CONSULTATION

Response Document

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Nutrient pollution – draft Norfolk Environmental Delivery Plan consultation (Natural England)

27 October 2026

Introduction to CIEEM

The Chartered Institute of Ecology and Environmental Management (CIEEM) is the leading professional membership body representing and supporting ecologists and environmental managers in the UK, Ireland and beyond. We welcome the opportunity to respond to this consultation.

Established in 1991 and awarded a Royal Charter in 2013, CIEEM has over 10,000 members working across local authorities, government agencies, industry, environmental consultancy, academia and NGOs. Our objectives are to raise the standards of professional ecological and environmental management practice, for the benefit of nature and society; to promote an integrated, evidence-led approach to the sustainable management of the natural environment; and to support our members through technical guidance, training and development, and knowledge-sharing.

As a Chartered professional body, CIEEM's role is to bring the collective, evidence-based expertise of our membership – drawn from across the public, private, academic and third sectors – to bear on policy and practice, in the interests of sound decision-making and effective policy delivery.

Expert members of our policy volunteer groups have contributed to this response.

CIEEM Responses to the Consultation Questions

1. **Would you like your response to be confidential?**
   - Yes
   - **No**

If you answered Yes to this question, please give your reason(s), in no more than 300 words.

2. **Key information**
   - What is your name? **Jason Reeves**
   - Email address: **jasonreeves@cieem.net**
   - Organisation: **Chartered Institute of Ecology and Environmental Management**
   - What is your role? **Head of Policy**
   - Where are you located? **CIEEM, Grosvenor Court, Ampfield, Hampshire, SO51 9BD**

3. **What best describes your interest in this consultation?**
   - I am mainly interested in the Norfolk Environmental Delivery Plan
   - I am interested in Environmental Delivery Plans more widely
   - **Other — please specify (no more than 50 words)**

   CIEEM is interested in both this EDP and EDPs more widely. This first EDP sets the precedent and a template for future EDPs. In its current state this first EDP is not fit for purpose.

4. **Which of the following best describes you or the capacity in which you are responding? You may select more than one:**
   - a resident in Norfolk
   - a resident outside of Norfolk
   - landowner in Norfolk
   - landowner outside of Norfolk
   - interested party
   - Environmental Non-Government Organisation member/employee
   - central government employee
   - local government employee
   - representative of an organisation
   - nature market provider
   - developer
   - consultant
   - academic
   - lawyer
   - **other: Chartered Professional Body employee**

5. **If you are a developer how likely is your organisation to be proposing a development within the development area of the Norfolk EDP?**
    1. Very unlikely
    2. Unlikely
    3. Neutral (or Undecided)
    4. Likely
    5. Very likely
    6. **n/a**

6. **To what extent do you think the overall purpose of the EDP is sufficiently clear?**
    - Very clear
    - Clear
    - **Not very clear**
    - Not clear at all

7. **To what extent does the Executive summary and the Introduction (chapters 1 and 2) clearly set out the approach the EDP will take to deliver a material improvement that outweighs the negative effect of development?**
    - Very clear
    - Clear
    - Not very clear
    - **Not clear at all**

8. **Is the EDP period clearly set out?**
    - Yes
    - No
    - **Somewhat**
    - Maybe
    - Unsure

9. **To what extent do you agree that the geographic scope of the EDP has been clearly defined?**
    - Very clear
    - Clear
    - **Not very clear**
    - Not clear at all

Explain your choice (optional), in no more than 300 words.

The development area is mapped by reference to published nutrient-neutrality catchments, but the rationale for the chosen boundaries, and their relationship to the wider nutrient system, is unclear. The plan appears to follow where housing growth is

expected rather than the full set of nutrient pathways and protected sites on which nutrient neutrality is intended to operate.

The Ant, Trinity Broads and Upper Thurne catchments are excluded because little development is expected there, despite being in unfavourable condition for both nitrogen and phosphorus. This creates the prospect of a single connected Broads system operating under two different regimes: the levy within EDP catchments and project-level Habitats Regulations Assessment elsewhere. The EDP should clearly map where nutrient-neutrality requirements continue to apply, including any affected areas of the Waveney valley.

Impacts and measures are geographically separated. Most of the wider-catchment land use change is located in the Wensum catchment, yet the resulting nutrient reductions are credited in full to both the Wensum and Yare systems. At the same time, most new development in the Yare catchment discharges downstream of the Wensum confluence. The plan should demonstrate that benefits accrue where impacts arise, or apply and justify an appropriate attenuation factor.

Wastewater treatment catchments do not align neatly with surface-water catchments. The EDP should identify which treatment works will serve EDP development, where their effluent enters the receiving water environment, and how impacts and mitigation are attributed.

The EDP should quantify nutrient inputs across the whole relevant catchment, assess existing and planned measures, and forecast the net position against targets for each protected site. It should also confirm that nutrient loads from EDP development remain part of future in-combination assessments, and that EDP mitigation cannot be reused as headroom or mitigation for other plans or projects, thereby avoiding any risk of double counting.

10. To what extent is the explanation and depiction of excluded areas sufficiently clear?

- Very clear
- Clear
- **Not very clear**
- Not clear at all

Explain your choice (optional), in no more than 300 words.

We welcome the precautionary approach of excluding designated sites and applying a 50-metre buffer, ensuring development affecting these areas remains subject to

Habitats Regulations Assessment. However, several aspects require further clarification.

