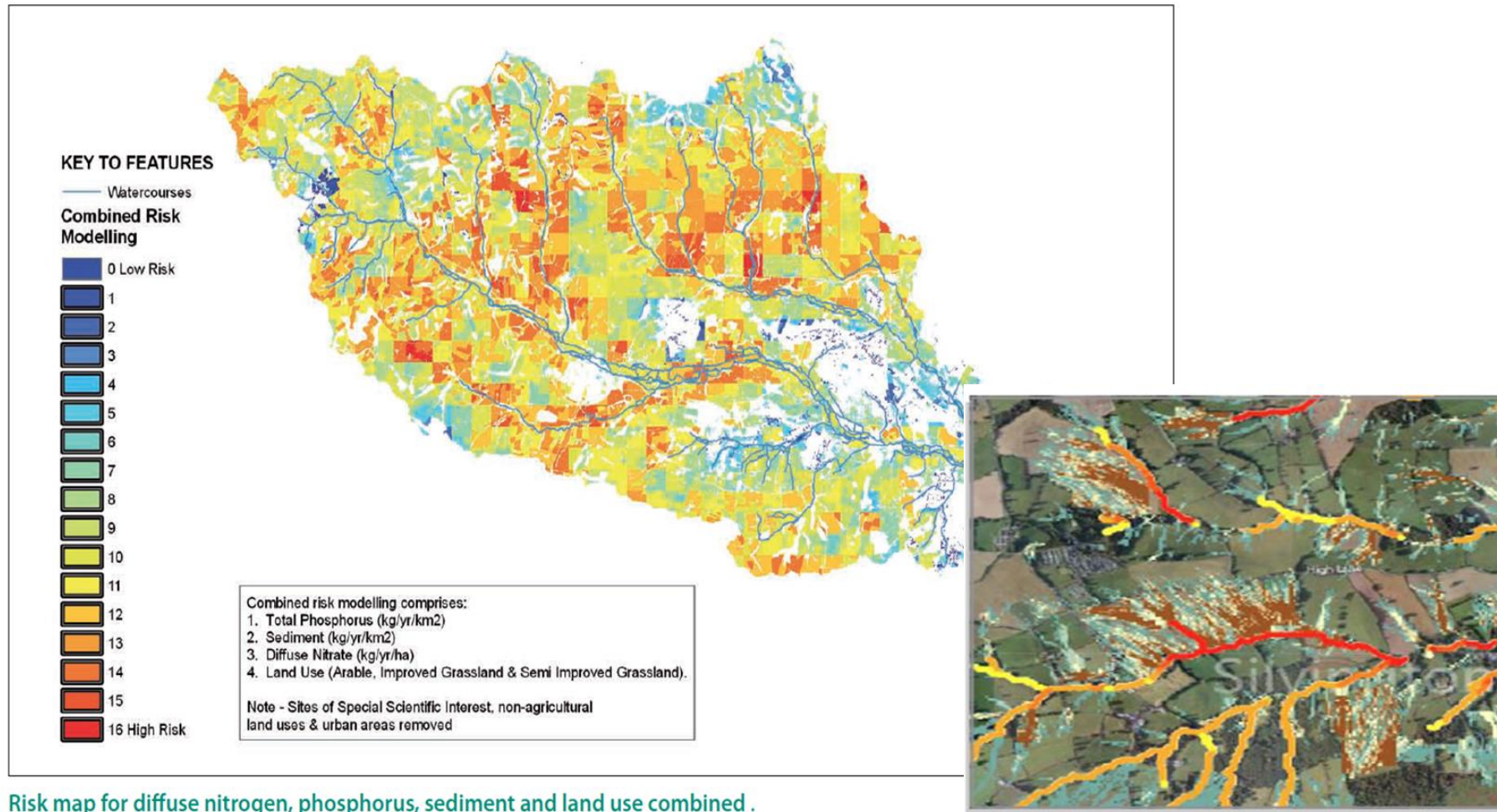


CaBA dataset provides for Opportunity Mapping and Targeting

e.g., Wetland creation/restoration



Data Package Modelling Outputs – Nutrient Risk



Nutrient Neutrality through Mitigation

- Various approaches that can address excessive nutrients from several sources including agriculture, wastewater treatment plants, septic tanks and urban runoff
- Typically implement a 'Nature-Based' Solution such as wetlands, that offer other benefits (asides improved nutrient water quality) such as reduced flood risk, enhanced biodiversity and green-blue spaces that local communities can enjoy.

