



Department for Levelling Up,
Housing & Communities

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Department
for Environment
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The Rt Hon George Eustice MP

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21st July 2022

Council Leaders of Local Authorities affected by nutrient pollution

By email only

Dear Council Leaders,

We are writing following the interim 'nutrient neutrality' advice you received from Natural England, related to the requirements of the Conservation of Species and Habitats Regulations 2017 (as amended).

Improving water quality

Improving water quality is a government priority. We are the first government to take such substantial steps to restore our water environment, from setting in motion the largest water company infrastructure project ever to reduce discharges from storm overflows, to seeing the largest fines in history placed on water companies. We have provided funding to the Environment Agency to increase farm inspections to at least 4,000 inspections a year by 2023, and we are launching future farming schemes that will reward farmers and land managers for actions to reduce run off, such as introducing cover crops and buffering rivers. This is reinforced by our proposed Environment Act targets to reduce the key sources of river pollution.

We are today launching a further package to tackle nutrient pollution, which is a significant problem for our freshwater habitats and estuaries. Increased levels of nutrients (especially nitrogen and phosphorus) can speed up the growth of certain plants, disrupting natural processes and devastating wildlife.

While we have taken substantial steps, this is taking time to make an impact on the ground, and we must go further. At present some 27 catchments, and several of our internationally important water bodies and protected sites, are in unfavourable status due to nutrient pollution. In accordance with complex and bureaucratic EU-derived domestic legislation and case law, Local Planning Authorities can only approve a plan or a project if they are certain, it will have no negative effect on the site's integrity. Natural England, in its statutory role as an adviser on the natural environment, has advised a total of 74 Local Planning Authorities on the nutrient impacts of new plans and projects on protected sites where those protected sites are in unfavourable condition due to excess nutrients. They have issued tools and guidance on an approach called 'nutrient neutrality' to mitigate the impact of nutrient pollution so that development can go ahead. However, there is still a gap in the ability of LPAs and developers to find mitigation quickly and effectively.

In order to drive down pollution from all development in the relevant catchments, we will be tabling an amendment to the Levelling Up and Regeneration Bill. This will place a new statutory duty on water and sewerage companies in England to upgrade wastewater treatment works to the highest technically achievable limits by 2030 in nutrient neutrality areas. Water companies will be required to undertake these upgrades in a way that tackles the dominant nutrient(s) causing pollution at a protected site. We are also using feedback from the recent 'call for evidence' to water companies to identify where these upgrades could be accelerated and delivered sooner. Our proposed Environment Act target to tackle wastewater pollution across the country will still see upgrades brought in elsewhere, on a slightly longer timeframe.

In the meantime, we know the impact of new housing is a small proportion of overall nutrient pollution, but mitigation requirements have a significant impact on overall house building. This amendment will improve water quality and in doing so will support housebuilding to continue in areas affected by nutrient pollution. We want these improvements to be factored in for the purposes of a Habitats Regulation Assessment.

Wastewater treatment upgrades will reduce a significant source of nutrient pollution, helping to recover these crucial habitats, which will thereby reduce the level of mitigation required by individual developers when legislation comes into force.

Supporting mitigation

Building on our initial package of support announced in March 2022, I will issue a ministerial direction to support Natural England to establish a Nutrient Mitigation Scheme.

Natural England will develop the scheme, working with Defra and DLUHC. Defra and DLUHC will provide funding to pump prime the scheme: this is intended to frontload investment in mitigation projects, including wetland and woodland creation. This will then be recouped through a simple payment mechanism where developers can purchase 'nutrient credits' which will discharge the requirements to provide mitigation. Natural England will accredit mitigation delivered through the Nutrient Mitigation Scheme, enabling LPAs to grant planning permission for developments which have secured the necessary nutrient credits. Wetlands and woodlands will also provide biodiversity enhancements to areas and promote public access to nature across England, helping to deliver on our levelling-up missions for pride in place and well-being.

Natural England will deliver the scheme by establishing an 'Accelerator Unit', with the support of Defra, DLUHC, the Environment Agency and Homes England. The previous announcement of £100,000 funding from DLUHC for affected areas will help support delivery of the scheme. We will open the scheme to all developers while ensuring that small and medium enterprises are prioritised, given the difficulties they can face in securing mitigations due to access to funds and skills. This scheme will not be a requirement but an option to discharge mitigation requirements more efficiently. We recognise that there are a number of private markets and local planning authority-led nutrient mitigation schemes that are already being established. Natural England will be working closely with these providers to ensure they do not crowd out private markets and will ensure that the national scheme dovetails with these markets and provides additional support as needed. We will announce further details in the autumn when the scheme will launch, and in the meantime, Natural England will be in touch with local authorities and developers.

