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Open consultation

# Local Nutrient Mitigation Fund: call for evidence and expression of interest

Published 12 April 2023

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This publication is available at <https://www.gov.uk/government/consultations/local-nutrient-mitigation-fund-call-for-evidence-and-expression-of-interest/local-nutrient-mitigation-fund-call-for-evidence-and-expression-of-interest>

# Basic information:

## Summary

This document is aimed at building an evidence base on local planning authority-led nutrient mitigation schemes, with a view to enabling and accelerating the delivery of projects providing nutrient mitigation to support sustainable development.

As set out in the Spring Budget 2023, the government has committed to provide direct grant funding to local planning authorities to deliver high quality, locally-led nutrient mitigation schemes. We will also use evidence gathered through this exercise to inform further development of the scheme.

The **call for evidence** seeks to create a comprehensive view of the impact of nutrient neutrality advice on development. It invites all local planning authorities affected by nutrient neutrality advice:

- to provide evidence as to the impact of nutrient neutrality
- to provide information and views about the scale of the impact, forthcoming solutions, and on-going work at a catchment level.

We are also interested in hearing from others who have evidenced proposals which could reduce nutrient pollution and unlock housing.

The **expression of interest** invites local planning authorities affected by nutrient neutrality advice:

- to submit costed expressions of interest for projects or strategies for delivering nutrient mitigation to unlock housing delivery in catchments of Habitats Sites affected by nutrient pollution – as set out below, the intention of this first expression of interest is to focus on well-developed schemes that could be delivered or expanded within 6 months.

## Geographical scope

This call for evidence and expression of interest relates to England only and is targeted at local planning authorities affected by ‘nutrient neutrality’ advice (see [Annex](#)).

## Body/bodies responsible for the call for evidence

The Nutrient Neutrality Team within the Planning Directorate in the Department for Levelling Up, Housing and Communities.

## Duration

This call for evidence and expression of interest will last for 6 weeks and will close on 24 May 2023.

## Enquiries

For any enquiries about this consultation please contact [Nutrient.PPD@levellingup.gov.uk](mailto:Nutrient.PPD@levellingup.gov.uk)

## How to respond

Please email your response to: [Nutrient.PPD@levellingup.gov.uk](mailto:Nutrient.PPD@levellingup.gov.uk) – please mark your email responding with the subject: **Return - Local Nutrient Mitigation scheme – Local Planning Authority Name**

It is expected that a response will be submitted by a local planning authority on behalf of all affected local planning authorities in catchments or, if appropriate, by individual local planning authorities.

## Next steps/support

The Planning Advisory Service will provide support to local planning authorities as part of the on-going support for local planning authorities affected by nutrient neutrality advice. Further details of this support may be found on the [Planning Advisory Service website \(https://www.local.gov.uk/pas/topics/environment/nutrient-neutrality-and-planning-system\)](https://www.local.gov.uk/pas/topics/environment/nutrient-neutrality-and-planning-system).

Following the close of the call for evidence and expression of interest, the government will consider the responses and will contact relevant local planning authorities in relation to funding.

## Future opportunities

DLUHC intends to undertake further calls for evidence and expressions of interest for the Local Nutrient Mitigation Fund in autumn 2023 and spring 2024.

## Introduction

Nutrient pollution is an urgent problem for our freshwater habitats and rivers, many of which are internationally important for wildlife. While the government recognises the need to protect these habitats, and is taking steps to address the underlying pollution, it is important to acknowledge the significant burden nutrient neutrality has placed on housebuilders despite the limited impact extra wastewater from residents in new developments has on waterbodies.

As of March 2022, 74 local planning authorities have received advice from Natural England, issued in line with their statutory duties and relevant case law, across 27 catchments (equating to 14% of England's land area) which has effectively stalled

housing development in these areas given the lack of available mitigation schemes, creating a major barrier to the government's ambition of delivering 300,000 homes per year by the mid-2020s. While progress has been made to establish Natural England's Nutrient Mitigation Scheme and a range of private mitigation schemes, the government recognises the need to further increase the supply of nutrient mitigation to enable sustainable development to come forward in the catchments of Habitats Sites affected by nutrient pollution.

