



# Nutrient Neutrality and Nutrient Mitigation

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## A summary guide and frequently asked questions

This document was produced by Natural England, the Department for the Environment, Food and Rural Affairs (Defra) and the Department for Levelling Up, Housing and Communities (DLUHC) to provide a non-technical summary of nutrient neutrality June 2022. This document was updated in March 2023 to include frequently asked questions on the Natural England Nutrient Mitigation Scheme providing information to developers as the scheme launches in the Teesmouth and Cleveland Coast catchment. There will be a further update to this document prior to the 31st of March 2023 to include the relevant GOV.UK link for the Natural England Nutrient Mitigation Scheme.

This is supplementary to Natural England’s statutory advice and guidance.

## Nutrient pollution

Nutrient pollution is a major environmental issue for many of our most important places for nature in England. In freshwater habitats and estuaries, increased levels of nutrients (especially nitrogen and phosphorus) can speed up the growth of certain plants, disrupting natural processes and impacting wildlife. This process (called ‘eutrophication’) damages these water dependent sites and harms the plants and wildlife that are meant to be there. In technical terms it can put sites in ‘unfavourable condition’\*. The sources of excess

nutrients are very site specific but include sewage treatment works, septic tanks, livestock, arable farming and industrial processes.

**\*What is unfavourable condition?** In this context, a site in 'unfavourable condition' is not being adequately conserved and/or the results from monitoring show that important features of the site are not meeting all the mandatory site-specific targets.

## Nutrient pollution and development

Where sites are already in unfavourable condition, extra wastewater from new housing developments can make matters worse and undermine ongoing efforts to recover these sites. However, when development is designed alongside suitable mitigation\* measures, the additional damage can often be avoided.

**\*What is mitigation?** In this context, we mean action taken to stop nutrient pollution impacting sites. This could be onsite – preventing nutrient pollution directly from the development in question, or offsite – reducing nutrients from other sources that affect the site overall.

## Nutrient pollution and the law

Many of our most internationally important water dependent places (lakes, rivers, estuaries, etc.) are designated as protected under the [Conservation of Habitats and Species Regulations 2017 \(as amended\)](#). We call these 'Habitats Sites'.

When competent authorities\* assess projects and planning applications, they must consider whether the plan or project is likely to have significant effects on the Habitats Sites. They do this using the Habitats Regulations Assessment (HRA), made up of several distinct stages of assessment which must be undertaken in accordance with this legislation.

**\*What is a competent authority?** In this context, a competent authority includes planning decisions-makers such as Local Planning Authorities (LPAs), the Planning Inspectorate and the Secretary of State. It also includes all government departments, public bodies (such as the Environment Agency and Ofwat), Statutory Undertakers (such as water companies) and persons holding public office.

When a planning application is submitted where significant environmental effects cannot be ruled out, a competent authority (usually the LPA or Environment Agency) must make an appropriate assessment of the implications of the plan or project for that site, taking account of the site's conservation objectives. If the appropriate assessment cannot rule out damage due to nutrient pollution, mitigation to reduce or eliminate the impact can be put in place.

Natural England has reviewed the available evidence on Habitats Sites that are in unfavourable condition due to high nutrient levels. Where plans or projects will contribute

additional nutrients to these sites, then a robust Habitats Regulations Assessment is required in accordance with well-established principles. This may highlight the need for new solutions, such as nutrient neutrality, to inform sustainable development to protect these sites.

## **Nutrient neutrality – Natural England’s advice**

Natural England issued advice highlighting the need to carefully consider the nutrient impacts of any new plans and projects on Habitats Sites, and whether mitigation is needed to protect sites from additional nutrient pollution. This falls under Natural England’s statutory duties and is part of a coordinated cross departmental response by government, supported by Defra and DLUHC.

Natural England’s advice comes with tools and guidance to help developments demonstrate that they do no harm, so that they can go ahead. We call this approach ‘nutrient neutrality’. The methods created by Natural England use the latest evidence and bespoke catchment calculators to assess the site’s current nutrient status and the likely impact of any new development. This allows competent authorities and developers to identify the level of mitigation required to cancel out the additional nutrient pollution expected from a particular project.