The EDP provides no hydrological evidence to justify a uniform 50-metre buffer. While such a buffer may address certain direct-discharge risks, it does not demonstrate that surface-water runoff, groundwater movement, field drains and other hydrological pathways have been fully accounted for. Nutrient transport can extend well beyond a fixed distance, particularly in hydrologically connected catchments. The EDP should explain and evidence the basis for the boundaries used, map relevant pathways and demonstrate that impacts beyond the buffer have been properly considered.

Further explanation is needed on how excluded areas and associated waterbodies will be treated, including the relationship between designated sites such as the Ant Broads, Trinity Broads, Upper Thurne SSSIs and the Waveney Valley within the Broadland Ramsar site. It is unclear whether development in excluded areas counts towards the 15,780-dwelling maximum, how cumulative effects from such development will be monitored alongside EDP-supported growth, and how pollution arising outside the EDP area will be attributed and managed. Exclusion from the EDP does not remove nutrient pressure from an already severely degraded catchment, and the wider assessment must show that development will not increase the risk of irreversible ecological harm.

The plan should explain how development in excluded areas, and the 20% of anticipated housing growth assumed not to use the levy, will be assessed in combination with EDP development. Such schemes will still require verified project-level mitigation, and the EDP should state this clearly to ensure the viability of the mitigation market. Natural England should also confirm that no additional categories of development will be brought within the scope of the levy without full public consultation.

11. To what extent is the methodology used to define the maximum development capacity (15,780 dwellings) under this Norfolk EDP clearly set out?

- Very clear
- Clear
- **Not very clear**
- Not clear at all

Explain your choice (optional), in no more than 300 words.

The figure of 15,780 dwellings appears to be a forecast of housing demand and levy uptake rather than a limit derived from the environmental capacity of protected sites to recover while accommodating additional nutrient loads. Annex 3A applies assumptions of 75% housing delivery and 80% uptake of the Nature Restoration Levy

to annual local housing need, yet also states that the resulting capacity figure is "not a limit on the total development that can occur". The justification for the 80% uptake assumption relies on unpublished evidence that the levy will be cheaper than alternative mitigation routes. Without this evidence, it is unclear whether high uptake would reflect genuine efficiency or undercutting of existing mitigation. A flat-rate levy may further distort outcomes, as developments with the highest nutrient loads per dwelling are likely to benefit most, increasing the average nutrient burden of levy-funded development and potentially leaving the programme under-funded.

More fundamentally, the methodology does not demonstrate that sufficient mitigation can be secured at the necessary scale, in the right locations, and within required timescales. The EDP lacks a complete quantified assessment of development-related nutrient inputs, secured reductions, forecast net effects against site targets, and robust evidence of land availability, feasibility, and landowner commitment. There are also inconsistencies in the dwelling totals and phasing, with uncertainties over whether all homes are accounted for and how the cap would be enforced. Natural England should publish the evidence underpinning uptake assumptions, test scenarios across a wider range of uptake and delivery rates, and derive any development cap from demonstrated ecological capacity and deliverable mitigation, whilst accounting for cumulative nutrient inputs from non-residential development and other pollution sources.

12. Are there any other relevant plans and strategies you think this EDP should take into account?

- **Yes**
- No
- Somewhat
- Maybe
- Unsure

Explain your choice (optional), in no more than 300 words.

The EDP should more clearly explain how it aligns with, complements and builds upon existing nutrient-management initiatives, regulatory programmes and environmental plans operating across the catchment. In particular, it should demonstrate how the proposed measures have been assessed against opportunities identified through catchment nutrient-management strategies for the Broads and Wensum, Diffuse Water Pollution Plans, the Anglian River Basin Management Plan, Anglian Water's drainage and wastewater management plans, and storm-overflow reduction programmes. Where wastewater treatment upgrades and other nutrient-reduction measures are relied upon in forecasting environmental outcomes, the EDP

should identify the relevant schemes, delivery dates, responsible bodies and expected nitrogen and phosphorus reductions, rather than assume these benefits will be realised through separate mechanisms.

The EDP should also explain how it interacts with existing nutrient-mitigation arrangements, including Norfolk Environmental Credits, Local Nutrient Mitigation Fund schemes and Natural England's own nutrient-credit projects, and demonstrate how duplication or the stranding of previously secured mitigation will be avoided. Consistency is also needed with Natural England's established approach of quantifying and securing nutrient reductions through measurable credits and legally enforceable agreements.

For agriculture, the EDP should assess the effectiveness of existing regulation and agri-environment schemes, identify any compliance gaps, and consider where additional incentives or targeted interventions may be required.

It should also explain how the plan supports statutory water quality targets, including reductions in wastewater and agricultural nutrient pollution, and how permanent additional nutrient loads are compatible with those objectives.

The treatment of biodiversity net gain, irreplaceable habitats, carbon credits and other ecosystem-service markets should be clarified.

13. To what extent has the EDP provided a clear overview of the measures currently being taken or likely to be taken by other public authorities?

- Very clear
- Clear
- **Not very clear**
- Not clear at all

14. To what extent do you agree that all environmental features (habitats and species designated under The Broads SAC, Broadland Ramsar, and River Wensum SAC) likely to be negatively affected by nutrient pollution from development have been identified in the EDP?

- Very clear
- Clear
- **Not very clear**
- Not clear at all

Explain your choice (optional), in no more than 300 words.

