
From: De-Ruyck, Chris <Chris.De-Ruyck@e-lindsey.gov.uk>
Sent: 12 August 2025 12:23
To: Niland, Mark <Mark.Niland@sholland.gov.uk>
Subject: FW: H23-0313-25 : Land At Peartree Hill Road Whaplode Drove Spalding PE12 0SL

Hello Mark,

I've realized that I have made a serious factual error (related to area calculations of slurry spreading area) in the consultation response that I sent for the application above, and would like to ask to submit an amended response with the information corrected. Would you be able to upload the response below and retract the previous?

Let me know if any problems or concerns,

Regards,
Chris

Chris De Ruyck
Senior Ecologist
South & East Lincolnshire Councils Partnership
T: Mobile Number: 07394 837887
E: Chris.De-ruyck@e-lindsey.gov.uk
www.e-lindsey.gov.uk | www.sholland.gov.uk | www.boston.gov.uk | www.selcp.co.uk



Please note that any informal opinion expressed in this email is without prejudice and is not binding on the Council during the consideration of any formal application.

From: De-Ruyck, Chris
Sent: 16 June 2025 16:06
To: Niland, Mark (SHDC) <Mark.Niland@sholland.gov.uk>
Subject: H23-0313-25 : Land At Peartree Hill Road Whaplode Drove Spalding PE12 0SL

H23-0313-25 - Land At Peartree Hill Road Whaplode Drove Spalding PE12 0SL

Provision of new poultry unit & associated works

Summary: I wish to submit a holding objection on this application due to the lack of ecological impact information supplied by the applicants (described below).

Separately, the authority cannot yet have confidence that this development will achieve 10% biodiversity net gain as proposed due to the unrealistic on-site habitat creation targets set. Therefore, the applicants will need to amend and resubmit a biodiversity metric as described below. I estimate that the applicants will then need to secure an additional 1.64 habitat units off-site to discharge the 10% biodiversity gain condition pre-commencement. In addition, due to the scale and complexity of on-site habitat creation, the authority should seek to enter into a S106 planning obligation with the applicants to secure a Habitat Management and Monitoring Plan for the development pre-commencement.

Documents reviewed:

- BNG Statutory Metric
- Baseline and post development map
- 26 March Environmental statement
- Odour Impact Assessment
- Simple Calculation of Atmospheric Limits (SCAIL report)
- Assessment of Impact of Airborne Emissions of Particulate Matter

BNG Considerations:

- The BNG assessment achieves sufficient rigour and accuracy such that the authority can be confident in the baseline biodiversity value estimates for the development site. However, the authority cannot be confident that the development will achieve 10% BNG on-site as currently estimated, because the proposed post-development area-habitat condition targets are likely unrealistic (as described below). Upon amending the metric to reflect more feasibly attained habitat targets, we estimate that the development will likely need to secure approximately 1.64 habitat units off-site to achieve 10% BNG.

Risks for failing to achieve proposed habitat condition targets:

- The post-development habitat condition targets have been recorded as “good” for the proposed creation of “modified grassland” and “other neutral grassland” habitats immediately adjacent to the north and south of the poultry barns respectively. However, there is an unacceptably high risk that these condition targets will not be met due to the negative impacts on these habitats from high levels of nitrogen oxide (NO_x), nitrogen (N), and ammonia (NH₃) deposition arising from the adjacent poultry sheds. NO_x and concentrated NH₃ act as environmental pollutants that damage broad-leaf plant cells, inhibit growth, and make plants more vulnerable to stressors such as drought or pathogens. In addition, they contribute to terrestrial eutrophication whereby fast-growing grasses adapted to high nutrient/Nitrogen levels will outcompete the large majority of herbaceous grassland plants adapted to low-nutrient conditions, thereby cumulatively reducing the high species diversity required to achieve “good” condition grasslands.
- To quantify the impacts above, we used the “Simple Calculation of Atmospheric Limits (SCAIL)” to model NH₃, N, and Acid deposition rates on the neutral grassland within 100m of the centroid of the barns (the same modelling method used by the applicants to assess the impacts on Cowbit Wash SSSI). The model results estimated that the critical loads for both NH₃ and N will be exceeded = 473% of lower threshold and 158% of upper threshold for NH₃, and 312% of threshold for N. Exceedance of critical load thresholds broadly indicates that harmful and adverse effects will occur over the long term (e.g., the 30 year BNG period), and therefore, there is a very high likelihood that the proposed grassland habitats will remain degraded and fail to retain the required vigour and diversity required to qualify as “good” condition grassland habitat.