In line with the ambition to support both the environment and development, the Spring Budget 2023 announced funding to deliver local nutrient mitigation schemes which will boost the supply of mitigation available to support sustainable development.

This call for evidence and expression of interest seeks to help unlock stalled housing by deepening our understanding of the issues facing local planning authorities and supporting the creation of locally-led nutrient mitigation schemes to allow development to move forward whilst ensuring these habitats are protected. This funding will work alongside the Natural England Nutrient Mitigation Scheme to increase the capacity to delivery – boosting the supply of mitigation where it is needed. This will ensure we are able to move forward with delivering the homes we need.

Where high quality proposals are identified in line with the relevant criteria, the government will provide funding to support clearer routes for housing developers to deliver 'nutrient neutral' sites in line with their environmental obligations.

Funding as part of this scheme will be in the form of a grant, paid directly from DLUHC to the local planning authorities or a lead local planning authority for catchment-level working.

This funding complements existing action being taken by the government, which include meaningful steps to reduce pollution at source and ameliorate the issue of nutrient neutrality, including:

- Speeding up the process for developers to acquire mitigation through a national £30 million Nutrient Mitigation Scheme led by Natural England.
- Introducing a suite of measures through the Plan for Water which will tackle water pollution and enhance and restore our waterways.
- Significantly reducing pollution at source by requiring water companies to upgrade wastewater treatment works through the Levelling Up and Regeneration Bill which will also lower the cost of mitigation.
- Providing clarity for developers and local planning authorities with a package of tools and guidance, including the Wetland Mitigation Framework.
- Restoring our protected sites and tackling pollution at source with clear legally binding targets on water quality and protected site strategies.
- Providing £100,000 funding to a lead local planning authorities in affected catchments to promote catchment-level working and supporting local responses.

Further details of the action being taken by government can be found in [Nutrient pollution reducing the impact on protected sites](https://www.gov.uk/government/publications/nutrient-pollution-reducing-the-impact-on-protected-sites/nutrient-pollution-reducing-the-impact-on-protected-sites) (<https://www.gov.uk/government/publications/nutrient-pollution-reducing-the-impact-on-protected-sites/nutrient-pollution-reducing-the-impact-on-protected-sites>).

## **Approach**

When responding to this call for evidence and expression of interest, please have regard to the forthcoming measures in Part 7 and Schedule 12 of the Levelling up and Regeneration Bill, which relate to the upgrade of wastewater treatment works in catchments of Habitats Sites affected by nutrient pollution and the manner in which these improvements must be considered in Habitats Regulations Assessments.

Once the legislation is in place, decision-makers can be confident the upgrades will be in place by 2030, enabling them to treat as certain the lower levels of pollution after 2030 as part of a Habitats Regulation Assessment. This reduces the mitigation requirements for the in-perpetuity period, as the current (higher) levels of pollution need only be mitigated until 2030 (or earlier if the upgrades take place sooner), with the lower pollution level needing to be mitigated thereafter. This enables the use of interim mitigation measures alongside longer term in-perpetuity mitigation measures.

## **Call for evidence**

The call for evidence is seeking to capture information on the ongoing challenges local planning authorities face in dealing with nutrient pollution to inform future support. In responding to the call for evidence, we are particularly interested in understanding the ongoing assessment of the nutrient burden in your areas and how this affects the speed of delivery and the quantum of housing unlocked via mitigation measures. We are also interested in understanding how partnership working can support catchment-level solutions.

## **Expression of interest**

This expression of interest is aimed at identifying opportunities to support schemes which are being designed or are ready to be delivered/expanded. The fund will open again in autumn 2023 and spring 2024 to provide further opportunities for local planning authorities to bring forward proposals in affected catchments. All rounds are open to all local planning authorities affected.

The funding provided as part of this scheme will be delivered as a grant to fund mitigation measures. These measures will allow for the creation of credits which can be sold to developers on a full cost recovery basis with the subsequent receipts recycled by the recipient local planning authority with a view to funding further measures to tackle nutrient pollution.

For this initial expression of interest, we would not expect to receive proposals from a single catchment (or area where two catchments overlap) seeking capital funding

for more than £10 million. Resource funding may also be available where a strong case to aid delivery is demonstrated. Proposals for subsequent mitigation measures should still be included with clear indication as to how they will utilise recycled funds from credit sales. Where proposals could be scaled above this level of funding, we will work with relevant lead local planning authorities and consider at future tranches of the scheme (autumn 2023 and spring 2024).