**Development plans can be considered ‘nutrient neutral’ where they can demonstrate that they will cause no overall increase in nutrient pollution affecting specified Habitats**

With this vital information, developers can deliver projects that demonstrate zero net increase in nutrient levels (or ‘nutrient neutrality’) within the catchments of these Habitats Sites, allowing competent authorities to make more informed planning decisions.

This approach is not mandatory and, if they prefer, competent authorities can determine their own solutions as appropriate. Nutrient neutrality is intended to be an interim solution whilst we return Habitats Sites to favourable condition.

## **Multiple benefits**

Suitable mitigation measures might include constructed wetlands, changes in land management, or retrofitting Sustainable Urban Drainage systems within the catchment of the impacted site(s).

Mitigation may also entail the creation of new wetlands, woodland or grasslands. This provides the additional benefit of creating new spaces for nature and recreation as well as offering potential new income streams for landowners.

## Natural England's role

Natural England's role in the planning process is an advisory one, to help LPAs make good and robust decisions.

One of Natural England's statutory roles is to provide advice about the environmental impacts of plans or projects on sites which are important for nature. This advice takes account of the relevant legislation and case law which seeks to protect, conserve and enhance the environment.

The LPA decides whether to grant or refuse planning permission; Natural England can advise on impacts and help identify solutions to nutrient pollution through tools like nutrient neutrality. The LPA must have regard to Natural England's advice. For planning applications that directly or indirectly result in additional nutrient loading which would, when assessed alone or in combination with other applications, have a significant effect on sensitive sites (which are already unfavourable because of nutrients, or the development would make it unfavourable), an appropriate assessment is needed. 'Nutrient neutrality' is one approach which can be used to mitigate harmful impacts.

## Implications for local planning authorities

Natural England has advised LPAs in relevant catchments that they should undertake Habitats Regulations Assessments (HRA) of all development proposals which may give rise to additional nutrients entering their catchments, in line with the requirements of the Conservation of Habitats and Species Regulations 2017.

Where developments may fail the tests of an appropriate assessment based on nutrient pollution, LPAs may choose to use nutrient neutrality to counterbalance nutrient impacts.

## Implications for developers

Where developments would fail the requirements of the Habitats Regulations appropriate assessment, developers may be asked to take action to mitigate impacts through nutrient neutrality such as:

- building additional mitigation into their plans onsite
- working with the LPA to arrange for mitigation offsite
- purchasing nutrient credits via a nutrient trading scheme (where other landowners in the catchment have taken action to reduce their nutrient load), or buying credits through the Natural England-led Nutrient Mitigation Scheme

Nutrient neutrality provides a mechanism by which development that would otherwise be prohibited on the grounds of nutrient pollution may be given consent if mitigation is put in place. Using nutrient neutrality, developers only pay for mitigation required to counteract nutrients generated by their development.

# Natural England's Nutrient Mitigation Scheme

In July 2022, a [Natural England-led Nutrient Mitigation Scheme](#) was announced by Government. Since the announcement, Natural England has been working closely with Defra, DLUHC, the Environment Agency, Homes England, the Planning Advisory Service and LPAs to design and develop the scheme.

Defra and DLUHC will invest up to £30 million to fast track the delivery of nutrient mitigation in affected areas through, for example, creating new wetlands to intercept nutrients before they reach our waterways. The scheme will simplify and speed up the process for developers; generating nutrient credits for developers to purchase to discharge their obligations under the Habitats Regulations.

The proceeds of nutrient credit sales will be used to fund subsequent mitigation projects, with funds eventually being recouped to Government. The scheme will facilitate the delivery of thousands of new homes, helping Government to achieve its ambition of building 300,000 new homes a year, promote access to greenspace, and make a major contribution to nature recovery.

The Natural England scheme will work in combination with existing projects already in place or under development including nutrient credit trading schemes, LPA-led mitigation schemes and onsite mitigation solutions integrated into the design of housing developments. The Natural England Nutrient Mitigation Scheme is developing rapidly, but it will not meet the demand for mitigation in all locations right away. Developers and LPAs will need to continue to explore all existing mechanisms to reduce nutrient pressures on our rivers.

