



**Written Evidence submitted by Sarah Belton, founder and co-director of [Nutrient Neutral](#), [Our Rivers](#) and [Blue Earth Biochar](#) (PIB27)**

**Nutrient Neutral** is a specialist consultancy working with developers, landowners, and local planning authorities, to find solutions to Nutrient Neutrality. We have worked nationwide to develop numerous nutrient credit schemes for credit generation involving land reversion, nature-based solutions (NbS) and grey solutions.

**Our Rivers** is focused on point source water pollution and is a collaboration of local, trusted experts undertaking septic tank upgrades to generate nutrient credits and reinvest in river restoration and local communities.

**Blue Earth Biochar** has developed a natural product that reduces loss of, and recaptures, nutrients from the environment. It has been awarded a £483,000 Innovate UK grant to undertake field trials under the Farming Futures Nutrient Management Fund.

Sarah Belton is an experienced hydrologist/hydrogeologist and has significant expertise in water pollution associated with nutrients (phosphorus and nitrogen). Sarah sits on the board of the Constructed Wetlands Association, Foundation for Water Research (FWR) Water Environment and Ecosystem Services technical panel and the British Standard Flex 701 & 704 Advisory Panel for Nature Markets and Nutrient Mitigation.

The evidence presented is in response to Part III of the Planning and Infrastructure Bill (PIB), Development and Nature Recovery, and specifically with respect to water quality, i.e. nutrient neutrality and not protected species.

## 1. Executive Summary

- 1.1. It is agreed that the current system to address Nutrient Neutrality (NN) is over complicated, inefficient and needs modification.
- 1.2. The PIB Part III has been complicated by combining NN and protected species. This is considered likely to cause significant delays in preparation of Environmental Development Plans (EDPs), compared to just EDP's for NN.
- 1.3. The Bill, as introduced, is a **regression of environmental law** and **reduces environmental protection**, due to reduced attainment standards associated with the efficacy of measures and timely delivery thereof.
- 1.4. Sufficient data has been gathered over the past five years to be able to estimate the likely impact on water of new development on a per-house-basis, removing the need for site-specific assessment and detailed iterations of the nutrient budget calculator. Simplification of this process will significantly reduce costs to developers and burden on Local Planning Authorities (LPAs), and delays in planning being granted.
- 1.5. In our opinion protected species need site-specific assessments.
- 1.6. There are numerous NN solutions in every catchment, but these have been slow to be implemented in many areas due primarily to the lack of resource, expertise and communication within, and between, Natural England (NE) and LPAs.
- 1.7. A developer payment/levy is a reasonable solution to allow development to progress quickly. However, this should not be a wholly state-controlled scheme and could run parallel with private schemes, as per Biodiversity Net Gain (BNG).
- 1.8. EDPs and Nature Restoration Funds (NRFs) are currently an untested concept. These must be piloted before it is agreed the approach provides the right solution for developers and nature.
- 1.9. We do not agree that NN and protected species natural capital markets should be effectively be taken into state control.
- 1.10. The potential impact of the PIB to natural capital markets has not been assessed and we believe these will be significant and contrary to Government ambitions to support and encourage these.
- 1.11. We agree that NE are the right body to prepare EDPs, but suggest additional input and oversight from water specialists.
- 1.12. We do not agree that NE are the correct body to implement the Nature Restoration Fund (NRF), a body cannot objectively both regulate and implement EDPs and NRF's.

- 1.13. Other specialist bodies could implement restoration and mitigations measures, e.g. Norfolk Environmental Credits (NEC) who are already delivering solutions.

## 2. General Comments

- 2.1. The urgent need for economic growth, and affordable and social housing in England is acknowledged.
- 2.2. Whilst it is essential to mitigate the impact of new development on water quality, the current system for NN is inefficient.
- 2.3. All existing and new developments have an impact on water quality, primarily through the discharge of sewage and to a lesser degree through land use change.
- 2.4. NN has rarely been fully understood by those tasked with developing solutions. It has been portrayed as an ecology issue for the last 4-5 years, but it is in fact a hydrology and hydrogeological issue. Many of those trying to make decisions and develop solutions do not understand the problem or solutions and therefore are extremely risk adverse, which has resulted in paralysis. This includes Natural England.

