

---

**From:** Niland, Mark  
**Sent:** 03 October 2025 10:57  
**To:** \_planningadvice  
**Subject:** FW: Foodris'e submission re plannig application H23-0313-25  
**Attachments:** We sent you safe versions of your files; Foodrise planning application submission - 3rd October.pdf

Hi,

**H23-0313-25 - Land At Peartree Hill Road**

Please can this objection from Foodrise Planning be captured into the DIP. 2NON

Thanks  
Mark

---

**From:** Patman, Oscar <Oscar.Patman@sholland.gov.uk>  
**Sent:** 03 October 2025 09:20  
**To:** Niland, Mark <Mark.Niland@sholland.gov.uk>  
**Cc:** \_planningadvice <planningadvice@sholland.gov.uk>  
**Subject:** FW: Foodris'e submission re plannig application H23-0313-25

Good morning,

The below/ attached has come into the duty inbox relating to the poultry farm application H23-0313-25

Many thanks  
Oscar

Yours sincerely,  
**Oscar Patman** | Planning Officer | **South Holland District Council**  
**DDI: 01775 764434**  
**Mobile: 07780936027**  
[www.sholland.gov.uk](http://www.sholland.gov.uk)



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

---

**From:** Amelia Cookson <[amelia@foodrise.org.uk](mailto:amelia@foodrise.org.uk)>  
**Sent:** 03 October 2025 08:44  
**To:** planningduty <[planningduty@sholland.gov.uk](mailto:planningduty@sholland.gov.uk)>  
**Cc:** Natasha Hurley <[natasha@foodrise.org.uk](mailto:natasha@foodrise.org.uk)>; Carina Millstone <[carina@foodrise.org.uk](mailto:carina@foodrise.org.uk)>  
**Subject:** Foodris'e submission re plannig application H23-0313-25

**Caution:** This message originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe. If you believe it is suspicious please forward to [Suspicious.Emails@pspsl.co.uk](mailto:Suspicious.Emails@pspsl.co.uk) and delete the email.

Dear South Holland District Council Planning Officers,

Please find attached Foodrise's submission to the consultation regarding planning application H23-0313-25 at Pear Hill Road.

Thank you,  
Amelia



**Foodrise (formerly known as Feedback) is a charity transforming the food system for climate, nature and justice.**

Amelia Cookson

**Industrial Aquaculture Campaigner, Foodrise in the UK**

T: +44 (0) 7526 409 961 <https://foodrise.org.uk/>

Pronouns: she/her

[Find out more about why we've rebranded.](#)

[Join the movement.](#)

[Donate to help us transform the food system.](#)

Registered Charity No: 1155064

Unit 10, The Archives  
The High Cross Centre  
Fountayne Road  
London N15 4BE

+44 (0)7565 764 232

[hello@foodrise.org.uk](mailto:hello@foodrise.org.uk)  
[foodrise.org.uk](https://foodrise.org.uk)

FAO: Planning Department,  
South Holland District Council,  
Priory Road  
Spalding, Lincolnshire,  
PE11 2XE

3<sup>rd</sup> October 2025

Dear South Holland District Council Planning Officers,

**Planning Application H23-0313-25 – Intensive Poultry Unit, Pear Tree Hill Road, Whaplode Drove, Spalding**

I submit this evidence on behalf of [Foodrise](https://foodrise.org.uk) (formerly Feedback), in partnership with [Sustain: the alliance for better food and farming](https://sustainthealliance.org.uk), both UK registered charities. Foodrise is a charity transforming the food system for climate, nature and justice. Foodrise takes bold action to uncover the root causes of injustice in our food system and expose how corporate power exploits people and the planet – while building truly just and resilient alternatives from the ground-up.

In early April 2025, having worked with the local community in Methwold, Norfolk, we successfully demonstrated the legal imperative for councils to properly assess climate impacts of intensive agricultural developments, when an [application for an intensive pig and poultry unit was rejected on climate grounds in a national first](#).

Our concerns in relation to this application relate to recent legal and planning precedent. There is growing evidence of the significant harm these units pose to human and environmental health. This application must be considered in light of these cases.

In our view, whilst the application has referenced climate impacts, this assessment is flawed, and the development is unacceptably environmentally damaging and incompatible with local and national planning policy and climate obligations. As in the Methwold case, if this application is approved there is a risk of a legal action successfully ruling the decision as unlawful.

Our concern is that the proposal raises serious legal, environmental, and public interest issues and that the Environmental Statement (ES) submitted may be legally non-compliant under UK environmental law as clarified by recent authoritative case law.