Our amendment will support the delivery of the tens of thousands of homes currently in the planning system, by significantly reducing the cost of mitigation requirements. The mitigation scheme will make delivering those requirements much easier for developers.

Planning

We understand the concerns that some Local Planning Authorities have around the impact of nutrient neutrality on their ability to demonstrate they have a sufficient and deliverable housing land supply.

We will make clear in planning guidance that judgements on deliverability of sites should take account of strategic mitigation schemes and the accelerated timescale for the Natural England's mitigation schemes and immediate benefits on mitigation burdens once legislation requiring water treatment upgrades comes into force. DLUHC will revise planning guidance over the summer to reflect that site affected by nutrient pollution forming part of housing land supply calculations are capable of being considered deliverable for the purposes of housing land supply calculations, subject to relevant evidence to demonstrate deliverability. It will be for decision takers to make judgements about impacts on delivery timescales for individual schemes in line with the National Planning Policy Framework.

The rollout of advice in relation to nutrient pollution to additional catchments in March, and for those already caught by the issue, resulted in a number of planning permissions having been granted prior to the nutrient neutrality issue being raised, but where a post-permission approval is still required (Reserved Matters approval or discharges of conditions). I am aware of views that the Habitats Regulations Assessment provisions do not apply to subsequent stages of outline approval, and while we know the following will be disappointing to the developers whose sites are affected, it is important to ensure there is clarity on how the assessment provisions should operate.

The Habitats Regulations Assessment provisions apply to any consent, permission, or other authorisation, this may include post-permission approvals, reserved matters or discharges of conditions. It may be that Habitats Regulation Assessment is required in situations including but not limited to:

- where the environmental circumstances have materially changed as a matter of fact and degree (including where nutrient load or the conservation status of habitat site is now unfavourable) so that development that previously was lawfully screened out at the permission stage cannot now be screened out; or

- development that previously was lawfully screened in but judged to pass an Appropriate Assessment cannot now do so because the mitigation (if any) secured is not adequate to enable the competent authority to be convinced of no adverse effect on integrity of the habitats site.

DLUHC will therefore also update the Planning Practice Guidance on the application of the Habitats Regulations Assessment in this regard and consider any further additional revisions as necessary over the Summer.

Further detail and next steps

Government has laid a [Written Ministerial Statement](#) setting out these proposals, along with more detail on considerations for the planning system. Natural England will be writing to Local Authority Chief Executives and DLUHC will be writing a letter to developers. The Chief Planner will also be writing a letter in due course.

The proposals outlined above will improve the environment whilst reducing the mitigation requirements of developers in the long term. We will now be working rapidly to implement this scheme across the country and will rely on close engagement with local authorities to do so.

Longer term, we continue to progress proposals to reform the Habitats Regulations so that impacts on protected sites are tackled up front, focusing on what is best for bringing sites back into favourable status. Recovering our protected sites is critical to meeting the government's ambitious environment commitments, including our apex target to halt the decline in species abundance by 2030. Through this work we can improve water quality, biodiversity and our wider environment while also enabling sustainable development.



RT HON GREG CLARK MP



RT HON GEORGE EUSTICE MP

Samuel Ball

From: Anne Court
Sent: 27 July 2022 13:37
To: Samuel Ball
Subject: FW: The State of Pollution of Rivers in England

First response to motion

From: Garfield, Liv <Liv.Garfield@severntrent.co.uk>
Sent: 26 July 2022 08:56
To: Anne Court <Anne.Court1@oadby-wigston.gov.uk>
Subject: re: The State of Pollution of Rivers in England

ST Classification: OFFICIAL PERSONAL

Dear Anne

Thank you for your letter in response to the recent Council Motion on river water quality and for giving me the opportunity to share with the work we are doing to improve our rivers through our 'Get River Positive' commitment.

We believe that river health is essential not only to the communities we serve, but also to our ability to provide water on tap. We take our responsibilities to not only protect them, but also to enhance them very seriously, and are playing a lead role in this. In March 2022 we launched our 'Get River Positive' commitment incorporating five pledges to improve river health across our region. In developing our pledges we worked with our stakeholders to gather views from our customers, local communities, regulators and other key stakeholders and we will continue to do so as we deliver them.