The EDP's approach of aggregating SAC and Ramsar qualifying features into broad habitat groups obscures impacts on individual species with highly specialised ecological requirements by classifying them all as the same as the wider habitat group. For example, the Fen Orchid (S1903), one of England's rarest wetland plants, is assessed within a general "fen and fen-like habitat" category despite depending on very specific conditions, including open, lightly vegetated fen areas. Improvements in the overall condition of fen habitat do not necessarily demonstrate that suitable conditions will exist for this species, whose historic decline has left it confined to less than 10 sites in East Anglia.

This concern is particularly important because lowland fen is recognised as an irreplaceable habitat under both the NPPF and BNG regulations. While new fen habitat can be created in principle, it is exceptionally difficult to recreate the ecological complexity, hydrology, chemistry and species assemblages of long-established, high-quality fen systems such as those found in the Norfolk Broads. These habitats support a range of rare and specialised species, including Fen Orchid and Milk Parsley, the larval food plant of the Broads' unique Swallowtail Butterfly population.

Offering compensation measure rather than mitigation (or ideally avoidance) is not an appropriate response to harm to an irreplaceable feature. The Wensum, a chalk river with water-crowfoot vegetation (H3260), deserves the same recognition.

The EDP appears to assume that gains in the extent or condition of fen habitat can compensate for nutrient impacts on existing sites. However, recreated habitat may lack the precise environmental conditions required by specialist species and may not be colonised by them, particularly in landscapes already affected by elevated nutrient levels.

Any assessment of environmental improvement should therefore consider the requirements and conservation status of individual qualifying features, rather than relying solely on broad habitat-level categories.

15. To what extent do you agree with the approach of defining current conservation status of environmental features using habitat structure and function and their future prospects?

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- **Strongly Disagree**

Explain your choice (optional), in no more than 300 words.

The proposed framework doesn't provide a sufficiently transparent or scientifically robust basis for demonstrating overall environmental improvement. The approach scores physical, hydrological, chemical and biological components separately and allows gains in some areas to offset deterioration in others. However, ecological recovery is often constrained by limiting factors. In the Broads, nutrient enrichment is widely recognised as a primary constraint on recovery. Where excessive nutrient inputs prevent favourable condition, improvements in habitat management, hydrology or other attributes cannot compensate for the continued presence of the limiting pressure. Recovery depends on reducing nutrient loads to levels that support ecological restoration, particularly within irreplaceable habitats and sensitive aquatic systems.

The red-amber-green assessment framework is also too coarse to provide confidence that deterioration will be detected before significant ecological harm occurs. The methodology relies heavily on expert judgement, with limited explanation of how indicators are weighted, how status changes are determined, or how conclusions can be independently reproduced. Species with highly specific ecological requirements appear to be given the status of broader habitat groups (such as Fen Orchid noted above), masking feature-specific declines. The assumption that range, area or population will remain stable until a tipping point is reached is of particular concern, as ecological thresholds may only become apparent once damage is difficult/impossible to reverse. Evidence shows that the most sensitive species disappear first, before tipping points are reached. If tipping points are reached during the EDP period, there may be no practical means of restoring affected ecosystems to their pre-development condition.

The EDP should supplement qualitative judgement with quantified, feature-specific indicators, published monitoring data, measurable nutrient and condition targets, and transparent scoring criteria linked directly to conservation objectives. It should also distinguish the contribution of EDP measures from improvements delivered through other programmes and explicitly assess uncertainty and ecological risk.

16. To what extent do you agree with the description of how the negative effect of additional nutrient loading from new development impacts the environmental features of the protected sites?

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree

- **Strongly Disagree**

Explain your choice (optional), in no more than 300 words.

The EDP acknowledges that, even if all proposed conservation measures are delivered successfully and on time, nutrient pollution entering the protected sites will still increase over the 10-year programme period. From annexes 5B and 7B, this appears to equate to a net increase of 270-435 kg of phosphorus and 7,695 kg of nitrogen per year, leaving a substantial proportion of development-related nutrient loads unmitigated.

The EDP's own assessment of the environmental condition of the affected sites says that even small increases in nutrient inputs can push waterbodies beyond ecological tipping points, causing shifts to algal-dominated states that may be irreversible or require far greater nutrient reductions to reverse than were needed to trigger the decline (para 548). The Broads are described as particularly vulnerable, with evidence of declining plant communities, algal turbidity and reduced ecological resilience linked to nutrient pollution and hydrological pressures.

The risk is heightened because all affected sites are currently classified by the EDP as being in deteriorating ("red") conservation state, requiring significant intervention for recovery. The EDP recognises that recovery depends not merely on preventing further pollution, but on achieving major reductions in existing nutrient loads. It identifies required phosphorus reductions of 55-97% in parts of the Broads and 34-74% in the River Wensum, alongside substantial nitrogen reductions across both catchments.

Despite this, the EDP permits additional nutrient inputs and appears to rely heavily on future reductions from wastewater-treatment upgrades (via LURA and forthcoming Water Bill). However, it does not adequately assess the interim impacts of new development before those improvements take effect, the extent to which additional development-related pollution could undermine recovery, whether statutory reduction targets remain achievable, or the consequences if anticipated reductions from other sectors fail to materialise. This reliance on uncertain future improvements presents a significant and insufficiently assessed environmental risk.

17. Do you think the approach used to assess the environmental impacts of additional nutrient loading from EDP development on the conservation status of the environmental features is appropriate and proportionate?

- Yes
- **No**
- Somewhat
- Maybe

- Unsure

Explain your choice (optional), in no more than 300 words.

