

Case Name: *Squire, R (On the Application Of) v Shropshire Council* [2019] EWCA Civ 888 (24 May 2019)

Full case: [Click Here](#)

Commentary: The Court of Appeal has quashed a planning permission granted by Shropshire Council ('Council') for an intensive chicken farming facility in Shropshire due to the Council's failure to consider the likely effects of odour and dust arising from the proposed disposal of manure.

The appeal was brought by a local resident, Ms Squire, against the High Court's dismissal of her JR claim on two grounds, both of which succeeded. Ground 1 was that the Council were wrong to conclude that the environmental permit issued under Reg.13 of the Environmental Permitting (England and Wales) Regulations 2016 would control the management of manure outside the site to which the permit related. Ground 2 was that the Council were wrong to conclude that the assessment of the likely effects of odour and dust arising from the storage and spreading of manure in the Environmental Statement ('ES') were adequate and lawful.

As to Ground 1, the Court of Appeal concluded that the Council had misunderstood the scope and effect of the future manure management plan referred to by the Environment Agency in its consultation response which only related to the storage and spreading of manure on the developer's own land and was not concerned with monitoring the storage and spreading of manure on unidentified third party land. As to Ground 2, the Court of Appeal concluded the ES was legally deficient in its lack of a proper assessment of the environmental impacts of the storage and spreading of manure as an indirect effect of the proposed development, contrary to the requirements of the EIA Directive and EIA Regulations.

Comment: This judgment illustrates that when assessing the direct and indirect environmental effects of EIA development that it is very important for the EIA to be clear as to the scope and effect of any relevant environmental permits and the role and functions of regulators.

Case summary prepared by Paul Arnett