



Department for Environment Food & Rural Affairs

The Rt Hon Thérèse Coffey MP
Secretary of State Environment, Food & Rural Affairs

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Dame Glenys Stacey
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31 August 2023

Dear Dame Glenys,

Thank you for your call earlier today. I have read your letter of 30 August regarding the government's amendments to the Levelling-Up and Regeneration Bill. We expect these amendments to support the delivery of a key government commitment to support home ownership, unlocking 100,000 homes that have the support of local communities but are currently held up due to nutrient neutrality requirements.

I stand by my pledge that we will not weaken our commitment to the environment. You quote a letter in which I continued my pledge regarding protecting the environment. I wrote this in response to your letter regarding the Retained EU Law (Reform and Revocation) Act. You should note that the changes we are making to the law are not through that Act. For the avoidance of doubt, nor do I accept that this will lead to regression in environmental outcomes. It is the government's judgement that it will not. The reform package will in fact improve the condition of these Habitats Sites for the reasons I outline below.

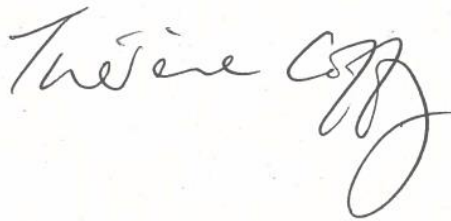
The issue of nutrient neutrality has arisen due to retained EU legislation and case law, particularly the 2018 ruling by the European Court of Justice – imposed on the United Kingdom after the British people had voted to leave the European Union. It is not a longstanding environmental policy or convention. The government recognises the good intentions underpinning nutrient neutrality and that excess nutrients can present detriment to aspects of important habitats. However, the government also considers in its format, it places an unavoidably burdensome process around the offsetting of small quantities of nitrates and phosphates from the wastewater arising from new developments. These burdens have blocked and delayed housing across 62 Local Planning Authorities in England while having achieved little to improve water quality so far. The changes in law and wider package of measures will allow the new housing to be developed while also pursuing nature improvements, instead of having to wait for other works to be completed, as well as there being legal changes in the Bill to require wastewater treatment work upgrades by 2030. This amendment alone will more than offset the nutrients expected from new developments by putting in place wider upgrades for the long term. Crucially, these upgrades will benefit existing homes, not just new homes, providing an effective approach to reducing wastewater nutrient pollution. We are also legislating to require nature-based solutions to be considered as part of any infrastructure works.

In our overall approach, there will be no loss of environmental outcomes through the measures we are taking and we are confident our package of measures will in fact improve the environment. We are now going further with the actions announced this week including £280m for Natural England's Nutrient Mitigation Scheme, more than £200m for slurry management and agricultural innovation in nutrient management, and a commitment to further work on Protected Site Strategies in the most affected catchments. These measures will ensure that we fully offset the small amount of additional nutrient pollution from development and plot a pathway towards restoration as part of a circular economy for nutrients.

Across the board this government is strengthening protections for the environment. We remain fully committed to our legally binding Environment Act targets, our ambitious Environmental Improvement Plan, and our Plan for Water. The measures set out in the Plan will deliver the biggest investment programme in water company history to tackle unacceptable levels of pollution, as well as stronger regulation and tougher enforcement to bring about the improvements people rightly expect to see. Meanwhile, new homes will be the greenest ever thanks to requirements under our world leading Environment Act which will ensure they support nature's recovery - meaning new habitats and green spaces must be created when building new housing, helping deliver our commitment to halting the decline of species by 2030.

I am copying this letter to the Secretary of State for Levelling Up, Housing and Communities.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Thérèse Coffey', written in a cursive style.