In the Spring Budget 2023, Government announced we will publish a call for evidence from affected local authorities on nutrient neutrality credit scheme opportunities in order to stimulate new housing supply and unlock development that would otherwise be stalled due to high levels of nutrient pollution. Where high-quality nutrient credit schemes are presented, Government will provide investment to accelerate their delivery and unlock housing supply.

## Further information and support

For developers – Please contact your Local Planning Authority or access Natural England's discretionary advice service (DAS) for further information.

For Local Planning Authorities - Please refer to the formal advice and guidance sent to your planning team.

- In May 2022 the Planning Advisory Service (PAS) ran a series of introductory workshops for LPAs. Further details and recordings can be accessed on the [Local Government Association's Nutrient Neutrality \(NN\) and the planning system webpage](#).

- Natural England is undertaking further research on the effectiveness of mitigation in different scenarios and developing additional tools to support implementation of nutrient neutrality mitigation.

## **What actions is the Government taking?**

The Government is committed to tackling nutrient pollution at source. Actions include:

- Provisions in the Levelling Up and Regeneration Bill which place a duty on water companies to upgrade wastewater treatment works to the highest achievable level in areas under nutrient neutrality guidance, thereby removing nutrient pollution from wastewater. This works hand-in-hand with the Nutrient Mitigation Scheme and other mitigation projects, reducing the amount of mitigation required in future.
- Increasing compliance with regulations that protect the environment from agricultural pollution.
- Encouraging farmers to go above and beyond to reduce, prevent and reverse pollution via Environmental Land Management schemes.
- Providing increased advice and support to farmers so that they can improve their nutrient management practices.
- Setting legally binding targets under the Environment Act for reduced nutrient loads from both agriculture and wastewater.
- Making clear through the Strategic Policy Statement to Ofwat that water companies should “prioritise improvements to Habitats Sites” within the next price review period, focusing particularly on the need to “address nutrient pollution”.

Interventions such as these will help our Habitats Sites recover and flourish in the longer term, enabling nature recovery and sustainable development.

## **Nutrient Neutrality – Frequently Asked Questions**

### **What does Nutrient Neutrality aim to deliver?**

Nutrient neutrality aims to enable developers to demonstrate they will cause no additional nutrient damage to Habitats Sites already in ‘unfavourable condition’. Local mitigation will enable developments to proceed alongside the potential to provide multiple added benefits for biodiversity and recreation.

### **When is Nutrient Neutrality appropriate?**

The nutrient neutrality tools and our advice may be appropriate in catchments where Natural England has issued advice highlighting the need to consider the nutrient impacts

of any new plans and projects on Habitats Sites. The Habitat Regulations currently relate to all types of development that would result in a net increase in population served by a wastewater system, including new homes, student accommodation, and tourist accommodation. This is because this development will have wastewater implications.

This applies to any net increase in overnight accommodation, including developments that propose to connect to the mains or off grid treatment works, such as package treatment plants (PTPs), or composting toilets.

## What types of mitigation are applicable for Nutrient Neutrality?

Mitigation both within the development site and offsite can be considered, as long as it is well placed to be effective. Some of the more commonly suggested mitigation measures are outlined in Table 1.

**Table 1 Potential mitigation measures**

Mitigation activity	Is it applicable?	Why?
<b>Creation or restoration of new semi natural habitats e.g., woodlands/ grasslands/Natural wetlands</b>	Yes	Land converted to semi natural habitats such as natural wetlands, woodlands, or grasslands can offer a strong outcome for nutrients when designed and sited appropriately.
<b>Treatment wetlands including for:</b> <ul style="list-style-type: none"> <li>• capturing runoff from agricultural land</li> <li>• diverted river water</li> <li>• Wastewater Treatment Works (WWTW)</li> </ul>	Yes	A treatment wetland such as an Integrated Constructed Wetland (ICW) which is specifically designed to remove nutrients can offer one of the best outcomes per hectare of land. The greater the nutrient load input to the wetland generally the greater the potential for reduction in nutrients, however the quality of the design will affect the reduction achieved.

