

# Development Pressures on Habitats Sites: What are the Implications for Development and Local Plans?

DAC Planning Briefing Note  
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## Introduction

[European Sites](#) or ‘habitats sites’ are protected by the Conservation of Habitats and Species Regulations 2017 as amended (known as the Habitats Regulations). All Local Planning Authorities must test if a plan or project proposal could significantly harm the designated features of a European site. This test is known as a Habitats Regulations Assessment (HRA). If it is decided that there is a risk of a likely significant effect on a European site, or there is not enough evidence to rule out a risk, then the HRA is followed by an Appropriate Assessment (AA) which will identify appropriate mitigation measures, where possible.

The impacts of development upon habitats sites are becoming increasingly varied and complex to mitigate as the environment is under increasing pressure from growth. This note focuses in particular on the impacts of **water quality** on habitats sites and the use of ‘**nutrient neutrality**’ as one form of mitigation strategy to enable Local Plan production and development to proceed.

Future notes covering other habitats issues, such as water neutrality and recreation, will be published in the following weeks.

## What is Nutrient Neutrality?

Nutrient neutrality is a form of mitigation recommended by Natural England to address the impact of water quality on habitats sites where they are being found to be in an ‘unfavourable condition’ due to the presence of nutrients such as nitrates and phosphates.

On 16 March, Natural England wrote again to the 32 LPAs already affected by nutrient pollution, and also to 42 new LPAs affected by the issue. The letter provided an [Advice Note](#), which states:

*...it is becoming increasingly evident that in many cases substantial reductions in nutrients are needed. In addition, for habitats sites that are unfavourable due to nutrients, and where there is considerable development pressure, mitigation solutions are likely to be needed to enable new development to proceed without causing further harm. (Natural England Advice Note, 16 March 2022).*

The scale of habitats sites that are in unfavorable condition due to nutrients is significant and will require HRA and AA to be carried out for plans and projects where those sites may be impacted:

*When considering a plan or project that may give rise to additional nutrients within the affected catchments, you should undertake a HRA. An Appropriate Assessment will be needed where a likely significant effect (alone or in-combination) cannot be ruled out, even where the proposal contains mitigation provisions.*

## Mitigation Measures to Achieve Nutrient Neutrality?

Natural England's Advice Note identifies that suitable nutrient neutrality mitigation measures might include constructed wetlands and land use change or retrofitting SuDS. Further information can be found using the updated generic Nutrient Neutrality Methodology and the updated catchment calculators. However, the Advice Note also explains that nutrient neutrality is not always the most effective mitigation measure, and that consideration should be given on a case-by-case basis.

With regard to Local Plan processes, Natural England recommends that:

*Competent Authorities should carefully consider whether it is possible to allocate development in catchments or parts of catchments of sites which are likely to have significant constraints in being able to apply nutrient neutrality. Where nutrient neutrality cannot effectively mitigate the nutrient impacts of new developments, then consent should only be granted where other mitigation can effectively prevent an adverse effect on the integrity of site.*

## Chief Planner's Letter – 16 March 2022

On 16 March 2022, the [Chief Planner wrote to all LPAs](#) affected by Natural England's Advice Note and explained that nutrient neutrality is a short-term policy response to mitigating nutrient pollution, and that further support to enable development is being prepared, including guidance on the use of nature-based solutions to mitigate nutrient pollution.

In the meantime, the letter acknowledges the widespread impact of the issue on considering planning applications as well as upon Local Plan production. It explains that funding will be made available to support local authorities (a "nutrient support fund", with £100,000 available for each Habitats Catchment, to facilitate the hiring of catchment nutrients officers) and that relevant sections of the Planning Practice Guidance are being reviewed to ensure it provides the best support for decision making and plan making. Furthermore, implications for the Housing Delivery Test and 5 Year Housing Land Supply are recognised and will be kept under review.

## Conclusions

The issue of nutrient pollution and the significant increase in habitats sites being identified as in an 'unfavourable condition' is a relatively new constraint on development. Further work is being carried out by Natural England and the Government to identify long-term solutions. In the meantime, the issue may result in delays to planning permissions being granted and further challenges for Local Planning Authorities in preparing Local Plans.

DAC Planning provides specialist support to Local Planning Authorities in Local Plan production and has extensive experience in policy writing, spatial strategy development, Duty to Cooperate and project management. We understand the importance of joint working and the identification of strategic mitigation approaches, in consultation and discussion with statutory bodies. For a discussion on how we can assist you at this time, please get in touch with the team using the details below:

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