The EDP provides insufficient information to verify either the projected nutrient impacts of development or the claimed benefits of mitigation measures. The methodology used to calculate development-related nitrogen and phosphorus loads is not transparent, and different phosphorus figures appear in different annexes, making independent assessment difficult. While some assumptions may reflect nutrient reductions arising from land-use change, the basis for the calculations is unclear.

The projected environmental benefits are also inadequately evidenced. Nutrient reductions attributed to land-use change are broadly consistent with recognised nutrient-budgeting tools for high-export agricultural land, but a substantial proportion of the claimed benefit relies on nutrient retention by restored habitats. The rates of nutrient capture assumed for these habitats are neither explained nor justified, making it impossible to assess whether they are realistic. In addition, one of the principal conservation measures, fen habitat management to improve the condition of existing SSSI units, raises concerns about additionality, as this is remedial work that may already be required through existing conservation obligations and programmes.

Based on the figures presented in the EDP, the proposed measures would offset only a fraction of the additional nutrient pollution generated by development. Approximately 83% of nitrogen loading and between 39% and 61% of phosphorus loading would remain in perpetuity, depending on assumptions about catchment-scale benefits. Although these residual loads may be small relative to the reductions expected from wastewater treatment upgrades, they are not environmentally insignificant. The EDP itself acknowledges that sensitive habitats can respond non-linearly to nutrient inputs, that phosphorus can accumulate in sediments, and that even small increases may trigger ecological tipping points. Given these uncertainties, and the absence of a robust justification for the projected mitigation benefits, there is insufficient confidence that the plan would avoid adverse effects on protected sites or deliver the claimed environmental improvements.

18. To what extent do you agree that the proposed programme of conservation measures is appropriate to outweigh the negative effect of development?

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- **Strongly Disagree**

Explain your choice (optional), in no more than 300 words.

The EDP conservation measures proposed could deliver valuable benefits for habitats and the wider landscape, but they do not demonstrate materially outweighing the additional nutrient pollution or prevent long-term or potentially irreversible ecological damage.

The EDP includes only a limited number of measures that directly and quantifiably reduce nutrient pollution, principally nutrient-export standards for developments using non-mains drainage, habitat creation and restoration, and conversion of intensively farmed land to semi-natural habitats. However, with the exception of drainage standards, these measures are treated as compensation rather than mitigation because they may not be delivered before additional development-related pollution occurs. As a result, the plan does not ensure that new nutrient inputs are fully offset before harm arises.

Many of the remaining conservation measures, such as deer management, catch-dyke remediation, river restoration, hydrological improvements and fen management, may provide ecological benefits but do not directly reduce nutrient pollution. The EDP relies on these actions to satisfy the "overall improvement test" by balancing environmental gains against additional nutrient inputs rather than addressing the pollution itself.

A central concern is that nutrient pollution is a limiting ecological factor for the Broads. Improvements to habitat management or restoration cannot restore favourable condition if excessive nutrient levels persist. Therefore, allowing further nutrient inputs while relying on unrelated conservation measures risks temporarily improving some aspects of habitat condition, which are then quickly reversed by continued damage caused by unresolved exceedances of nutrient pollution.

The EDP also raises concerns about "additionality", as some proposed measures appear to be activities that protected sites should already receive under existing conservation obligations, rather than genuinely additional environmental benefits capable of offsetting new harms.

19. Do you have any comments on the conservation measures that were considered by Natural England but not included within the programme of conservation measures, or are there any additional measures that should have been considered?

Please add your answer, in no more than 300 words.

The EDP has inappropriately discounted several potentially effective nutrient-reduction measures, including septic tank upgrades, package treatment plant (PTP) improvements, nutrient-interceptor wetlands and incentives for farmers to transition to less polluting agricultural systems. This is notable because agriculture remains the dominant source of nutrient pollution in the affected catchments. The reasons given for rejecting some of these options appear insufficiently justified, particularly where measures received favourable appraisals or may have complemented existing environmental programmes. For example:

- The requirement for new development to provide nutrient-cleaning SUDs was discounted on the basis that it would be a duplication of NPPF requirements for SUDs (which it wouldn't be as SUDs can be designed to clean nutrients from surface water to varying standards according to CIRIA Guidance, or not clean it at all – the NPPF doesn't require any level of effectiveness at nutrient removal).
- Paying farmers to secure long-term whole-farm regime change from more to less polluting regimes (e.g. dairy to beef) was discounted on the basis of duplication with environmental stewardship schemes (which it isn't – there is no grant option we are aware of that would do this, and given limited SFI budgets, even if there were, then it could exclude farms where a transition has already been funded through other means).
- Septic tank and PTP upgrades were discounted because they would not provide 'local and system-level benefits'. There appears to be no evidence that this was even explored with water companies.
- Interceptor wetland creation was not even considered as part of the long-list of considered conservation measures, despite it having been deployed successfully elsewhere (e.g. Solent).

20. To what extent do you agree that the EDP clearly sets out the role of back-up conservation measures and the circumstances in which they will be implemented?

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- **Disagree**
- Strongly Disagree

21. To what extent do you agree with the proposed back up conservation measures?

- Strongly Agree
- Agree

- Neither Agree nor Disagree
- Disagree
- **Strongly Disagree**

Explain your choice (optional), in no more than 300 words.

While the inclusion of back-up measures is welcome, the current proposals do not provide a sufficiently robust safety net if primary measures fail or underperform. Most back-up measures consist of additional delivery of the same types of interventions as the primary measures. This means that if a core assumption proves incorrect, such as created fen habitats retaining less phosphorus than forecast, simply implementing more of the same measure may not address the underlying problem.