Mitigation activity	Is it applicable?	Why?
<b>Retrofitting Sustainable Urban Drainage Systems (SUDs) into existing developments</b>	Yes	SUDs are already used within new developments as mitigation.
<b>Improvements in WWTW</b>	No	Currently there is not a mechanism to enable developers to make contributions to water companies to bring forward additional improvements to WWTW. Even if there was a mechanism then if these improvements are required to enable site recovery, then they cannot be double counted (or traded) to facilitate development as this will undermine restoration.
<b>Replacing existing inefficient septic tanks and Package Treatment Plants (PTPs) with improved PTPs</b>	Yes	<p>Nutrient credits may be generated by upgrading existing PTP and septic tank units. For example, an applicant proposing new houses might be able to replace septic tanks at existing neighbouring properties, or elsewhere provided the replaced units are appropriately located.</p> <p>Equally upgrading the PTP or septic tank proposed for the development to a more efficient one may help remove or reduce the need for other neutrality mitigation.</p>
<b>Provision of new wastewater treatment facilities managed by an OFWAT-appointed statutory sewage undertaker</b>	Yes	In both sewered and unsewered areas developments may be able to provide their own wastewater treatment facilities that operate at higher efficiency than the main WWTW, provided that the facility is adopted and managed by an OFWAT-appointed statutory sewage undertaker.
<b>Package treatment plants connecting to mains</b>	No	<p>Although PTP would mean cleaner water would reach the WWTW, there will still be an increase in flow. Therefore, due to complexity in the treatment process, this does not necessarily mean that it would reduce the total nutrient load discharged from the WWTW. This is the case whether the WWTW has a concentration permit limit or not.</p> <p>Additionally, the Environment Agency do not generally permit PTPs in locations served by mains sewer.</p>



Mitigation activity	Is it applicable?	Why?
Temporary agricultural management measures such as fallowing of land, cover crops, provision of buffer strips	Short term only	Whilst this may be a quicker way to reduce nutrient levels initially, these measures if not secured in perpetuity cannot be used as long-term nutrient neutrality mitigation. However, developers could use these types of measures as a short (fixed) term interim mitigation measure before the in-perpetuity measures become effective.

## Can land managers combine biodiversity units and nutrient credits, and sell them alongside other environmental payments?

This is known as 'stacking'. Stacking is when multiple credits or units from different nature markets are sold separately from the same piece of land.

Government has recently published [guidance](#) on how mitigation providers can combine environmental payments from biodiversity net gain (BNG) and nutrient mitigation, allowing them to receive multiple payments for actions that protect the environment.

# Nutrient Mitigation Scheme – Frequently Asked Questions

## Why do we need a Nutrient Mitigation Scheme?

In some areas development is required by the Habitat Regulations to provide mitigation in order to receive planning permission.

Government wants to support the delivery of sustainable development, and so we are providing up to £30 million to speed up the delivery of nature-based solutions from which developers can purchase nutrient credits, allowing them to discharge their planning conditions.

## How will Natural England provide confidence to LPAs?

Natural England will be accrediting mitigation projects according to environmentally robust standards, and then providing developers with a certificate to demonstrate they will meet requirements as part of a Habitats Regulations Assessment. Developers will be able to submit this to LPAs as part of the planning process. Therefore, LPAs can be confident that the mitigation provided meets the requirements of the Habitats Regulations.

## How will Natural England engage with existing schemes?

The Natural England scheme is being designed to complement rather than replace existing mitigation schemes. It will provide additional mitigation where it is needed and can support schemes that are currently in place or in under development.

## In which areas will credits be available?

To date, Natural England have delivered mitigation projects with partners within the Tees catchment. These projects will provide the mitigation for new housing developments within the catchment.

Natural England is currently developing a pipeline of mitigation projects across other catchments impacted most by nutrient neutrality. Further updates will be provided in the coming months.

## **When will the Nutrient Mitigation Scheme launch?**

The Nutrient Mitigation Scheme will launch initially in the Tees catchment on the 31<sup>st</sup> of March 2023, with expansion to additional catchments as the scheme develops. Outlined below are questions related to the launch in the Tees catchment.

# Tees Catchment Launch

## Mitigation

### What is a credit?

A credit accounts for the mitigation of either 1kg of Total Nitrogen (TN) or 1kg of Total Phosphorus (TP).