The funding will be used cyclically within the catchment until such time as any further need for nutrient mitigation credits for development is no longer needed. At this point, recovered funds should be invested in measures identified as part of actions to help restore the relevant Habitats Sites to a favourable condition, including as part of a Protected Site Strategy or Nutrient Management Plan if applicable.

The government has published [guidance on combining environmental payments: biodiversity net gain \(BNG\) and nutrient mitigation](https://www.gov.uk/guidance/combining-environmental-payments-biodiversity-net-gain-bng-and-nutrient-mitigation) (<https://www.gov.uk/guidance/combining-environmental-payments-biodiversity-net-gain-bng-and-nutrient-mitigation>) on how biodiversity net gain and nutrient mitigation can be stacked and how they can be combined with other schemes. This first phase of guidance will run until March 2025. Land managers will be able to sell both biodiversity units and nutrient credits from the same nature-based intervention, for example the creation or enhancement of a wetland or a woodland on the same parcel of land. Land managers should not sell credits for other ecosystem services (such as carbon credits) from the same nature-based intervention if they are also selling biodiversity units and/or nutrient credits. Further guidance on the stacking of credits can be found in the [Nature Markets Framework](https://www.gov.uk/government/publications/nature-markets) (<https://www.gov.uk/government/publications/nature-markets>).

We welcome strategies and projects which can ensure the sufficient supply of both interim and in-perpetuity mitigation within catchments to unlock housing as quickly as possible. We are open to receiving proposals for both grey and blue/green infrastructure (ie nature-based solutions as well as efforts to fix legacy infrastructure issues like septic tank upgrades). We encourage proposals for innovative and technical solutions for reducing nutrient pollution and so generating mitigation.

Due to the scale of stalled housing delivery, it is unlikely that a single mitigation measure alone will provide a long-term, sustainable supply of mitigation. As such, it is expected that proposals may come forward as part of a wider strategy or plan (such as Nutrient Management Plans), identifying the mitigation solutions being delivered in the short term (within 6 months), medium term (6 months to 18 months) and longer term; this may also help mitigate delivery risks.

For most catchments of Habitats Sites, the area covered expands beyond the boundaries of a single local planning authority - it is therefore important that strategic mitigation solutions are delivered, and catchment-based approaches are prioritised.

The government, drawing on expertise of Defra, Natural England and relevant Arms-Length Bodies, will consider expressions of interest based on the responses

to the questions in Section C below. When drafting responses, please supply specific information in respect of:

- the nature of the interim and / or permanent mitigation projects available in your catchment
- evidence that local planning authority leadership and investment is required to enable/accelerate these projects
- whether you have specific projects suitable for direct government investment in the next 6 months
- the speed of delivery of mitigation, and subsequent timeline for unlocking development
- the amount of housing and economic development unlocked
- evidence of strategic mitigation and governance for catchment level working
- any co-benefits for local communities or the environment you expect to secure alongside the nutrient mitigation (for example, biodiversity net gain)
- evidence of working with other agencies and organisations to secure mitigation

## Questions

Please provide:

- As much information as possible, including approximations (marked appropriately) where modelled or detailed figures and evidence is not available.
- Please mark any confidential or commercially sensitive information.

### Section A - Biographical

1. Local planning authority name
2. Local planning authority contact details and named officer
3. Catchment(s) affected
4. Type of nutrients pollution in the catchment
5. Are you responding for an individual local planning authority or on behalf of a number of local planning authorities?
  - a. If you are responding for a single local planning authority, does the local planning authority cover the whole of the nutrient catchment? If not, please outline why a joint return is not being made alongside other affected local planning authorities.
  - b. If you are responding on behalf of a number of local planning authorities as a collective, please list those local planning authorities.

### Section B - Call for evidence



This section is for all local planning authorities affected by nutrient neutrality to complete.

Please provide a response for each question, if a question isn't considered to be applicable, please briefly set out the reasoning.

**6.** Have you made an assessment of the supply of mitigation forthcoming and how this relates to the anticipated housing growth in the catchment?