In our 'Get River Positive' commitment, we've pledged that our operations will not be the reason for unhealthy rivers by 2030 as measured by the Environment Agency's (EA) measures called RNAGS (Reasons for Not Achieving Good Status). According to data from the EA water companies are responsible for 24% of the reasons for rivers in England are not achieving good status, while other sectors are responsible for the remaining 76%. We are working hard to reduce our share of the RNAGs and we have submitted evidence to the EA showing that the work we have done to date has generated a nearly 10% reduction of our remaining target to take our impact on rivers down to 0% by 2030.

However, improving our rivers is a team game and need other sectors to help play their part. Our third river pledge is to support others to improve and care for rivers, for example with the agriculture sector who are according to the EA the largest contributor (36%) to rivers not achieving good status. As we experience more extreme weather conditions, more fertiliser, natural waste and pesticides from farms inevitably make it into more rivers. We are extending the work our catchment management team does with farmers, landowners and stakeholders across our region through grants to support farmers and to introduce initiatives to improve the impact on the environment.

We will be sharing progress against all our River Pledges with regular newsletters and I've attached below a copy of the first newsletter that is just being issued that I hope you find useful. We are really passionate about sharing the work we are doing to improve the environment and are encouraging people to sign up to receive future editions. If possible, please could you share the sign up page on our website <https://www.stwater.co.uk/get-river-positive/blog/introducing-get-river-positive/>, it would be much appreciated.

Further details on our industry leading River Positive pledges can be found on our website - <https://www.stwater.co.uk/get-river-positive/> and I do hope that this is helpful to you and the rest of the Council.

Best wishes

Liv

Liv Garfield (Pronouns: She/ Her)

Chief Executive



I just wanted to share with you our first Get River Positive newsletter and some highlights on our progress as we strive to make our region's rivers the healthiest they can be.

Back in March we launched Get River Positive to demonstrate our ongoing commitment to improving the health of the rivers in our region.

Over the last four months we have made strong progress against the pledges and have also recently been awarded the Environment Agency's highest four-star rating for the third year running.

However, despite achieving this rating, we are by no means complacent, we know there is more to do, and we're focussed on continually improving our performance.

Improving river health is a team game and we will do all we can to take leadership on many of the issues our region's rivers face and to partner with others to make our region's rivers the healthiest they can be for the communities and nature around them.

Please do read on to find out what we've been doing over the last few months.

From Norfolk to the Bristol Channel and Shrewsbury to Milton Keynes

Get River Positive was launched in March this year alongside Anglian Water and earlier this month Hafren Dyfrdwy became the latest company to sign up to the pledges.

[Our Get River Positive Pledges](#)

Progress on our Severn Trent pledges

Pledge 1

Ensuring storm overflows and sewage treatment works do not harm rivers

A reduction in our RNAGS



As part of Get River Positive, we've pledged that our operations will not be the reason for unhealthy rivers by 2030, based on Environment Agency (EA) measures called RNAGS (Reasons for Not Achieving Good Status).

According to [data from the EA](#) water companies are responsible for 24% of the reasons for rivers in England not achieving good status, while other sectors are responsible for the remaining 76%.

We're really pleased to share the good news that we have submitted evidence to the EA for the next wave of RNAGS to be formally approved as complete – this equates to nearly 10% of our remaining target to zero. This puts us ahead of plan; however, we continue to work hard to improve our region's rivers, both through our own activities and supporting others to improve and care for rivers too.

[Our Network](#)



Pledge 2

Create more opportunities for everyone to enjoy our region's rivers

Diving into our bathing rivers project

We're now officially halfway through bathing season, which runs from May to September, and we've so far managed to fit a lot in!

As a reminder, this project will see 50km of river improved, as we look to create two new trial bathing areas along the River Teme in Shropshire and the River Leam in Warwickshire by 2025.

So, what have we been doing?

- We've launched one of the most extensive river monitoring and sampling programmes in the industry (monitoring over 50+ locations!)
- Holding focus groups with local communities to understand the information they'd like about the water quality of rivers and how they'd like to receive that information
- Running regional roadshows in Ludlow this month, in Leamington Spa in October and engaging with local authorities about the potential for the wider development of amenities at the proposed sites
- We recently began site investigations across Leamington Spa, Stratford-upon-Avon, Rugby ahead of the start of our capital works next year
- Later this summer we will begin our new programme, working with farm veterinary practices and livestock farms to help protect rivers from pollutions from farms, which will ultimately have a positive impact on the health of our region's rivers
- Exploring innovative, and new ways to treat wastewater – stay tuned for more on that!