Wetland Treatment of Wastewater



**Catchment
Based Approach**

Wetland Treatment of Wastewater

- Natural systems that absorb and store nutrients as wastewater flows through them, thereby reducing the load entering the river/receiving water. This 'assimilation' can remove 70%+ of nutrients.
- Can be constructed within the (water company) wastewater treatment works to provide further treatment and on farms to reduce nutrients in agricultural runoff
- Performance of these constructed wetlands is well quantified – enable 'credits' and 'offsetting'
- <https://www.wyeuskfoundation.org/nutrient-offsetting>
- <https://norfolkrivertrust.org/project/river-ingol-wetland-creation/>

Land Conversion

- Conversion of lower grade agricultural land to e.g., woodland reduces nutrient loss
- Provides for additional benefits including carbon sequestration, biodiversity, recreation and flood risk reduction
- Data package provides for mapping of planting opportunities for multiple benefits
- <https://theriverstrust.org/our-work/our-projects/woodlands-for-water>

Urban Runoff – Constructed Wetlands and other SuDS

- Urban runoff c. 14.3 kg/ha/yr of N
- Typically implement a ‘Nature-Based’ Solution such as wetlands, that offer other benefits (asides improved water quality) such as reduced flood risk/reduced sewer flooding, enhanced biodiversity and green-blue spaces that local communities can enjoy.
- Other Sustainable Urban Drainage Solutions available that attenuate nutrients (reed beds, infiltration ditches, swales etc)



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Wet woodland habitat



Increased biodiversity and visual appeal



Boardwalks and bridges allow access over wet areas



A woodland pond area provides visual amenity and valuable habitat

Explanation :

A weir will be used to divert the low flow into the wet woodland area where it will flow in a braided pattern through damp areas.