This objection draws on statutory obligations under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and the following legal precedents:

- *R (Finch) v Surrey County Council* [2024] UKSC 20,
- *NFU v Herefordshire Council* [2025] EWHC 536 (Admin),

as well as recent refusals by planning authorities in Norfolk on comparable grounds.

Approving developments which do not meet legal standards can lead to costly legal bills for taxpayers. According to a Freedom of Information request to Shropshire Council (2025), they paid out over £150,000 in legal fees and compensation for unlawfully approving polluting 'megafarm' developments. This means taxpayer money was being used to foot the bill for costly legal fees. This is a misuse of public money. We urge South Holland District Council not to follow suit.

## 1. Inadequate and Legally Deficient Greenhouse Gas Assessment

The ES fails to quantify the likely climate impacts. It fails to assess downstream (Scope 3) emissions, in breach of the Finch ruling, which mandates the inclusion of "inevitable and quantifiable" direct and indirect emissions in an EIA. This broiler development:

- Produces over 500,000 birds per cycle;
- Inevitably results in GHGs from feed, waste, transport, slaughter, retail, and consumption.

The Environmental Impact Assessment Regulations 2017 require that all likely significant environmental effects be rigorously assessed. This principle was reinforced by the Supreme Court in [Finch v Surrey County Council \[2024\] UKSC 30](#), which clarified that both direct and indirect emissions must be considered. Failure to do so has caused similar applications to be rendered unlawful.

King's Lynn and West Norfolk Borough Council refused a similar application on precisely these grounds on 3 April 2025 with evidential support from Sustain, Foodrise, WWF and local campaigners. They also cited legal risk of judicial review in the absence of a proper climate assessment.

To approve this application on this basis risks rendering the decision unlawful and vulnerable to judicial review.

## 2. Improper Reliance on Post-Approval Regulation

The application improperly defers critical environmental controls - including waste, ammonia, water pollution, and odour - to the Environmental Permitting regime. As *Finch* (para 108) and *River Action* make clear, the existence of a parallel regulatory regime does not relieve the Council of its duty to assess these impacts during the planning stage.

As set out in the judgment in *Finch*, (paragraph 108)



*"An assumption made for planning purposes that non-planning regimes will operate effectively to avoid or mitigate significant environmental effects does not remove the obligation to identify and assess in the EIA the effects which the planning authority is assuming will be avoided or mitigated."*

The High Court judgment in [\*The National Farmers' Union v Herefordshire Council\*](#) holds that relying on non-planning regimes like Environmental Permits may be insufficient to prevent environmental pollution and confirms that planning authorities can and should require additional action where there is evidence of harm.

In the Herefordshire Council case, despite the existence of a variety of environmental protection and permitting regimes in the area, significant pollution issues persist, with agriculture identified as a major contributor. Mrs Justice Lieven judged that "to assume that the regulatory approaches currently being taken are effective to prevent environmental harm would be contrary to the undisputed evidential position".

The above judgment notes that a local planning authority must assess whether other regimes are capable of adequately addressing issues. It references Thornton J's summary in *Vanbrugh Court Residents' Association v London Borough of Lambeth* [2022] EWHC 1207 (Admin) at [23]:

*"[A] local planning authority is entitled to place reliance upon the effective operation of the other regulatory regime(s) in determining an application for planning permission. However, it cannot simply ignore the issues in question. It must assess them sufficiently so as to be able to satisfy itself that the other regulatory regime is capable of regulating the relevant issues. If it is not satisfied, then consent must be refused. The existence of the other regulatory regime is a material planning consideration, to be weighed in the balance. Gateshead MBC v Secretary of State for the Environment 1995 Env. LR 37 at [44] & [49] and R(Bailey) v Secretary of State for Business, Enterprise & Regulatory Reform [2008] EWHC 1257 (Admin) at [13]."*

Indeed, [a recent joint investigation](#) by Sustain and Foodrise uncovered over 700 breaches of environmental permits across intensive livestock farms in East Anglia between 2017-2024. These breaches included unregulated slurry spreading, exceedance of permitted emission thresholds, and improper waste handling often with limited enforcement action by the Environment Agency. Freedom of Information data seen by Sustain shows intensive livestock units breached environment agency regulations a total of 412 times in Lincolnshire the last 10 years. Records show Hook 2 Sisters, the developer in this application, failed to comply with environmental regulations 416 times over the same period. Data analysis shows a trend of persistent environmental management failures, particularly with drainage and poor infrastructure maintenance, as well as record-keeping deficiencies.

