

Challenge to nutrient neutrality advice rejected by the High Court

News story

The Court of Appeal dismissed the case on all grounds on Friday 15 July.



Criticism of Natural England's nutrient neutrality advice to one of the Solent's local planning authorities (LPAs) has been firmly rejected by the Court of Appeal. [In an important judgment](#), the Court of Appeal found that the LPA's planning permission which relied on the advice was lawfully granted and successfully withstood the legal challenge.

The advice was aimed at helping planners to ensure that proposed housing developments did not cause additional harm to protected nature sites that were already suffering from nutrient pollution. Its application by Fareham Borough Council, Hants, in granting planning permission for eight homes, was challenged by a residents group.

In [Wyatt v Fareham BC](#) the residents claimed that the LPA's decision, which relied on Natural England's methodology, did not comply with the Habitats Regulations and did not sufficiently protect internationally-important wildlife sites.

The Court of Appeal dismissed the case on all grounds on Friday 15 July and concluded that the planning permission had been lawfully granted. The appeal had been brought against Mr Justice Jay's judgment in the High Court in 2021. The High Court's helpful recommendations were incorporated by Natural England when it issued its national nutrient neutrality methodology, guidance and tools in March 2022.

This positive outcome at the Court of Appeal should give all those involved confidence in the approach and methodology that Natural England has proposed to help LPAs to address nutrient impacts from new development.

We look forward to continuing to work with LPAs and developers to bring forward nature-based solutions which deliver broader benefits for people and

nature, in addition to mitigating water quality impacts from new development.

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