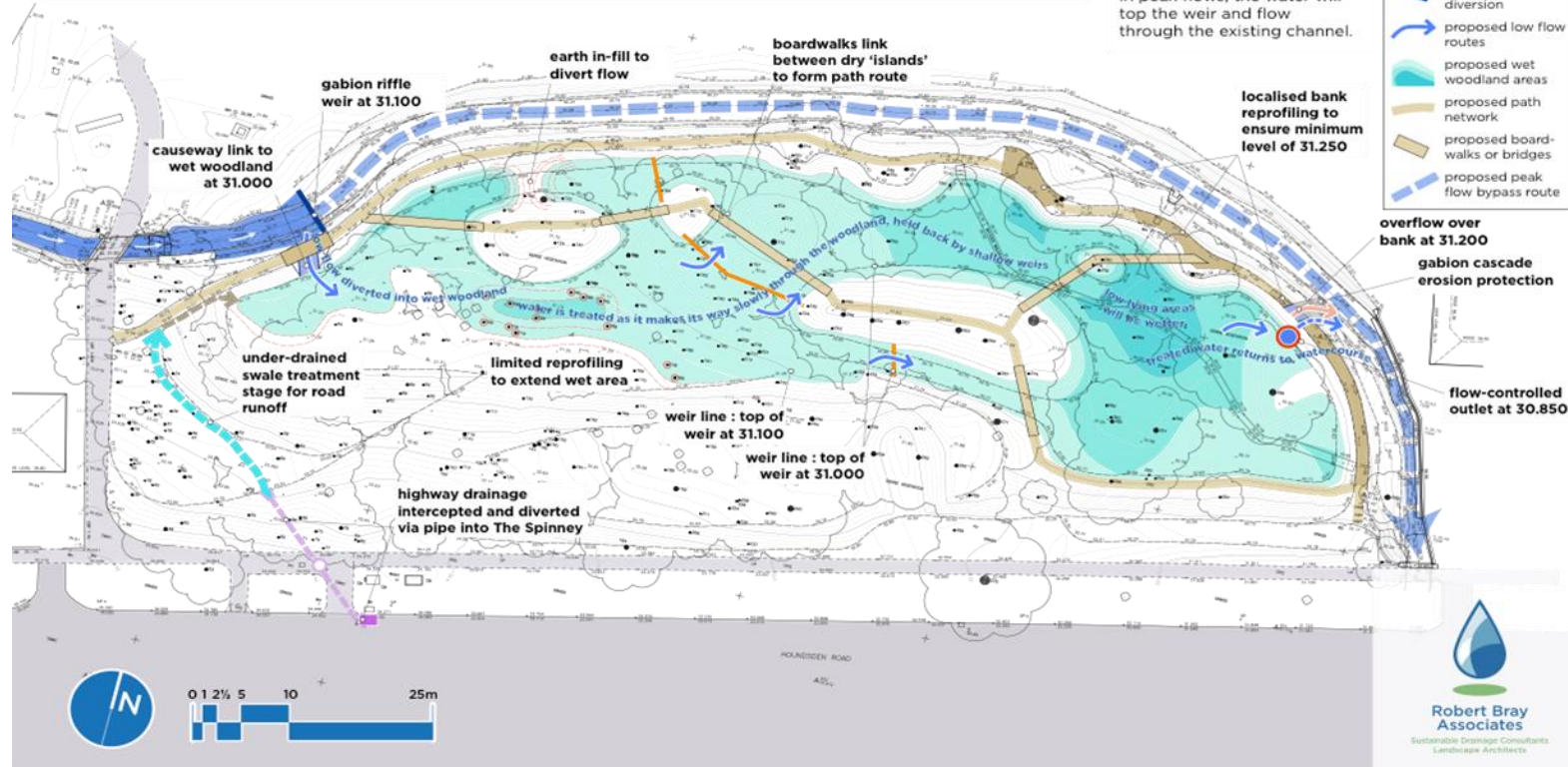
Careful woodland thinning will allow more light to reach the woodland floor promoting a more diverse range of flora and fauna.

In peak flows, the water will top the weir and flow through the existing channel.

Thames21 SuDS projects

The Spinney : SuDS Park Concept Proposals

- existing water-course
- proposed weir diversion
- proposed low flow routes
- proposed wet woodland areas
- proposed path network
- proposed boardwalks or bridges
- proposed peak flow bypass route



**Catchment
Based Approach**

Thanks

Questions Welcome



**Catchment
Based Approach**



Department
for Environment
Food & Rural Affairs

Long term strategic plan for returning sites to favourable condition status

Stephanie Firth

Elén Stråle



Forestry Commission
England



Environment
Agency

What are our commitments/targets?



A Green Future: Our 25 Year Plan to
Improve the Environment

- 25 Year Environment Plan - clean and plentiful water, 75% of protected sites to good condition
- Water Framework Directive - To achieve good ecological status by 2027
- Commitment to 30x30 - UN Pledge to protect 30% of land by 2030
- Proposed Environment Act targets:
 - Reducing phosphorus loading from treated wastewater by 80% by 2037
 - Reducing nitrogen, phosphorous and sediment from agriculture to the water environment by 40% by 2037
- Consultation on proposed targets open until 11th May
<https://consult.defra.gov.uk/natural-environment-policy/consultation-on-environmental-targets/>



Changes to policy, regulation, monitoring and enforcement

- **Increasing enforcement of agricultural regulations:** Funding for 50 additional Environment Agency officers to provide a 10-fold increase and more targeted inspections
- **Improving guidance around existing regulations:** Updated guidance on the Farming Rules for Water was recently published to raise standards of nutrient pollution management
- **Expanding successful advice services:** Specialist, free, 1-2-1 environmental advice to farmers in England through the Catchment Sensitive Farming (CSF) partnership
- **Bolstering grant schemes for farmers:** The new **Farming Investment Fund** will provide grants for equipment and infrastructure to help farmers increase their productivity whilst reducing pollution. The Future Farming programme will reward farmers for sustainably managing their nutrients and reducing run off through the **Environmental Land Management Schemes**.
- **Strengthening monitoring requirements on water companies:** The Environment Act places increased requirements on water companies to monitor the impact of their assets on water quality.