[Our Bathing Rivers project](#)

Pledge 3

Support others to improve and care for rivers

Our new deal for farmers



In May this year we announced our Regenerative Pathway Package for farmers. Nine thousand farmers in the Severn Trent region are being offered match funding of up to £30,000 to encourage environmentally friendly farming practices and protect water quality. The package has been well received so far and builds on our brilliant existing scheme – Farming for Water – which we have been offering for over ten years.

[Support for farmers](#)



Pledge 4

Enhance our rivers and create new habitats so wildlife can thrive

Supporting nature in our communities

For us, the natural environment isn't a bolt-on, it is a fundamental part of our core business, whether that's planting trees to help filter our region's wonderful water or re-introducing lost species such as beavers to regenerate healthy wetland habitats.

As one example, we're incredibly lucky to have cuckoos breeding at a number of our Severn Trent sites and as part of our commitment to restoring biodiversity we work closely with the British Trust for Ornithology (BTO) to understand and support these beautiful birds. Last year Calypso the cuckoo was tagged at one of our sites and together with BTO we tracked his incredible journey to Africa and back.

[Calypso's 10,000 mile journey](#)

Pledge 5

Be open and transparent about our performance and our plans

On track to 100%



One issue we know people are keen to keep updated on is the performance of our storm overflows. The rollout of our monitors has driven an acceleration of improvements along our wastewater network.

We are continuing to install monitors at all our storm overflows and sewage treatment works and track this weekly. Currently 92% of our sites have monitors and we are on track for 100% to be installed by the end of 2022.

We're also working with environmental non-governmental organisations this summer to better understand the data that people want to see and the format that they want to see it in.

[Our monitoring and latest data](#)

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Ms Anne Court
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Direct line: 01572 824250
Date: 10 August 2022

Dear Ms Court

The State of Pollution of Rivers in England

Thank you for your letter dated 21 July and the Oadby and Wigston Council motion regarding pollution of rivers in England sent to Richard Hezlet. He retired a few years ago, and I am the Regional Director covering both East and West Midlands NFU Regions. You have asked what action is being taken by farmers locally to prevent nutrient run-off.

While we do not hold information specifically about the Oadby and Wigston Borough Council area, we are engaged at many levels on behalf of the farming industry and our NFU members regarding water pollution and quality, and a commitment to improving the situation.

Farmers have worked hard to reduce nutrient losses in recent decades. For instance, [data on UK soil nutrient balances](#) shows nitrogen and phosphorus balances have fallen by 40% and 60%, respectively, since 1990. The same data shows that the amount of nitrogen and phosphorus supplied by manures has fallen by 21% and 18%, respectively, since 1990. We also know that the number of serious agricultural pollution incidents have nearly halved year-on-year and have reduced by over 75% compared to 2000. This reflects the fact that many farmers have changed farming practices that benefit water quality but are willing to do more.

Future action and gains will rely on better advice, tools, and financial support. Some of this is promised through post Brexit agricultural policy and the Agricultural Transition Plan. We are seeing schemes such as the Environmental Land Management (ELM Scheme), currently being introduced, and looking towards the specific needs of the water environment. We also advocate that future farming schemes need to allow farmers to invest in new technology and infrastructure to tackle potential pollution issues. Investment in the technologies such as precision equipment that allows for variable fertiliser applications onto the crop areas that needs it, is a good example of how a farmer can reduce his fertiliser usage that benefits the bottom line of the farm business and the environment.

All farmers, including those in your Borough, are subject to regulation. More specifically these include the Farming Rules for Water, introduced under the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018. Amongst several measures, they require nutrient applications through manures and fertilisers to be planned so they do not



exceed the need of the soil and crop and avoid a significant risk of pollution. Farmers in the Borough Council area also fall within the River Soar Nitrate Vulnerable Zone designation. NVZ's are areas seen as being at risk from agricultural nitrate pollution and where rules are applied to reduce and prevent nitrate pollution. In turn these rules form part of the Basic Payments Scheme cross compliance requirements known as Statutory Management Requirement 1.

Because of the regulatory base, farmers are subject to inspection, by a variety of agencies, including the Environment Agency (for the Farming Rules for Water), the Rural Payments Agency (for NVZ's and cross compliance) and by inspections carried out to verify the farm assurance scheme that the farm business may well subscribe to. For example, a manure management plan is a requirement for Red Tractor Farm Assurance.