**7.** Have you assessed the reductions in the mitigation burden on development from the measures in the Levelling Up and Regeneration Bill and the affect this will have on enabling housing delivery? Further, have you considered the specific effects on small sites and rural developments?

**8.** For nutrient budgeting, have you used an alternative figure to an occupancy rate of 2.4 in a nutrient calculator? If so, please provide details around the local circumstances.

**9.** When securing nutrient mitigation in-perpetuity, for what time period do you secure the mitigation?

**10.** What, if any, policies would you seek to implement to ensure the viability of affordable housing and brownfield regeneration in affected areas?

**11.** Do you have sufficient evidence and understanding of the nutrient pollution sources and source apportionment in the catchment?

**12.** Is there a catchment level strategy or plan proposed for delivering strategic mitigation? Is this strategy or plan seeking to identify the actions needed and to deliver the restoration of the Habitats Site?

Examples may include: catchment level partnership working, nutrient management plans, protected site strategies or other mitigation strategies.

**13.** Do you require resource funding to be able to develop proposals and strategies to be able to administer the credit scheme and/or to respond to the future funding rounds? If so, please provide indicative headline costs.

**14.** Have you considered any innovative or novel approaches to mitigation in your catchment which you think may be preferable or complementary to land use-based mitigations? If not proposing a scheme in the current expression of interest, would you anticipate submitting a scheme in a later round? If so, are there any outline details you wish to share at this stage?

**15.** Do you wish to submit any other evidence on the issue of nutrient pollution and nutrient neutrality?

## **Housing pressure**

Please note these questions mirror those included in the joint ministerial letter to local planning authorities on 31 March.

**16.** How was the £100,000 provided by DLUHC in March 2022 used in your areas, and what has this enabled you to do?

**17.** What has been the impact of nutrient neutrality advice on housing supply and the planning system?

**a.** How many dwellings have successfully been consented with nutrient mitigation?

**b.** How many dwellings are held up in consents where nutrient mitigation is the only remaining obstacle?

**c.** How many dwellings are held up in applications received by the local planning authority that are not yet ready to determine for other reasons?

**d.** How has the delivery of affordable housing been affected?

**e.** How have developer contributions and viability been affected?

**18.** How has the issue affected or impacted on plan-making in your authority area? Please give details for both local plans and neighbourhood development plans where possible.

**19.** How many dwellings are estimated to be ready to submit planning applications but have not been able to submit until nutrient mitigation is secured?

**20.** Please provide any information you have on existing nutrient mitigation schemes in your catchment (including those led by local planning authorities, developers, or other private markets), what stage in development they are at, and how many dwellings they are likely to mitigate for.

**21.** Any other relevant information which is pertinent.

### **Going further**

**22.** Are there actions government could pursue at a national level to address the issue of nutrient pollution to unlock housing on top of existing land-based mitigations?

**23.** What support would you require from government to help address source point nutrient pollution?

## **Section C - Expression of interest**

This section is only for local planning authorities proposing a specific mitigation project or strategy for government support which can be delivered, expedited or expanded within 6 months to unlock housing faster. Further opportunities will be provided for local planning authorities to submit expressions of interest in future (autumn 2023 and spring 2024) if you do not have a sufficiently mature proposal now.

Please either respond to each question or provide a statement covering the points below, this should not exceed 15 pages (excluding annexes) and should include a

one-page executive summary.

**24.** Please outline the mitigation measures you are proposing. Please include all relevant information (including a summary if extensive), ensuring the following points are addressed for each mitigation proposal.

- a. What is the mitigation measure or package of measures proposed?
- b. How will the mitigation be delivered?
- c. What is the total cost of the mitigation, how much support are you seeking from the government, and why do you consider this to represent good value for money?
- d. Who will deliver the mitigation?
- e. When will the mitigation be delivered?
- f. Will the mitigation be interim/bridging (up-to 2030), in-perpetuity mitigation, or both?
- g. Where will the mitigation be delivered?
- h. At what stage of securing and delivering the mitigation proposals are you at?
- i. Are additional consents and authorisations needed, such as planning permission or environmental permits? If so, have pre-application discussions commenced
- j. Have steps been taken or will steps be taken to manage delivery risks?
- k. Will the mitigation measures deliver secondary benefits? If so, please provide details.