The EDP also lacks clear, quantified triggers for corrective action. Back-up measures are activated through qualitative judgments that measures are "unlikely" to meet the Overall Improvement Test, rather than through predefined numerical thresholds linked to nutrient reductions, water quality or ecological outcomes. This creates uncertainty over when intervention will occur and whether it will be timely enough to prevent environmental harm.

Timing is a particular concern as nutrient pollution from development will arise as homes are occupied, while many conservation measures may take years before their full benefits are realised. If action is only taken after monitoring identifies a shortfall, sensitive ecosystems may already have suffered significant or irreversible damage, especially lowland fen habitats and chalk streams that are highly vulnerable to eutrophication.

There is also insufficient evidence that the proposed 5% contingency fund would be adequate to address significant delivery failures, as detailed costings and quantified nutrient-reduction estimates have not been provided for all back-up measures. The EDP should therefore include a fully costed contingency plan, establish objective pass/fail performance thresholds, define automatic triggers based on nutrient and ecological monitoring, and consider alternative mitigation options, including market-based nutrient reductions.

22. To what extent do you agree that 100 years is the appropriate period to secure and maintain conservation measures?

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- **Disagree**
- Strongly Disagree

Explain your choice (optional), in no more than 300 words.

While we welcome the intention to secure mitigation measures for longer than the 30-year period commonly used for BNG, the EDP does not demonstrate that these measures can be funded, maintained and enforced for the full duration of their impacts. Homes covered by the EDP will continue to generate wastewater and nutrient pollution for as long as they remain occupied, potentially well beyond 100 years. Mitigation should therefore be secured for the lifetime of the development and, where necessary, in perpetuity.

The EDP provides insufficient detail on long-term costs, management responsibilities, investment assumptions, governance arrangements and the risks associated with delivery-body failure. Concerns remain that the proposed levy may be too low to fund the measures required over such timescales. Monitoring arrangements also appear limited, with reduced scrutiny over time despite the need to demonstrate continuing environmental outcomes.

The plan should explain how obligations will bind landowners and successors, identify the legal mechanisms securing each measure, clarify who holds enforcement rights, and set out what happens when the initial maintenance period expires. This is particularly important given that Natural England's own nutrient-credit schemes in these catchments secure measures for 125 years through legally binding agreements.

The EDP must also address long-term environmental change. Rising temperatures, sea-level rise and saline intrusion could affect the performance of wetland-based mitigation measures in this low-lying catchment. The plan should therefore include adaptive management provisions, ring-fenced funding, transparent reporting and independent oversight, and demonstrate that proposed measures can prevent ecological deterioration rather than relying on undefined future remedial action if monitoring reveals a shortfall.

23. To what extent do you agree that Natural England has adequately considered the value for money offered by the conservation measures that have been selected?

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- **Disagree**
- Strongly Disagree

Explain your choice (optional), in no more than 300 words.

The EDP doesn't provide sufficient evidence to demonstrate value for money because costs are presented largely as broad estimates and expected benefits are not

consistently quantified in terms of nutrient reductions. Without whole-life costings, quantified nitrogen and phosphorus reductions, confidence ranges and unit costs per kilogram removed, it is impossible to compare selected measures with alternatives or determine whether the programme represents the most efficient use of levy funding.

Value for money is not the same as low cost. Cheaper measures that don't effectively deliver against required environmental outcomes cannot be said to represent good value. The EDP doesn't provide a transparent comparison between the chosen measures and alternatives such as farm-level source control, constructed wetlands, riparian buffers, retrofit sustainable drainage, wastewater-treatment improvements or septic tank upgrades. Some of these options appear to have been discounted without adequate evidence of their relative nutrient-reduction potential, cost-effectiveness or delivery timescales.

Deer management is the largest recurring cost and is easily rendered ineffective by high levels of nutrient pollution. It would also appear that some conservation measure costs, such as weir removal, have been severely underestimated.

The proposed levy (£2,675/dwelling) is also significantly lower than previously reported nutrient mitigation costs, yet the EDP does not clearly explain how this figure has been derived nor demonstrate that it will cover mitigation delivery, administration, monitoring, long-term management and contingency requirements. Natural England should publish intervention-specific whole-life costs, expected nutrient reductions and cost-per-kilogram metrics for all selected and discounted measures, and subject the underlying assumptions to independent review to ensure that the levy reflects the true cost of delivering effective and lasting environmental outcomes.

Getting the tariff wrong will mean one of three things:

1. Taxpayer gets handed the bill
2. Conservation measures not delivered
3. Future developers end up paying higher levy price

24. To what extent do you agree with the proposed approach to sequencing of conservation measures?

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- **Disagree**
- Strongly Disagree

Explain your choice (optional), in no more than 300 words.

The EDP does not yet demonstrate that effective mitigation will be in place before nutrient impacts occur. Unlike nutrient neutrality, where mitigation has to be secured before occupation, the proposed approach allows impacts to arise first, with benefits delivered later as levy funding becomes available. Key measures, including fen creation and land-use change, are scheduled after substantial housing growth has already occurred, despite recognising that habitat restoration can take many years to become effective.

Measures are linked to development phases rather than a clear timetable based on nutrient loads and environmental outcomes, and delivery sequencing may change depending on funding. This creates a risk that ecological benefits will not materialise until late in the 10-year period, after additional pollution has already impacted protected sites. The analysis and assessment of future nutrient impacts vs conservation measure benefits is crude.