Many farmers take part in existing government-funded agri-environment schemes, such as Countryside Stewardship, that for instance take land out of production to reduce nutrient losses or incentivise the establishment of field margins against the watercourse to capture soil particles and nutrients. As already mentioned, the industry is looking ahead to post-Brexit schemes to make further gains, utilising the ELM Scheme.

We also know that farmers value trusted, business-savvy advice on water quality measures, be it from government through Catchment Sensitive Farming advisers, or industry-led initiatives like Tried and Tested and the Campaign for the Farmed Environment, which voluntarily facilitate improvement, giving advice and grant support, above and beyond regulation. In the Soar catchment much of the work of the [Soar Catchment Partnership](#), and the Trent Rivers Trust is concerned with agriculture and water and advice led initiatives. Studies of the impact that such that advice and support provide are illustrated in recent data from the Herefordshire Wye, which supports the view that the CSF initiative has enabled a 8.5% reduction in annual agricultural phosphate loads in that catchment since 2006, with a further 2% achieved through agri-environment schemes.

In other parts of the East Midland's funding for water quality measures aimed at phosphate reductions are available to farmers through the Severn Trent Environmental Protection Scheme (STEPS). This water company scheme is available in Severn Trent Water priority areas, but not the Soar catchment at present. We envisage that as private funding of ecosystem services becomes more commonplace then, other companies will be interested in providing funding streams to help set up nutrient schemes. A good illustration is the [Poole Harbour Nutrient Management Scheme](#) that has farmers actively working together to trade nutrient reduction in watercourses and ultimately to reduce eutrophication in the Poole Harbour marine area. We envisage that as such income streams are introduced more widely that farmer interest could be significant.

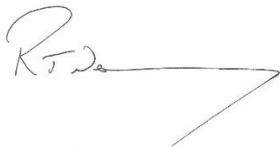
There are a couple of points in the motion which could be challenged as follows:

- Technically, every river is polluted beyond legal limits but this a recent development in response to more sensitive testing for 'forever' chemicals – these are not associated with farming.
- While only 14% of surface waters were deemed to be in *good ecological status* in 2019, this headline statistic gives a false impression of progress made – something like 80% of the contributing indicators meet good status.

- In recent years, the funding for farm inspections has increased markedly, with inspections rising from around 500 at the beginning of the decade to around 4000 next year – farms are certainly not ‘almost never inspected’. As already outlined inspection can be done by several different agencies, to a point where the industry regularly points out that there is too much duplication of inspections. A room full of farmers will not agree that they are almost never inspected.

In conclusion, I hope that we have illustrated what is happening at the current time in terms of action by farmers to prevent nutrient run-off. Furthermore, we would be happy to offer a farm visit for Councillors so that you can see a local farmers stewardship of the water environment on the ground. The commitment of both the NFU and its members to do more in terms of water quality is well established, and government policy is also more aligned in that respect. Changing agricultural practice is happening, and farmers will continue to adapt and make improvements on their farms to ensure they can protect the environment while producing the nation's food.

Yours sincerely



Robert Newberry
NFU Regional Director
NFU East and West Midlands

Samuel Ball

From: info River Action UK <info@riveractionuk.com>
Sent: 28 July 2022 17:18
To: Samuel Ball; DemocraticServices
Cc: Charles Watson
Subject: Re: Correspondence from Oadby & Wigston Borough Council
Attachments: image.png

Dear Samuel,

My apologies for the delayed response.

Many thanks for reaching out to River Action UK and for Oadby & Wigston Borough Council support to River Action and the work we are doing to rescue UK rivers.

Thank you for your letter of support and Motion on Notice.

I am looping in our founder, Charles Watson, and we will share this with the rest of our team.

Best wishes

Katie Schuster
The River Action Team
info@riveractionuk.com



On Thu, 21 Jul 2022 at 12:22, DemocraticServices <democratic.services@oadby-wigston.gov.uk> wrote:

Dear Trustees

Correspondence from Oadby & Wigston Borough Council

Please find attached correspondence sent on behalf of the Chief Executive of Oadby & Wigston Borough Council.

We are awaiting hearing from you.

Kind Regards

Samuel Ball LL.B. (Hons) P.G. Dip. (LPC)

Legal & Democratic Services Manager

Deputy Monitoring Officer (Solicitor)

Law & Democracy



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