Please note that the Teesmouth and Cleveland Coast Special Protection Area and Ramsar is in 'unfavourable condition' due to elevated levels of Nitrogen. Therefore, you will only need to purchase nitrogen credits in the Tees catchment.

### What can a credit be used for?

A credit can be used to mitigate the excess nutrient load produced by a housing development, making the development 'nutrient neutral'.

- Credits from the Nutrient Mitigation Scheme can only be used to mitigate residential overnight accommodation.
- Credits from the Nutrient Mitigation Scheme can only be used to mitigate the development they have been allocated to.
- Credits from the Nutrient Mitigation Scheme are not transferable or resaleable.

### How much does a credit cost?

Credits in the Tees catchment will cost £1,825 each. In subsequent credit rounds (and catchments), the price may vary depending on the cost of mitigation projects.

### How is the cost of a credit calculated?

The credit price is determined by calculating the cost of delivering the mitigation solution, its ongoing monitoring and maintenance including inflationary pressures, as well as administrative costs.

### How do I calculate how much mitigation a development requires?

Natural England has published a [methodology](#) and calculator for achieving nutrient neutral development. The appropriate guidance for your development should be available on the relevant local planning authority website.

### Natural England Teesmouth nutrient budget calculator

When developing your nutrient budget, you must ensure you are using **Version 2.2 (March 2023)** of the Teesmouth Nutrient Budget Calculator, which can be obtained from your local planning authority.

## **Occupancy rates**

Your local planning authority will be able to provide you with the occupancy rate they deem appropriate for use within their area.

## **Can I adjust my Nutrient Budget after I have been allocated credits?**

If there is a change in your Nutrient Budget and credits have been allocated to your development, you must contact Natural England. Please provide your unique reference number and details of what has changed.

If the number of credits you need has increased, Natural England will work with you to try and find a solution but cannot guarantee it will be able to allocate you the additional credits. This may lead to a delay in your planning decision.

If the number of credits you need has decreased, you may be entitled to a partial refund. Natural England will advise you if this is possible.

## **How does the Levelling-Up and Regeneration Bill (LURB) affect my Nutrient Budget?**

When the LURB receives royal assent and wastewater treatment works required to reduce their nutrient outputs have been identified, a development's nutrient budget may be reduced.

Where full payment has not been made for your allocated credits, you may submit an updated and reduced Nutrient Budget to [nutrientmitigation@naturalengland.org.uk](mailto:nutrientmitigation@naturalengland.org.uk). Any changes will be confirmed via correspondence.

## **Prioritisation**

### **How will credits be prioritised?**

Credits will be allocated from two reserves (see below) on a '*first come, first served*' basis on receipt of the completed application form.

A percentage of credits from each round will be reserved for developments with a larger percentage for developments of 50 or less housing units and the remaining credits reserved for developments with 51 or more housing units. This will ensure credits are available for both large and small developers.

The two reserves are split accordingly:

- 60% of the total credits available will be allocated to small developments (≤50 units)
- 40% of the total credits available will be allocated to large developments (>51 units)

### **Will large developers buy up all the credits?**

By splitting available credits into two reserves, credits will be available for developments of all sizes with an emphasis on smaller developments and developers who are considered least able to create their own mitigation.

### **If my development is for 51 or more units, but I have provided on-site mitigation to reduce my 'credit requirement', will I still enter the large development reserve?**

Yes, you will be allocated credits from the large development reserve.

### **What happens to 'unallocated credits' after prioritisation?**

Unallocated credits from either of the credit reserves may be redistributed to the alternative reserve.

For example, if there are 12 remaining credits in the large development reserve after allocations are complete, these will be redistributed to the small development reserve, subject to demand.

If there is no demand in that round, the credits will be added to the next credit round release.

### **Will the scheme be transparent regarding credit allocations?**

Yes, the scheme will be required to report on the housing units that have been 'unlocked'. These reports will be provided to local planning authorities to satisfy compliance requirements.

### **What happens if I am required to resubmit my application?**

If you are required to reapply due to missing information, you will need to obtain the information and resubmit a completed application form. Due to the 'first come, first served' basis you may lose your place in the queue.