A more precautionary approach would require early implementation of both habitat restoration and rapid source-control measures, such as farm pollution reductions, water-efficiency standards, nutrient-removing SUDS, wastewater improvements, riparian buffers and targeted interceptor wetlands.

The EDP should also provide clear delivery and effectiveness dates, dependencies, confidence assessments, contingencies and monitoring thresholds to ensure corrective action can be taken before any irreversible environmental harm occurs.

25. To what extent do you agree with the proposed approach for the delivery (including procurement) of conservation measures?

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- **Disagree**
- Strongly Disagree

Explain your choice (optional), in no more than 300 words.

The EDP's proposed delivery model lacks sufficient evidence that mitigation can be secured at the required scale, cost and timescale, and raises concerns about governance, transparency and accountability. Natural England has multiple roles in designing the plan, recommending its approval, collecting and spending levy funds, procuring measures, monitoring outcomes and, in some cases, supplying nutrient credits. Greater separation of these functions, independent review and frequent public reporting would help maintain confidence in the scheme.

Mitigation should be secured through legally binding agreements, such as conservation covenants, with independent verification of outcomes. Procurement should prioritise measurable ecological results, additionality, permanence and resilience, with payments linked to verified nutrient reductions and habitat condition rather than activities or land area alone. Existing providers, including local mitigation schemes, farmer groups and private suppliers, should be able to compete transparently for delivery opportunities.

The EDP should provide stronger evidence that sufficient land is available, that landowners support the proposals, and that feasibility work has confirmed deliverability. Each measure should identify implementation routes, responsible parties, required consents, delivery timetables and long-term management arrangements. Measures to prevent leakage, double counting and conflicting claims for biodiversity or carbon credits should also be clearly defined.

Information on contracts, counterparties, locations, prices, agreement terms and monitoring data should be publicly available. Compulsory purchase powers should be used only as a last resort where voluntary provision is unavailable.

26. To what extent do you agree with the methodology for assessing the Overall Improvement Test?

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- **Strongly Disagree**

Explain your choice (optional), in no more than 300 words.

The proposed methodology doesn't provide a transparent, objective or precautionary basis for concluding that the benefits of the EDP will outweigh the environmental impacts of development. The assessment relies on a red-amber-green scoring system and expert judgement, yet provides limited explanation of how factors are weighted, no clear pass threshold, and no quantified and independently testable benchmark.

A key concern is that the methodology does not adequately assess the environmental impact it is intended to address: nutrient pollution. The OIT appears capable of being passed even where nutrient pressures on protected sites increase. The EDP does not provide a complete quantified assessment of nutrient inputs from development, reductions expected from individual measures, nor the resulting net position against conservation objectives and site recovery targets. Without this information, it is difficult to determine whether conservation measures genuinely address

development impacts or simply create the illusion of offsetting them through broader ecological gains.

The methodology also risks masking harm to individual habitats and species by aggregating outcomes or balancing improvements in some ecological attributes against deterioration in others. Where excessive nutrient levels are a principal barrier to recovery, improvements in physical habitat or biological indicators cannot necessarily compensate for worsening (or inadequately improving) chemical conditions.

Further concerns arise from the assumption that measures not yet secured can be counted as future benefits, despite limited evidence of effectiveness. The concept of a sufficiently "liquid" market for land-based mitigation is not clearly defined, yet access to suitable land is highly location-specific and dependent on landowner agreement or lengthy compulsory purchase processes.

The assessment should include quantified nutrient budgets, feature-specific indicators, independently-verified forecasts, clear improvement thresholds and enforceable corrective actions. Independent scrutiny is particularly important given Natural England's multiple roles in preparing-funding-delivering-evaluating the EDP.

Demonstrated nutrient pollution reductions should be the test's foundation.

27. Would you suggest any improvements that can we made to strengthen the methodology for assessing the Overall Improvement Test?

Please add your answer, in no more than 300 words.

The proposed interpretation of the Overall Improvement Test is fundamentally flawed and cannot be made robust through minor adjustment. If it proceeds, the minimum requirement should be that development achieves verified nutrient neutrality before any claim of environmental improvement is considered. Reductions should at least equal development-related loads for each nutrient and sub-catchment, secured before occupation. Any improvement should then be quantified against conservation objectives using measurable nutrient reductions rather than qualitative scoring.

Improvements in one environmental attribute should not offset increased nutrient pollution where nutrient enrichment remains the limiting pressure, and impacts on irreplaceable habitats should not be compensated for through broader habitat gains.

The EDP should publish baseline nutrient loads, identify contributions from all major sources, quantify development-related loads and demonstrate the expected net outcome against site targets. Each intervention should specify expected nutrient

reductions, delivery timescales, confidence levels, costs and contributions to ecological objectives.

The methodology must also be tested against realistic risks, including lower uptake, delivery delays, land access constraints, intervention underperformance, and increased agricultural pollution. Benefits funded through the EDP should not be reused for other schemes or sold as credits.

Finally, the assessment should explicitly recognise the risk of ecological tipping points and irreversible damage, ensuring that predicted habitat improvements cannot justify additional nutrient pollution where ecological recovery remains uncertain.

28. To what extent does the EDP clearly set out the evidence that underpins Natural England's assessment of the Overall Improvement Test?

- Very clear
- Clear
- **Not very clear**
- Not clear at all

Explain your choice (optional), in no more than 300 words.

The evidence base does not adequately demonstrate that the EDP's measures will materially outweigh the impacts of up to 15,780 dwellings.