Examples may include enhanced public access to nature, natural flood risk management, improvements to legacy infrastructure which otherwise wouldn't be improved or biodiversity net gain?

**25.** Do the mitigation measures proposed form part of a wider strategy? If so, please provide details and please indicate if you will be undertaking a strategic level Habitats Regulation Assessment?

**26.** Do you consider the mitigation measures to accord with the requirements for Habitats Regulations Assessment?

**27.** Please outline the benefits of the proposed mitigation measures. Please include all relevant information (including a summary if extensive), ensuring the following points are addressed:

- a. How much mitigation will be delivered?
- b. How many homes will be mitigated for under the proposals? Please indicate over what time frames this is anticipated:
  - i. Short term (within 6 months)
  - ii. Medium term (6 months to 18 months)

iii. Longer term

c. Do you propose to utilise the credits to mitigate for other economic development, such as new development requiring planning permission including overnight accommodation for tourism?

**28.** Will mitigation from the proposals be made available for development across the catchment? If not, please explain why and if any additional steps could be taken to enable the mitigation to benefit development at a catchment level.

**29.** How do you propose to allocate credits to small sites and SME developments? Is an allocation ratio proposed, if so, please explain why this is most appropriate for the catchment

**30.** Are you proposing measures to monitor and evaluate the performance and outcomes of the mitigation measures?

## **Annex: Affected catchments and local planning authorities**

Note: This is an indicative list based on current nutrient neutrality advice from Natural England

### **Habitats Site & Catchment: Poole Harbour SPA/Ramsar**

#### **Local Planning Authorities affected:**

Dorset Council  
Bournemouth, Christchurch and Poole Council

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### **Habitats Site & Catchment: The Solent (Solent and Southampton Water SPA; Chichester and Langstone Harbours SPA; Portsmouth Harbour SPA; Solent Maritime SAC)**

#### **Local Planning Authorities affected:**

Basingstoke and Deane Borough Council  
Chichester District Council  
East Hampshire District Council  
Eastleigh Borough Council  
Fareham Borough Council  
Gosport Borough Council  
Havant Borough Council  
Isle of Wight Council  
New Forest District Council  
New Forest National Park Authority  
Portsmouth City Council  
South Downs National Park Authority

Southampton City Council  
Test Valley Borough Council  
Wiltshire Council  
Winchester City Council

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**Habitats Site & Catchment: River Avon SAC**

**Local Planning Authorities affected:**

Bournemouth Christchurch and Poole Council  
Dorset Council  
New Forest District Council  
New Forest National Park Authority  
Test Valley Borough Council  
Wiltshire Council

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**Habitats Site & Catchment: River Camel SAC**

**Local Planning Authorities affected:**

Cornwall Council

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**Habitats Site & Catchment: SAC/Ramsar**

**Local Planning Authorities affected:**

Ashford Borough Council  
Canterbury City Council  
Dover District Council  
Folkestone and Hythe District Council  
Maidstone Borough Council  
Swale Borough Council

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**Habitats Site & Catchment: River Wye SAC (only applies to the River Lugg component)**

**Local Planning Authorities affected:**

Herefordshire Council  
Malvern Hills District Council

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## **Habitats Site & Catchment: Somerset Levels and Moors Ramsar**

### **Local Planning Authorities affected:**

Dorset Council  
Exmoor National Park  
Mendip District Council  
Mid Devon District Council  
Sedgemoor District Council  
Somerset West and Taunton District Council  
South Somerset District  
Wiltshire Council

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## **Habitats Site & Catchment: Chesil and the Fleet SAC/SPA**

### **Local Planning Authorities affected:**

Dorset Council

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## **Habitats Site & Catchment: Esthwaite Water Ramsar**

### **Local Planning Authorities affected:**

South Lakeland Council

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## **Habitats Site & Catchment: Hornsea Mere SPA**

### **Local Planning Authorities affected:**

East Riding of Yorkshire Council

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## **Habitats Site & Catchment: Lindisfarne SPA/Ramsar**

### **Local Planning Authorities affected:**

Northumberland County Council

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## **Habitats Site & Catchment: Oak Mere SAC**