## 3. Regression of Environmental Law

- 3.1. The PIB (Environmental Statements (b)) reads  
*“The Bill will not have the effect of reducing the level of environmental protection provided for by any existing environmental law.”*
- 3.2. The PIB will result in a regression of environmental law and environmental protection due to there being an absence of certainty in the implementation of the EDPs which specifically lack:
  - 3.2.1. Certainty in the timely implementation of EDPs. A start date is only required for when it comes into force (49, (7) (a)). Implementation could be one week, one year or eight years from after that date.
  - 3.2.2. A requirement for EDPs to be delivered prior to the impact of new developments being realised at the protected site.
  - 3.2.3. The PIB only indicates one or more features need be identified and not all impacts (50, (1)).
  - 3.2.4. There is no certainty in measures being effective.
  - 3.2.5. The PIB (55 (4)) reads: *“An EDP passes the overall improvement test if the conservation measures are **likely** to be sufficient to outweigh the negative effect”*. The standard in the current Conservation of Habitats and Species Regulation (“Habs Regs”) reads, *“**beyond reasonable scientific doubt**”*.

**3.3. Recommended addition:**

49 (7) (c) the date on which measures within the EDP will be (i) implemented and (ii) effective.

**3.4. Recommended amendment:**

50 (1) (a) all water quality, water resource and protected species which are likely to be negatively affected by the development.

**3.5. Recommended amendment:**

55 (4) An EDP passes the overall improvement test if the conservation measures are 'likely beyond reasonable scientific doubt' to be sufficient to outweigh the negative effect.

3.6. The Government has indicated that as soon as an EDP is 'in force/signed off' the current requirement for nutrient mitigation ceases with immediate effect. In particular, the need for 'temporary' nutrient credits. Temporary credits cover the impact of a development that will fall away when sewage treatment works are upgraded to their Technically Achievable Limits (TAL), as per the Levelling Up and Regeneration Act (LURA) in 2030. The requirement to no longer mitigate the temporary impact was conveyed by representatives from MHCLG directly to LPAs in March 2025. This proposed approach was not discussed at Defra consultations, held over the last nine months with industry professionals, and is considered disingenuous. This approach is unequivocally a regression of environmental protection.

**3.7. Recommended addition:**

49 (7) (d) prior to the implementation of an EDP, and the measures becoming effective, nutrient mitigation must continue to be implemented through balancing of impact and mitigation measure via either Natural England, private providers, or the local delivery bodies'<sup>1</sup> nutrient credit schemes.

*This approach is depicted in Figures 1 and 2.*

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<sup>1</sup> Such as Norfolk Environmental Credits or Stour Environmental Credits using the current government funds and nutrient credit schemes.