A particular concern is the lack of a transparent explanation for the plan's largest quantified phosphorus removal: 365.8 kg per year attributed to restored fen habitat, representing around 55% of the total phosphorus reduction claimed.

The EDP does not provide a clear, reproducible link between forecast nutrient inputs, individual mitigation measures, expected reductions and ecological responses for protected features.

Reliance on external actions, such as wastewater and agricultural improvements, is not matched by a complete account of their delivery or contribution.

Evidence of land availability, feasibility and participation is also incomplete.

The grouping of species into broad habitat categories risks masking impacts on sensitive species with specific ecological requirements.

29. To what extent do you agree that the allocation between (i) administration, (ii) delivery of conservation measure and (iii) long-term maintenance, (iv) management and (v) monitoring costs have been clearly set out?

- Very clear
- Clear
- **Not very clear**
- Not clear at all

Please explain your answer, in no more than 300 words.

The EDP's levy costings lack transparency and do not provide sufficient detail to assess whether funding will be adequate over the long term.

While levy income is allocated broadly between measure delivery (57%), maintenance (20%), administration (17%) and EDP-specific costs and monitoring (6%), there is no itemised breakdown by measure, year or activity.

Monitoring and management costs are not clearly separated, and the proposed levy appears significantly lower than established nutrient-mitigation costs without clear justification.

The plan should publish detailed cost models, including implementation, management, monitoring, legal and contingency costs, alongside assumptions on inflation, investment returns and uptake.

Sensitivity testing for lower uptake, higher costs and measure failure is also needed to demonstrate financial resilience and ensure the levy reflects the true ecological cost of delivering required outcomes.

30. Based upon the cost alone how likely are you to use or supply services to the EDP compared to other available mechanisms, for example, local private providers, local planning authority schemes, bespoke mitigation etc?

- Extremely likely
- Somewhat likely
- **Neutral / Neither likely nor unlikely**
- Somewhat unlikely
- Extremely unlikely

31. To what extent do you agree that the proposed EDP will accelerate decision making and delivery timescales compared with alternative nutrient mitigation approaches?

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- **Disagree**
- Strongly Disagree

32. Do you agree with the approach taken to aggregating the costs of conservation measures at plan level and then apportioning these evenly across all development?

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- **Disagree**
- Strongly Disagree

Explain your choice (optional), in no more than 300 words.

A flat £2,675 per dwelling levy is not clearly linked to the nutrient impacts of individual developments. Homes in different catchments, or developments with very different nutrient loads, would pay the same charge despite contributing substantially different levels of pollution. This removes incentives to reduce impacts, cross-subsidises higher-polluting developments, and may attract disproportionately high-impact schemes, risking underfunding of the mitigation programme.

The EDP does not demonstrate that the levy reflects the full cost of delivering, monitoring, maintaining and adapting mitigation measures over time. It also provides limited evidence on how the rate would respond to changes in uptake, nutrient loading, implementation costs or land availability.

Greater transparency is needed on intervention-level costings, the relationship between levy income and expected ecological outcomes, and the sensitivity of funding assumptions under different delivery scenarios.

33. To what extent do you agree with the proposed monitoring themes as set out in chapter 9 of the EDP?

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- **Disagree**
- Strongly Disagree

Explain your choice (optional), in no more than 300 words.

The proposed monitoring framework is insufficiently detailed to demonstrate that the EDP can identify problems early enough for effective corrective action. Whilst the plan refers to collecting both qualitative and quantitative data (which could therefore be any kind of data) and undertaking more frequent monitoring during the early years, it provides little specificity about what will actually be monitored, where monitoring will occur, how often it will take place, what thresholds will indicate failure, or what remedial actions would follow.

A key concern is that the EDP focuses largely on tracking whether measures have been implemented and funds spent, rather than whether ecological improvements are being achieved. In several cases, environmental outcomes are expected to be inferred from the delivery of measures rather than directly measured. This creates a risk that deterioration or underperformance may go undetected until significant environmental harm has already occurred. The statutory reporting framework, which requires reviews at years 5 and 10, is inadequate as an early-warning mechanism if supported by only limited ongoing monitoring.

The plan should therefore include a comprehensive outcome-based monitoring programme with clear baselines, locations, methodologies, frequencies and public reporting requirements.

Monitoring should cover annual nitrogen and phosphorus loads, river water quality (including bioindicators such as aquatic macrophyte monitoring), protected-site condition, and the response of individual habitats and species. It should also track nutrient inputs from all significant sources, including agriculture, wastewater treatment works, storm overflows, private treatment systems and urban runoff, rather than focusing primarily on EDP-funded interventions.

Pre-defined trigger points should require corrective action as soon as performance falls behind expectations, rather than waiting for formal reviews at years 5 and 10.

Independent scrutiny and annual public reporting are essential to maintaining confidence that the EDP can detect and respond to failure before environmental damage becomes irreversible.

34. To what extent does the EDP clearly set out how the reporting requirements will be met?

- Very clear
- Clear
- **Not very clear**

- Not clear at all

35. Do you have any additional comments from the chapters above?
Please add your answer, in no more than 1,000 words.

The planning system is not working for nature nor for development. Homes are not being built fast enough and nature continues to decline.

CIEEM welcomes the Government's willingness to explore more strategic, landscape-scale approaches to nature recovery. Indeed, the conservation measures proposed in this first EDP are very welcome in terms of delivering broad nature recovery.