The evidence points to an ineffectiveness of non-planning regimes as a safeguard in this case. The development risks significant impacts on the environment and public health, contrary to the aims of local and national planning policy.

### **3. Absence of Waste Management Plan and Nutrient Pollution Risk**

No Waste Management Plan has been submitted with the ES. This is a serious omission:

- The facility will produce tonnes of poultry litter, manure, and wash water per week.
- No information is provided on how this material will be stored, treated, spread, or exported.

As referenced above, this is incompatible with the Waste Framework Directive and *NFU v Herefordshire*, where the Court upheld the right of councils to treat chicken manure as waste, which means that clear preventative and precautionary regimes are required to manage it. They rejected assumptions that EA permitting would prevent harm. The site lies in or near nutrient-sensitive catchments, yet no nutrient loading or land-spreading impact assessment has been provided.

#### **4. Cumulative Environmental Harm Not Properly Assessed**

The ES and supporting assessments (odour, ammonia, dust) fail to address cumulative effects:

- Dust monitoring indicates PM10 exceedances (50 µg/m³) and dust fallout at 53 mg/m²/day at worker dwellings - levels that materially impact health and amenity.
- Odour modelling uses idealised assumptions and omits seasonality and cross-site effects.
- Ammonia modelling (SCAIL) excludes non-statutory receptors and cumulative emissions from other poultry farms.

In law, cumulative effects must be assessed under Schedule 4 of the EIA Regulations. They are not optional.

#### **5. Impacts on Residential Amenity and Human Health**

[Intensive livestock operations are well-documented sources of odour, airborne particulates \(including bioaerosols\), noise, and pests such as flies.](#)

Our experience gathered from the testimony of residents living close to intensive livestock units across Norfolk and Suffolk indicates that odour, noise, pests and airborne pollution issues materially affect the health and quality of life local residents and are legitimate planning concerns. Once established, such harms are reportedly difficult to mitigate and persist long-term.

#### **6. Conflict with National and Local Climate Policy**

This development is likely to be incompatible with the UK's legally binding target to reduce emissions by 81% by 2050 and South Holland Council's own commitments to achieving net zero by 2040, climate mitigation and sustainable development, as well as the National Planning Policy Framework.

There is no viable mitigation or offsetting route that could prevent the significant greenhouse gas emissions associated with this site. No evidence has been presented that the proposal aligns with any credible carbon budget or contributes positively to climate resilience or biodiversity. Approving developments of this nature without robust climate impact assessments risks undermining national commitments and the credibility of local policy.



In conclusion, we believe the application:

- Is based on an Environmental Statement that is incomplete and non-compliant under the EIA Regulations 2017;
- Falls short of legal standards in regards to the greenhouse gas, waste, and cumulative pollution assessment;
- Improperly relies on post-approval regulation to prevent pollution from waste;
- Is incompatible with the local plan and England's national planning policy framework regarding the need to mitigate and prevent climate change.

Approving this application would expose the Council to a high risk of legal challenge and undermine its credibility in managing climate and public health responsibilities.

We therefore recommend that South Holland Council refuse planning application H23-0313-25 in the interest of environmental protection, legal soundness, and public accountability.

Sincerely



Carina Millstone  
**Executive Director, Foodrise**

## ANNEX

### Recent cases related to the inadequacies of EIAs

[In July 2024](#), the Supreme Court ruled against the expansion of oil drilling at the Horse Hill site near Gatwick Airport, finding that the local council's approval was unlawful due to its failure to assess the 'scope 3' GHG emissions which will inevitably arise from the combustion of the fuel, following refinement of the crude oil.

[In August 2024](#), the UK government said it would not fight a judicial review against the Rosebank and Jackdaw offshore oil wells, brought on the grounds of an inadequate greenhouse gas emissions assessment (although the developers have continued to contest the claim).

[In September 2024](#), plans for a fossil fuel development in Cumbria were overturned by the High Court, which ruled that it was "legally flawed" to assume that indirect emissions (namely burning coal) were not a significant, likely effect of the development. [In his judgment](#), Mr Justice Holgate (as he then was) noted that "the object of an EIA...aims to ensure that if such consent is given, it is with "full knowledge of the environmental cost" and that "as much knowledge as can reasonably be obtained, given the nature of the project, about its likely significant effects on the environment is available to the decision-maker." The developer has not appealed the decision.

[In November 2024](#), permission for a judicial review was granted to challenge the government's decision to award oil and gas licenses in the North Sea, on the basis of a failure to account for the environmental impact of oil spills and the climate crisis.