# Applying for credits

## Who can apply for credits?

You can apply for credits if you want to build any number of housing units, including if you want to build just one house. You can be:

- An individual
- A housing developer of any size
- A consultant working on behalf of an individual or a developer

Please note, currently, you can only apply for credits from the Nutrient Mitigation Scheme if your housing development is within the Tees catchment area.

## How can I apply to purchase credits?

To purchase credits from Natural England's Nutrient Mitigation Scheme, you will need to complete an application form and submit it within a credit round.

This application form will be available to download when the GOV.UK page goes live on the 31st of March at 10:00 AM. The link will be added to this document prior to the 31<sup>st</sup> March 2023.

Please note that submitting this form does not guarantee you will receive credits.

## What is a credit round?

All available credits will not be released all at once. Instead, they will be released in rounds.

The first round will open for four weeks on the 31st of March at 10:00 AM and close on the 30<sup>th</sup> of April at 23:59 PM.

## What details do I need provide to apply for credits?

The application form will require the following information about your development:

- the developer's contact details
- the consultant's contact details (if applicable)
- the sites location as an Ordnance Survey (OS) grid reference
- the development site's address
- a map showing the boundary of the development site as a geographic information system (GIS) polygon shapefile or Google Earth KML file
- the number of housing units you are building
- the number of units classed as affordable housing
- your planning application reference (if you have this)
- the date you expect the first unit to be occupied
- your planning permission reference number (if you have one)

- the number of credits you need to buy

## How many credits will be available to purchase?

Natural England have scheduled four rounds of credits to be released throughout the year within the Tees catchment.

Each credit round will contain enough credits to unlock approximately 400 housing units. Subsequent credit rounds may increase in size depending on demand for credits and mitigation supply.

### Scheduled round release dates – 2023/24

1. 31<sup>st</sup> March – 30<sup>th</sup> April 2023
2. 3<sup>rd</sup> July – 28<sup>th</sup> July 2023
3. 2<sup>nd</sup> October – 27<sup>th</sup> October 2023
4. 8<sup>th</sup> January – 2<sup>nd</sup> February 2024

## How do I submit my completed application form?

**You will need to email your completed application form to the email address provided on the GOV.UK page when it is live.**

You will need to ensure all sections of the application form are complete, if incomplete you will be required to resubmit your application form and may lose your place in the queue.

Please note that any application forms submitted to [nutrientmitigation@naturalengland.org.uk](mailto:nutrientmitigation@naturalengland.org.uk) will not be considered for credits.

## Can I apply for credits for multiple developments in the same credit round?

Yes, but you must submit an individual credit application for each development that will have an individual planning application.

## When will I know if my credit application is successful?

The credit round will be open for a 4 week period. There will be a further 4 week period in which Natural England allocate credits to applications. During this period, you may also be contacted as part of customer due diligence checks.

At the end of this period you will be notified if your application has been successful.

If you are unsuccessful, you will be notified of the reason. This will not stop you applying in the next credit round.



## Why might I be unsuccessful?

Applications can be unsuccessful for several reasons, including:

- Your development is not inside a catchment area that Natural England can provide credits for;
- Your application form has incorrect or missing information;
- Natural England did not have enough credits left to allocate during the current application round;
- You did not pay the invoice.

## Can I apply in multiple credit rounds?

If you are unsuccessful in acquiring credits in the first credit round, it will be possible to apply in subsequent rounds. You can do so by following the same process when the next credit round opens.

## How do I provide my proposed red line boundary with my application form?

You must provide your proposed red line boundary:

- as a geographic information system (GIS) polygon shapefile

You can send a Google Earth KML file if you cannot provide a GIS polygon shapefile. For instructions on how to do this email Natural England at [nutrientmitigation@naturalengland.org.uk](mailto:nutrientmitigation@naturalengland.org.uk).

## Nutrient Credit Certificates

### What is a Nutrient Credit Certificate?

A Nutrient Credit Certificate represents an agreement between Natural England and a developer, stating that Natural England will provide a certain number of nutrient credits to the developer within a certain timescale, and demonstrate how the proposed development will be nutrient neutral. Once credits have been allocated to a development, a Nutrient Credit Certificate will be created and offered to the applicant.