Conclusion: We argue that there is an unacceptably high risk of not achieving the desired biodiversity outcomes and the development consequently failing to achieve the mandatory 10% BNG than if a lower, more easily achieved habitat condition score was used in the metric, which would provide some buffer against this risk of failure. Therefore, we do not support the current metric assessment and ask the applicants to resubmit an amended metric that records the post-development modified grassland and other neutral grassland in “moderate” condition. Upon amending the metric to reflect more realistic habitat targets, we estimate that the development will likely need to secure approximately 1.64 habitat units off-site to achieve 10% BNG. However, there may be other viable alternatives for on-site habitat creation that the applicants could explore with expert ecological advice.

Ecological Considerations:

In reviewing the Environmental statement submitted with this application, I wish to highlight deficiencies in the ecological information provided regarding the ecological impacts of waste/slurry generated by the development. Therefore, I'd like to submit a holding objection until further information as described below is provided to weigh as material considerations in the decision process.

1. The Environmental Statement does not provide adequate information on the ecological impacts of Nitrogen, NO_x, and NH₃ deposition on the surrounding landscape or waterways that arise directly from the conventional practice of spreading the waste/manure generated by the development onto farmland.

- The Environmental Statement simply classifies impacts arising from emissions, waste, and manure spreading to be “low/none” (page 26,) and states that complying with the Environment Agency’s IPPC licensing regime (should they successfully be awarded a license) will ensure that these impacts are adequately assessed and monitored (section 5.3.1, page 22). However, the IPPC process provides no local oversight or information about environmental impacts to weigh in as a material consideration in the planning process.
- Further, the letter that the authority received 1 May 2025 from the Environment Agency (from Danielle Maclean-Spencer, Sustainable Place Planning Advisor, EA) explicitly states that: *“Emissions to land, air or water (including odour and noise that are generated outside of the installation boundary) will not be addressed by the permit, [which includes the following]: • emissions from landspreading of slurry and manure. • the transport of manure from the installation to fields using a tractor and trailer. • the transport from the installation through permanent or temporary pipework of slurry or dirty water used for irrigation...”*. Thus, the relatively large environmental impacts that will occur from third parties removing the dirty water and waste/manure off the site and applying it as a fertilizer across the surrounding watershed will be left un-assessed, unmonitored, and unregulated.
- Therefore, I wish to highlight the governance gap related to this development’s ecological impacts of waste/manure/litter disposal on the landscape, and I argue that an assessment of these impacts should be included as a material consideration in the determination process. For example, I estimate that the annual area of farmland required to receive the volume of waste produced to be approximately 800 ha to 1,177 ha (low and high estimates based on whether the farmland in question falls outside or inside a Nitrate Vulnerable Zone (NVZ) respectively). Please see Figure 1 depicting this area on a map. This calculation is based on the following assumptions: i) Section 6.1.4 of the Environmental Statement (page 24) states that 715 tonnes of litter will be produced per stock cycle, and that the facility will operate 7 stock cycles per year => 715 000 kg x 7 cycles = 5,005,000 kg of litter/waste produced per year = 200,200 kg Nitrogen produced per year (a rough estimate that doesn’t

account for moisture content of the slurry applied and assumes Nitrogen content of slurry is 4%); ii) The maximum amount of manure that can be spread on farmland is 250 kg/ha/yr (outside of NVZs) or 170 kg/ha/yr (inside a NVZ) assuming that the Code of Good Agricultural Practice will be followed (COGAP; as stated in the Environmental Statement); and iii) The area calculation is based on applying the entirety of the waste/litter produced on to the landscape, some of which may potentially be diverted to other uses (e.g., the Environmental Statement mentions a biodigester).

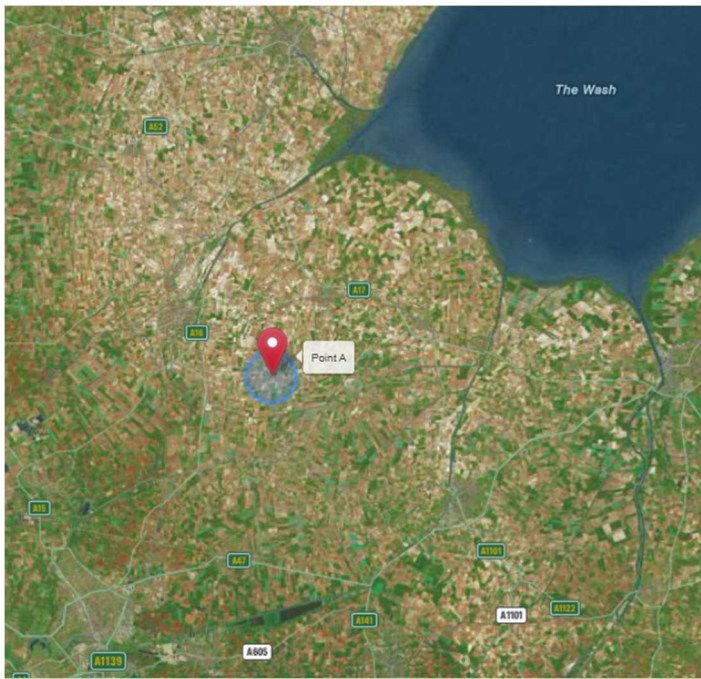


Figure 1. Map depicting a 1,177 ha circle centred on Pear Tree Farm (Google Earth 2025) illustrating the potential area annually required to receive poultry waster/manure from the proposed development