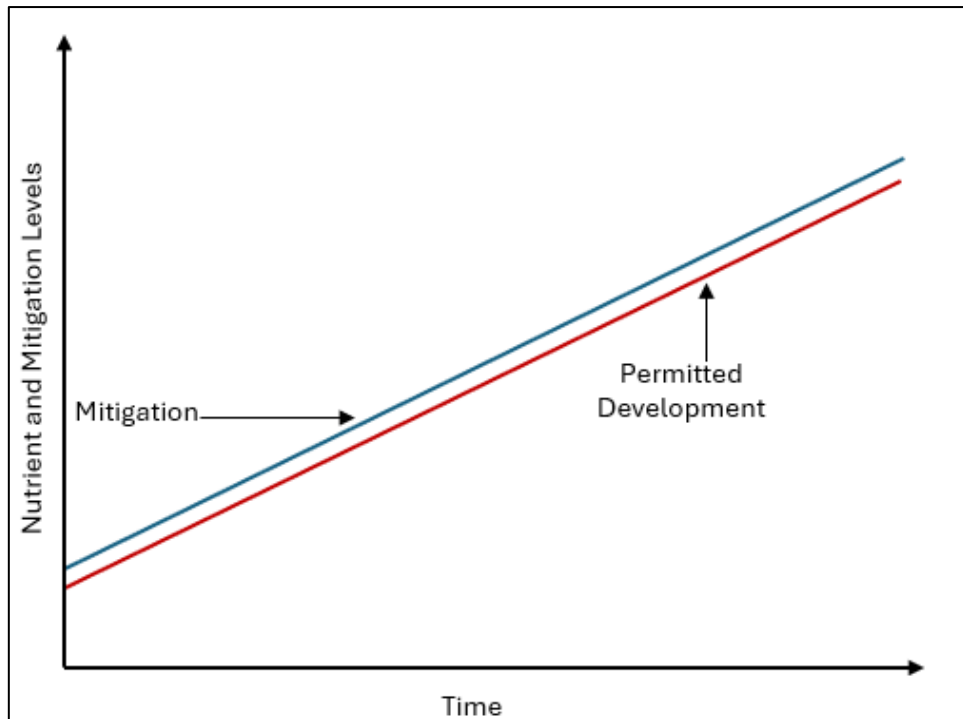


Figure 1: Environmental law requires mitigation to be in place before the impact

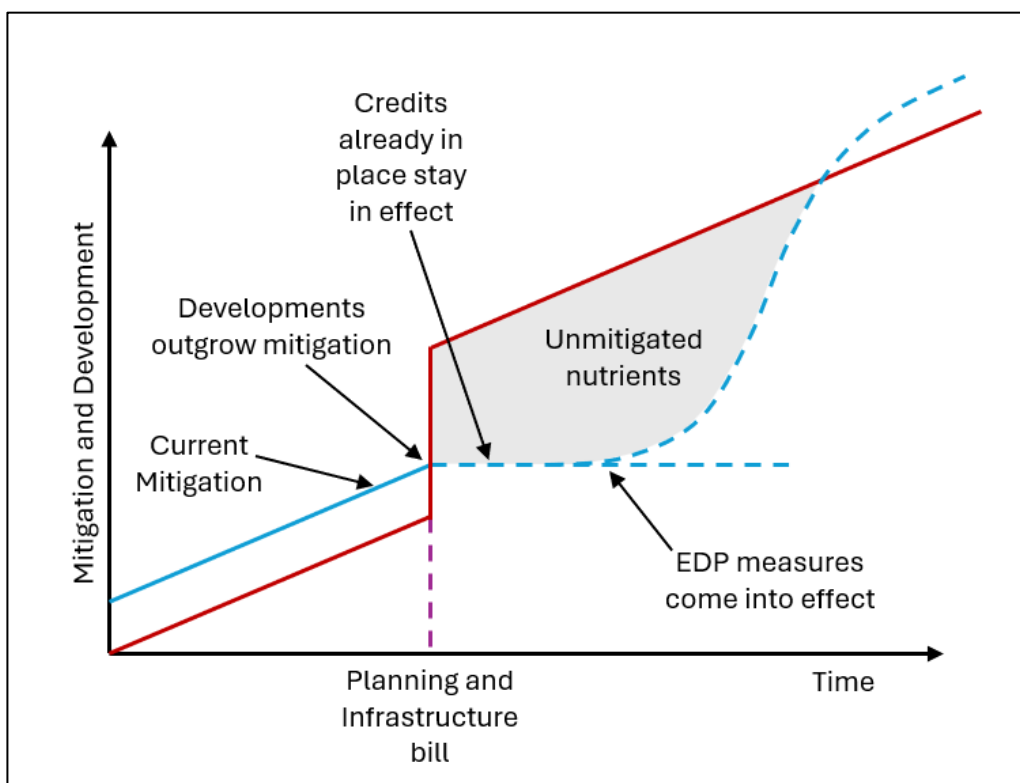


Figure 2: Proposed approach by MHCLG - once an EDP is agreed (not implemented) there is no certainty mitigation is in place or effective before the impact is realised

#### **4. Environmental Delivery Plans and Nature Restoration Funds: The Concept**

- 4.1. The EDPs and the NRF are currently high-risk, untested concepts. There is high potential that their rushed introduction will deliver the opposite desired effect in the next year or two, and stall development in many areas, not enable it.
- 4.2. We disagree that both EDPs and their implementation via the NRF should be undertaken by the same body. Who will hold them to account?
- 4.3. Developers are already pausing nutrient solution applications and waiting for, what they believe to be six months, for this solution to be delivered, despite NE estimating the required secondary regulation for EDPs will not be in place for at least 12 months.
- 4.4. In the recently issued 'Corry Report'<sup>2</sup>, Recommendation 10 states, "*Set up a programme of experiments and sandboxes...*" The EDPs and NRFs need to be run as a pilot.
- 4.5. Developers need certainty in EDP delivery timelines for each affected catchment and an indication of costs.

##### **4.6. Recommendation**

EDPs and NRF must be piloted, tried, and tested, whilst the current system of mitigation balancing impact is maintained and supported. Pilots should focus on catchments that do not have a good pipeline of mitigation e.g. River Stour (Kent) or the River Lugg (Herefordshire).