### What are the stages of the Nutrient Credit Certificate?

There are three stages to the Nutrient Credit Certificate:

#### Stage 1 - Unsigned Nutrient Credit Certificate

The Nutrient Credit Certificate is **unsigned** when issued by Natural England to the Developer for their signature and Natural England has invoiced for a deposit of 10% of the total cost of the credits.

### **Stage 2 – Provisional Nutrient Credit Certificate**

The Nutrient Credit Certificate is **provisional** once signed by Natural England and deposit payment has been received.

### **Stage 3 – Final Nutrient Credit Certificate**

The Nutrient Credit Certificate becomes **final** once the developer has paid the Nutrient Credit Fee in full and is signed by Natural England.

## **What should I provide with my planning application?**

A **Provisional Nutrient Credit Certificate** should be used to support a planning application prior to a planning decision.

## **What payments are required to secure credits?**

Two payments are required:

- The first payment is a 10% deposit required to secure a Provisional Nutrient Credit Certificate which should be used to support a planning application prior to a planning decision.
- The second payment is for the remaining 90% of the credit cost. This is to receive a **Final Nutrient Credit Certificate**. This payment is required within 12 weeks of receiving planning permission. It should be used to discharge any nutrient related planning conditions.

To meet this 12 week period, the developer must notify Natural England within 8 weeks of receiving planning permission. This is to allow Natural England to issue an invoice for the remaining cost of credits, with a payment deadline of 4 weeks.

## **How do I discharge a nutrient planning condition?**

A Final Nutrient Credit Certificate can be used to discharge a nutrient planning condition.

## **Can I pay for my Nutrient Credit Certificate in full immediately?**

Yes, the full cost of a Nutrient Credit Certificate can be paid in full immediately. This might be appropriate if you have extant planning permission.

## **What is the lifespan of a certificate?**

The Provisional Nutrient Credit Certificate will expire if:

- Planning permission has not been granted within 36 weeks of an Unsigned Nutrient Credit Certificate being issued to the developer;
- The developer fails to inform Natural England within 8 weeks that planning permission has been granted;
- The developer fails to pay the final credit balance within 4 weeks of the invoice date.

The Final Nutrient Credit Certificate, once full payment has been received, is valid for the lifetime of the development to which it is assigned.

### **Why does the certificate have a lifespan?**

Natural England is working to deliver mitigation across multiple areas impacted by Nutrient Neutrality. In order to do this, investments made in mitigation solutions need to be recycled through credit sales, to enable further investment in additional solutions.

The lifespan ensures that credits are used promptly, housing is unlocked and more credits are generated. It also avoids developers 'banking' credits and encourages applications for credits to be closely aligned with a planning application.

### **When does the lifespan of a Provisional Credit Certificate begin?**

The 36-week lifespan of a Provisional Credit Certificate starts on the date of issue of the Unsigned Nutrient Credit Certificate by Natural England.

### **Can the lifespan of a certificate be extended?**

Extensions may be considered if you notify Natural England prior to the 36 week or 12 week deadlines.

### **If my application for credits is successful, when will I receive my certificate?**

When a credit round closes, there will be a 4 week period in which Natural England complete allocations, creates certificates and issues them.

### **How will Natural England know when I receive my planning permission?**

Once you have signed the Nutrient Credit Certificate, you are obligated to notify Natural England within 8 weeks of securing planning permission.

Natural England will work closely with local planning authorities to track planning applications and approvals. This will ensure that invoices are promptly raised, and costs can be cycled through the scheme to unlock additional housing.

## **What if I do not get planning permission? Will I get a refund?**

If your planning application is unsuccessful, you have 28 days to contact Natural England to request a refund of your deposit.

Natural England will deduct an administration fee from the deposit to cover costs incurred during the application process.

## About Natural England

Natural England is here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

## Further information

This report can be downloaded from the [Natural England Access to Evidence Catalogue](#). For information on Natural England publications or if you require an alternative format, please contact the Natural England Enquiry Service on 0300 060 3900 or email [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk).

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