

Nutrient mitigation process – Prior Approvals (Reg 77) - November 2022

The National Park Authority issues the Prior Approval decision with an informative referencing the need for a Regulation 77 application to satisfy the legal requirements of the Habitats Regulations.



The applicant submits a Regulation 77 application under the requirements of the Habitats Regulations. The submitted Regulation 77 application should be accompanied by a nutrient budget calculation using Natural England's latest calculator - [Nutrient mitigation - New Forest National Park Authority \(newforestnpa.gov.uk\)](https://www.newforestnpa.gov.uk). Please note there are separate budget calculators for the River Avon (phosphates) and Solent (nitrates).



The National Park Authority assesses the Regulation 77 application. This includes a review of the submitted nutrient budget calculation to determine the scale of any nutrient neutrality mitigation required.



The National Park Authority confirms the nutrient off-set required and will identify suitable nutrient credit schemes to the applicant for them to contact.



It is the responsibility of the applicant to purchase the required nutrient mitigation credits. Once the required credits have been purchased the applicant should submit evidence confirming this to the Authority. This can be in the form of a certificate or statement of purchase from the nitrate credit provider. Deposits or expression of interest in securing mitigation credits will not be accepted.



Once confirmation of the nitrate credit purchase has been provided, the National Park Authority issues a decision on the Regulation 77 application under the legal requirements of the Habitats Regulations.