This first draft EDP is critical as it will be the template for future EDPs elsewhere, so it matters that it works. As drafted, we do not think it will.

If they are here to stay, we want EDPs to succeed and CIEEM members are the ecologists who will be relied upon to deliver them.

Although it is stipulated in the Planning and Infrastructure Act 2025 that consultations on draft EDPs will be 28 working days, this can be extended. Given the importance of this first EDP, CIEEM is disappointed that, given the enormous importance of getting this right and severe consequences of getting it wrong, more time was not afforded for consultation.

We are concerned that this EDP sets a precedent of permitting damage with the promise of retrospective recovery, which is not a guarantee for rare and precious wildlife habitats.

To secure resilient biodiversity, these plans should prioritise protecting and restoring what we have now, rather than compensating them with high risk habitat creation mechanisms.

CIEEM believes that this EDP is trying to solve a problem that existed two years ago, but which is now being addressed by the private nature market as it has matured. Developers no longer struggle to find nutrient credits, indeed they often have a choice of credits to pick from. Given the low tariff price, this choice for developers is unlikely to continue to be true, and that such undercutting of the private market represents a significant disincentive not just to private mitigation providers in Norfolk, but right across the country in all areas where development currently relies on the private market.

This EDP is the blueprint for many others to follow, covering different geographic areas and potentially also other environmental impacts from development, so it is critical that we get it right first time.

As drafted, this EDP is not good enough. The additional pollution load poses unacceptable risks to sensitive habitats and could undermine the benefits of the wider conservation measures.

We are asking Government to:

- Add upfront measures that reduce pollution at source. These include whole-farm agricultural pollution reduction, farming transition support (e.g. from dairy to beef), introduce development conditions for water efficiency, SuDS that remove nutrients, septic tank upgrades, and nutrient interceptor wetlands appropriately sited across the catchments.
- Protect irreplaceable features. Require the EDP to assess impacts on individual species and irreplaceable habitats such as lowland fen, not grouped categories.
- Raise the levy to a more realistic level. As well as not undermining existing nature markets, remove the unrealistic optimism that leads to the current low levy rate and make sure that it is set at a level that provides confidence of delivery of both nutrient removal and nature recovery.
- Incorporate existing and future nutrient credit suppliers into the scheme. Rather than exclude and undermine existing and future nature credit providers, ensure that these are part of how EDPs are set up.
- Add measurable metrics to monitoring. Rigorous assessment of pollution should sit alongside judgement of wider benefits, improving transparency and accountability, with specified monitoring metrics and regular trigger thresholds for early corrective action.
- Make the EDP part of a whole systems approach. This means strict catchment nutrient budgets, farming incentives for nutrient reduction, and wastewater treatment upgrades.
- Limit future iterations of EDPs. EDPs and Biodiversity Net Gain serve different purposes and must be kept separate. Likewise, EDPs must not be extended to other environmental features, including species, until there is robust evidence to show that they would be effective for both protection (no decline) and recovery. Lastly, EDPs should not be extended to any areas where existing markets are already functioning so as not to risk further undermining private nature finance.

36. Public Sector Equality Duty

We would like to hear about any potential impacts of any of the above proposals on businesses, or of any differential impact on persons with a relevant protected characteristic as defined by the Equality Act 2010 compared to persons without that protected characteristic, together with any appropriate mitigation measures, which may assist in deciding final policy approaches in due course. Is there anything that could be done to mitigate any impact identified?

Please add your answer, in no more than 1,000 words.

This Environmental Delivery Plan (EDP) may not help developers or housebuilding, and could harm both across England.

The EDP sets the developer tariff at £2,675 per dwelling. We doubt this is enough to fund even the measures listed, noting that a large share is earmarked for administration, and only a 5% contingency is included.

If the tariff is too low, it will not fund the required conservation work and will also undercut existing nutrient mitigation providers in the catchment. These are endorsed, evidence-based schemes that developers currently pay into and that do reduce pollution, for example by tackling farm runoff. At worst, the EDP fails to reduce nutrient pollution itself and diverts money away from schemes that do.

Prospective providers elsewhere in the country will see that a genuine mitigation scheme could lose all its customers overnight if Natural England creates an EDP in their area. This undermines the business case for private investment in mitigation. If private markets are spooked and options disappear outside EDP areas, national development could slow down, which is the opposite of the intended outcome.

It is unclear whether the tariff will undermine existing schemes. CIEEM has heard that nutrient credits in Norfolk are around double to levy price, but also that it could be around the market mid-point for others. What is clear is that the EDP shows no evidence that this issue was seriously considered, despite Government reassurances during the Planning and Infrastructure Bill's passage last year that it would consider how to avoid undermining private nature markets.

The Secretary of State can vary the levy tariff at any time during the EDP, leaving developers' costs in the hands of one politically exposed individual. Costs could change significantly between Governments, which is not the stability businesses seek.

If nutrient levels in the Broads have not fallen enough after the 10-year EDP, developers may be asked to pay again for another plan that fails to solve the problem.

They may also be wrongly blamed by the public when waterbodies remain in poor condition.

Developers must commit to paying the levy at outline planning stage, before they have an implementable consent and before they know whether they will earn a return on the site. This is a significant risk.

If too few developers opt in, key conservation measures, such as buying land to create new habitat, may go unfunded, or the taxpayer may have to fill the gap.

Beyond a possible benefit in the Norfolk area (which we doubt), the EDP as designed risks failing on its environmental aims while creating cost uncertainty and market disruption that could slow housebuilding nationally.