### **Local Planning Authorities affected:**

Cheshire West and Chester Council

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## **Habitats Site & Catchment: Peak District Dales SAC**

### **Local Planning Authorities affected:**

Derbyshire Dales District Council  
High Peak Borough Council  
Peak District National Park Authority

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## **Habitats Site & Catchment: River Axe SAC**

### **Local Planning Authorities affected:**

Dorset Council  
East Devon District Council  
Somerset West & Taunton Council  
South Somerset District Council

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## **Habitats Site & Catchment: River Clun SAC**

### **Local Planning Authorities affected:**

Herefordshire Council  
Shropshire Council

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**Habitats Site & Catchment: River Derwent & Bassenthwaite Lake SAC (only applies to catchments of Bassenthwaite Lake (River Derwent and Tributaries SSSI unit 1) and River Marron (unit 124 of River Derwent and Tributaries SSSI)).**

### **Local Planning Authorities affected:**

Allerdale Borough Council  
Copeland Borough Council  
Eden District Council  
Lake District National Park

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## **Habitats Site & Catchment: River Eden SAC**

### **Local Planning Authorities affected:**

Allerdale Borough Council  
Carlisle City Council

Durham County Council  
Eden District Council  
Lake District National Park  
Northumberland County Council  
Northumberland National Park  
Richmondshire District Council  
South Lakeland Council

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**Habitats Site & Catchment: River Itchen SAC (part of Solent Catchment)**

**Local Planning Authorities affected:**

Basingstoke and Deane Borough Council  
East Hampshire District Council  
Eastleigh Borough Council  
Winchester City Council

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**Habitats Site & Catchment: River Kent SAC (only applies to catchments of units 104 and 111 of River Kent SSSI)**

**Local Planning Authorities affected:**

Eden District Council  
Lake District National Park  
South Lakeland Council

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**Habitats Site & Catchment: River Lambourn SAC**

**Local Planning Authorities affected:**

Swindon Borough Council  
Vale of White Horse District Council  
West Berkshire Council  
Wiltshire Council

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**Habitats Site & Catchment: River Mease SAC**

**Local Planning Authorities affected:**

East Staffordshire Borough Council  
Hinckley and Bosworth Borough Council  
Lichfield District Council  
North Warwickshire Borough Council



North West Leicestershire District Council  
South Derbyshire District Council

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**Habitats Site & Catchment: River Wensum SAC**

**Local Planning Authorities affected:**

Borough Council of King's Lynn and West Norfolk  
Breckland Council  
Broadland & South Norfolk Council  
North Norfolk District Council  
Norwich City Council

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**Habitats Site & Catchment: Roman Walls Loughs SAC**

**Local Planning Authorities affected:**

Northumberland County Council  
Northumberland National Park Authority

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**Habitats Site & Catchment: Mere Ramsar**

**Local Planning Authorities affected:**

Cheshire East Council

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**Habitats Site & Catchment: Teesmouth & Cleveland Coast SPA/Ramsar**

**Local Planning Authorities affected:**

Darlington Borough Council  
Durham County Council  
Eden District Council  
Hambleton District Council  
Hartlepool Borough Council  
Middlesbrough Council  
North York Moors National Park  
Redcar and Cleveland Borough Council  
Richmondshire District Council  
Stockton-on-Tees Borough Council

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**Habitats Site & Catchment: The Broads SAC/Ramsar (only the following are included):**

- Bure Broads and Marshes SSSI
- Trinity Broads SSSI
- Yare Broads and Marshes SSSI
- Ant Broads and Marshes SSSI
- Upper Thurne Broads and Marshes SSSI

**Local Planning Authorities affected:**

Borough Council of King's Lynn and West Norfolk  
Breckland Council  
Broadland & South Norfolk Council  
Great Yarmouth Borough Council  
North Norfolk District Council  
Norwich City Council  
The Broads Authority

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**Habitats Site & Catchment: West Midlands Mosses SAC (only catchments of Abbotts Moss SSSI and Wynbunbury Moss SSSI are included)**

**Local Planning Authorities affected:**

Cheshire East Council (Wynbunbury)  
Cheshire West and Chester Council (Abbotts)

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