

Case Name: *Nicola Squire v Shropshire Council* [2018] EWHC 1730 (Admin) (06 July 2018)

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Commentary: Challenge based on EIA of off-site impacts and interaction with the Environmental Permit regime to the grant of planning permission for the erection of four poultry buildings with associated infrastructure and landscaping.

It was held that the Defendant Council did assess the direct and indirect effects of the proposed development and operations as a result of manure storage and spreading and any dust and odours which would be generated, before deciding to grant planning permission. It complied with its duties under the EIA Directive and transposing Regulations.

EIA is a dynamic process that starts with the ES but does not end with that statement.

The members of the Council were entitled to rely on the ES; the consultation responses, the assessment of the Public Protection Officer on the potential effects of manure management, the correct advice that the permit would provide relevant control, and the overall conclusion that officers considered the adverse impacts on residential amenity could be 'satisfactorily safeguarded'.

The Defendant did take into account the material consideration of the potential effects of manure management. The report did not discount the issue because planning permission was not needed for that activity.

Claim dismissed.

Case summary prepared by Town Legal LLP