##### **4.7. Recommendation**

Realistic messaging to developers around delivery timelines is essential.

#### **5. Delivery of EDPs and NRFs**

- 5.1. There is little confidence that EDPs 'Overall Improvement Test (OIT)' by Secretary of State (SoS)/MHCLG will be objective or that they will have the necessary expertise to assess and scrutinise EDPs merit for nature restoration. Their objective is to build.
- 5.2. NE lack resource to deliver EDPs and NRF at scale and pace; the iPaper reported that NE is to axe at least 200 jobs following government spending review in March 2025 (<https://inews.co.uk/news/environment/hundreds-jobs-protecting-rivers-green-belt-axed-3596432>).

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<sup>2</sup> [Delivering economic growth and nature recovery: An independent review of Defra's regulatory landscape](#)

- 5.3. There are merits in implementing both grey and nature-based solutions. With grey solutions seeking to reduce the source of pollution, a combined approach gives flexibility and the ability to deliver at pace. There is concern that NE are focused primarily on NbS.
- 5.4. Neither the EDP preparation, nor the consultation on the EDP draws on the expertise of many professionals already working in this field, already providing landscape restoration, mitigation, and remediation. This seems a waste of valuable experience and expertise.

#### **5.5. Recommendation**

Draft EDPs should be reviewed by an independent expert.

### **6. Private Natural Capital Markets**

- 6.1. BNG is directly linked to nutrient mitigation and protected species habitat creation. The PIB attempts to split BNG from these, effectively devaluing many BNG schemes.
- 6.2. The PIB effectively brings the nutrient neutrality market into state control. This will significantly damage confidence in UK nature and natural capital markets, resulting in investors turning away from the UK.
- 6.3. The Corry Report<sup>1</sup> recommendations seek to boost investment in nature markets to £1 billion by 2030, (Recommendation 21, Nature Market Accelerator and Recommendation 22, call for evidence). The PIB will have the opposite effect.
- 6.4. Natural capital markets need consistency and opportunity. There is no clear pathway of how the existing private markets can operate within the proposed EDPs and NRF. Therefore, investment is highly likely to cease.
- 6.5. Contrary to the suggested piecemeal delivery, many private schemes are large landscape projects delivering BNG, nutrient mitigation, and nature recovery.
- 6.6. It is not clear if the potential impact on existing natural capital markets has been assessed. Nothing has been published on this subject matter.
- 6.7. The proposed EDP's will not meet the BSI Flex 704, Government nature investment standard, for nutrient markets, currently in development, due to the lack of certainty.

#### **6.8. Recommendation**

EDPs and NRF should offer an option or fall-back position, not be mandatory, as per BNG. Developers should have the option to develop mitigation on-site, purchase from the private markets or choose a government scheme.

### **7. Support current nutrient schemes and delivery systems**

7.1. In order to maintain and not regress environmental protection, nutrient mitigation must be maintained at levels above the impact of new development, whilst secondary regulation is developed (Figures 1 & 2), and proposed concepts (EDP's and NRF's) are tested.

7.2. Many NN affected regions now have more than sufficient nutrient mitigation available, and in the pipeline, for the next few years. For example, Somerset, Norfolk, Tees Valley & Solent have, or will have imminently, the required mitigation due to recent funding rounds i.e. Cumbria. The nutrient mitigation delivery system is not broken, but it does need support and immediate changes.

7.3. The delay in realising nutrient credits from schemes is primarily due to lack of NE and LPA resource. For example, Nutrient Neutral submitted one scheme (using an agreed methodology) that took nine months for NE agreement, because it was new to that NE region, and 11 months (and still waiting) to get the legal agreements in place with LPAs.

#### **7.4. Recommendation**

Removing site-specific assessment (for NN) and estimating an assumed impact to NN would speed up the planning permission immeasurably.

#### **7.5. Recommendation**

Provide clear guidance to LPA for legal documents to secure mitigation.

#### **7.6. Recommendation**

Facilitate knowledge sharing for LPA and Natural England between regions and set national standard for acceptable solutions.

Whilst the Government is keen to confirm many stakeholders have been 'consulted', this does not mean inputs to date have been considered and included in the PIB nor that the PIB is endorsed as a result of being 'consulted'.

*April 2025*