- Overall, I wish to highlight that the area potentially receiving the maximum allowable amount of poultry waste (following COGAP) is large and covers a significant portion of the Welland and Nene watershed draining to the Wash. Thus, the large area depicted (and statutory sites therein) will likely experience cumulative negative impacts on water quality, odour, dust, and nitrogen deposition arising from poultry farms throughout this region, with associated downstream risks of degradation to the Wash (a designated SPA, SAC, Ramsar site, and SSSI. However, an assessment of these impacts is currently lacking from this application or the Environment Agency's licensing process.
- Similarly, there have been two landmark court rulings in recent years indicating the need for the cumulative impacts of poultry farm manure spreading to be considered within the planning process of Local Authorities. Here, it was described how the Environment Agency's IPPC licensing regime does not consider the impacts of third parties removing the dirty water and waste/manure off the site and applying it as a fertilizer within the surrounding watershed, leaving these impacts to be unassessed and unmonitored. In addition, the IPPC regime provides no local oversight or information about these environmental impacts to weigh in as a material consideration in the planning process (*Squire, R (On the Application Of) v Shropshire Council [2019] EWCA Civ 888*). Further, a high court judge was led to question the efficacy of the Environment Agency's current licensing regime in protecting water quality as evidenced by the ecological degradation of the river Wye in relation to the proliferation of poultry units in the

region (*The National Farmers' Union v Herefordshire Council & Ors* [2025] EWHC 536. Paragraph 73). These two landmark court rulings indicate the need for the cumulative impacts of poultry farm manure spreading to be considered within the planning process of Local Authorities. The essence of which is that poultry farm waste should be considered a form of industrial waste, and therefore development proposals must submit “detailed and transparent manure management plans” to describe the life-cycle of this waste. In addition, the cumulative impacts of manure spreading should be assessed, reported, and considered in the planning process (e.g., [https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWCA/Civ/2019/888.html&query=\(C1/2018/2122\);](https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWCA/Civ/2019/888.html&query=(C1/2018/2122);) <https://www.bailii.org/ew/cases/EWHC/Admin/2025/536.html>, and commentaries: <https://www.richardbuxton.co.uk/case/knighton-chicken-farm-judicial-review/>; <https://www.theguardian.com/environment/2021/jan/30/welsh-council-admits-it-should-not-have-approved-vast-poultry-farm>

2. As a separate issue, the Environmental Statement does not adequately quantify the expected impacts of the development on protected species such as nesting farmland birds, or water voles potentially using the adjacent ditches. Similarly, there is insufficient detail provided about the appropriate avoidance and mitigation measures required to minimize these.

3. As a final note, I wish to point out that some of the statements made in the Environmental Statement are debatable.

- For example, page 11 addresses the loss of high quality Grade 2 farmland to this development, claiming there is no loss because the land is still used for agricultural production. Here, I'd argue this is disingenuous because a poultry farm such as this could be located on poorer quality land and there is no need to place it on high quality grade 2 farmland.
- On page 15, the applicants argue that the development meets policy requirements by providing healthy food and environmental benefits. Here, I'd caution for this statement to be accepted as rote, as the majority view is that the amount of meat consumed by the UK population is at a record high and should be reduced for both ecological and health reasons, and that there valid arguments suggesting that intensive poultry farming at this scale is neither ecologically sustainable, nor socio-economically beneficial.
- On page 31, the applicants argue that the development will reduce pollution, and the applicants also provide a SCAIL (Simple Calculation of Atmospheric Limits) estimate of deposition rates on the single SSSI located within 5 km of the site (as statutorily required). However, it should be noted that there are multiple watercourses located much closer to the site, which similar modelling indicates will experience exceedances of critical loads for N, and NH₃ due to the proposal's impacts, including two local wildlife sites (Slys Connection LWS, and Little South Holland Drain LWS). This, in addition to the unquantified impacts arising from manure spreading as described above.

Thank you for your time, please get in touch if any further questions/concerns

Chris De Ruyck

Chris De Ruyck

Senior Ecologist

South & East Lincolnshire Councils Partnership

T: Mobile Number: 07394 837887

E: Chris.De-ruyck@e-lindsey.gov.uk

www.e-lindsey.gov.uk | www.sholland.gov.uk | www.boston.gov.uk | www.selcp.co.uk



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