



Via email: - michael.gove.mp@parliament.uk

cc: - therese.coffey.mp@parliament.uk

From: chris.drake@kemt.gov.uk (SENP secretariat)

5th September 2023

Dear Secretary of State

Re: Nutrient Neutrality – Amendment to Levelling Up and Regeneration Bill

I would like to draw your attention to the letter below which is being sent to MPs in the South East Nature Partnership area.

Please don't hesitate to get in touch if you would like any further information.

Yours sincerely

Dr Caroline Jessel

Chair of South East Nature Partnership

Joining Together for Nature

Address for correspondence: chris.drake@kemt.gov.uk (secretariate)

The South East Nature Partnership was formed in 2017. The partnership comprises Local Nature Partnerships (LNPs) for Essex, Hampshire, Kent, Oxfordshire, Surrey, and Sussex. The partnership also has representation from Natural England, the Environment Agency, protected landscapes in the southeast, the CLA, the Rivers Trust, the Earth Trust, Forestry England, and the NHS

Dear Member of Parliament

Re: Nutrient Neutrality – Amendment to Levelling Up and Regeneration Bill

I am writing on behalf of your Local Nature Partnership* (LNP) to ask you to oppose the proposed amendment to the Levelling Up and Regeneration Bill which removes the obligation for housing developers to achieve nutrient neutrality when building in fragile river catchments.

The amendment was tabled without consultation at the last stages of the bill and, as a result, we believe that many better options for achieving sustainable development have been overlooked.

What is Nutrient Neutrality and why does it matter?

Nutrient pollution is a major environmental issue for many of our most important places for nature. In freshwater habitats and estuaries, increased levels of nutrients (especially nitrogen and phosphorus) can speed up the growth of certain plants, disrupting natural processes and impacting a wide range of wild species. This process (called 'eutrophication') damages these water dependent sites and harms the plants and wildlife that are meant to be there. The sources of excess nutrients are very site specific but include sewage treatment works, septic tanks, livestock, arable farming, and industrial processes.

New housing, which of course we understand is urgently needed in some areas, will inevitably generate more of these nutrients via sewage production and wastewater. However the impact can be mitigated by the creation of wetlands and sustainable drainage solutions, which also have benefits for biodiversity and flood prevention. Housing development and environmental protection are not in opposition under the current system.

Currently, England's most fragile rivers (**those with sites designated under the Habitats or Birds Directives**) have some protection under the Habitats Regulations. These rules have led to a requirement for nutrient neutrality, which stipulates that a new housing development in a river catchment must not result in an increase of damaging phosphates and other nutrients into the river.

On 29th August 2023, the UK Government announced that it would table an amendment to the Levelling Up and Regeneration Bill which scraps this requirement for nutrient neutrality. This amendment is likely to be debated in the House of Lords on the 6th or 13th of September.

If it passes, this would represent the first reversal in environmental legislation for over 30 years, undermining the integrity of environmental law in England and Wales.

Polluters pays principle.

Environmental legislation is founded on the principle of the polluter pays. The logic of this is that we all depend on a healthy natural environment to breathe, eat and thrive in a stable climate. If an economic activity threatens this the price of the damage should be factored into the cost of the activity thereby encouraging the least polluting methodologies, driving innovation and ensuring responsible economic development. The proposal by the government shifts responsibility for paying for nutrient pollution away from the developers and onto the general taxpayer weakening this principle and also reduces the incentive for innovation.

What would be the impact on Local Nature Recovery Strategies?

LNPs are all working hard to develop Local Nature Recovery Strategies (LNRS) which are designed to help reverse the decline in nature and deliver many of the objectives of the Environment Bill. Healthy waterways and coastal areas are essential for healthy ecosystems and nature recovery. They provide arterial connections between habitats which are crucial to allow species migration and adaptation in a time of multiple threats.

A crucial part of developing these plans is engagement with the whole community including the many industries and activities that contribute to nutrient pollution. We believe this engagement will be more effective and beneficial to all sides if the existing requirement for nutrient mitigation is maintained. There is much we can do at a local level to make mitigation easier for developers and more effective for nature provided it is part of a joined-up strategy.

In our view, it is perfectly possible to ensure that housing development continues at pace in areas covered by nutrient neutrality rules, without undermining environmental law.

Reaction from the Office for Environmental Protection

As a result of leaving the European Union we now have our own Office for Environmental Protection (OEP) which can ensure policy is consistent with our environmental aims. OEP Chair Dame Glenys Stacey has written to the Secretaries of State for Levelling Up, Housing and Communities and for Environment, Food and Rural Affairs, to set out its advice following proposed changes to the law with regards to developments, water quality and protected wildlife sites.

The letter states that the proposed changes would **demonstrably reduce the level of environmental protection** provided for in existing environmental law, and that the Government has not adequately explained how, alongside such weakening of environmental law, new policy measures will ensure it still meets its objectives for water quality and protected site condition.

What we are asking you to do

We represent a wide spectrum of opinion in the county from the private, public, and voluntary sector.

We request that you oppose this amendment in order to help safeguard our natural environment and provide an effective method of reducing river and coastal pollution.

Signature

Respective Local Nature Partnership Chairs across the South East of England.

***Local Nature Partnerships (LNPs)** are partnerships of a broad range of influential organisations, businesses and people, and from a range of sectors, charged by government with the task of bringing about improvements in their local natural environment in England. To achieve this they are expected to ensure that consideration for the environment is put right at the heart of local decision-making. They are key to the local implementation of the Environment Act 2021, in particular Local Nature Recovery Strategies (LNRS)