Water company business planning

- **The water industry operates on 5 yearly cycles.** The current cycle (PR19) runs from 2020 to 2025 and will see water companies invest £2.5 billion in measures that reduce nutrient pollution.
- The next cycle (PR24) runs from 2025 to 2030 and planning for the delivery of activities during this period is already underway.
- To guide the water industry in planning their activities, Defra and the regulators clearly set out what water companies should focus on for each cycle. Defra recently published the Strategic Policy Statement to Ofwat which makes clear that we want water companies to go further in the next price review period to “**prioritise improvements to protected sites**”, focussing particularly on the need to “**address nutrient pollution**”.
- The Environment Act has also created a new statutory duty on water companies to produce Drainage and Sewerage Management Plans over a minimum 25-year planning horizon. **This includes a requirement to assess the environmental impacts of the sewerage system and wastewater treatment works.**

Tackling nutrient pollution: Improving site condition

- To restore nature and set protected sites on a trajectory to recovery we need to address nutrient pollution. Our aim is to restore 75% of our one million hectares of terrestrial and freshwater protected sites to favourable condition by 2042.
- The Nature Recovery Green Paper consultation launched on 16 March and closes on 11 May 2022. Government proposals aim to create a more strategic approach to better support site recovery measures. Responses to the consultation are very welcome and can be accessed [here](#).
- Protected Site Strategies, introduced in the Environment Act, aim to put sites on a pathway to recovery. A strategy may be developed for any European site, Site of Special Scientific Interest or Marine Conservation Zone.
- Natural England will launch the first five pilots later this spring. A number of the pilots will address nutrient pollution.

Protected Site Strategies – what are we doing?

Five design pilots from Spring 2022:

- **Cumbria Fens and Bogs** – Hydrology, local people, peat and trees (some Air Quality impacts)
- **The Humber** – Recreational disturbance initial focus -a multitude of Protected Sites designations and impacts on them.
- **The Peak District Wye Valley** – Water Quality and Air Quality from dairy farming. Interactions with supply chain companies
- **The Clun** – Local land managers and local people, cultural shifts to address water quality and siltation in ways that boost rural enterprise.
- **Sussex ancient woodlands** – Deer management and natural regeneration of trees in a mixed landscape.

Protected Site Strategies - an opportunity for collaboration

What opportunities will Protected Site Strategies bring farmers, developers and other businesses?

Landowners, developers, local planning authorities and farm businesses can play a key role in addressing the multiple and complex pressures faced by protected sites, whether on site pressures such as overgrazing or offsite pressures such as diffuse pollution. The Environment Act puts a duty on Natural England to consult a wide range of stakeholders when creating or amending Protected Site Strategies to resolve these issues. This may include working with farmers, local planning authorities, developers and other businesses. Protected Site Strategies aim to bring together all key stakeholders to develop workable solutions to the pressures affecting sites in ways that deliver for local businesses and nature.

What is the potential value of Protected Site Strategies to businesses?

Protected Site Strategies will entail developing broad range of collaborative commitments to address adverse impacts on sites and to ensure opportunities for green growth. Natural England aims to provide private businesses with opportunities for green investment and is working closely with green finance teams to ensure that these strategies may be co-designed effectively with business. As these strategies are developed, Natural England aims to work with businesses to develop innovative, technological solutions to the challenges facing sites, which may offer further opportunities for private sector involvement in the development of these strategies.

What implementation activity has taken place to date and where can I find more information?

The new Protected Site Strategies will build on other successful collaborative approaches that have shown evidence of delivering real benefits to nature and business, such as the award-winning South Humber Gateway mitigation scheme.

Diffuse Water Pollution Plans and Nutrient Management Plans

William Crookshank, Environment Agency