

Your guide to...

R (CAFFYN) v SHROPSHIRE COUNCIL [2025]

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R (Caffyn) v Shropshire Council [2025] EWHC 1497 (Admin)

In this case, River Action board member Dr Alison Caffyn challenged Shropshire Council's decision to grant permission for a 200,000-bird Intensive Poultry Unit (IPU) in the River Severn catchment.

Dr Caffyn argued, amongst other things, that the Council failed lawfully to assess the effects of the spreading of manure (arising from the unit) in digestate form on third party land, in contravention of the Town and Country Planning (Environmental Impacts Assessment) (EIA) Regulations 2017. River Action also argued that the Council did not carry out a lawful Habitats Regulations Assessment (HRA), since it failed to assess the full in-combination effects of the unit before granting permission.

The judge found that the council had failed lawfully to assess the effects of the planned spreading of digestate on third party land. It did not matter that the processing of manure at an anaerobic digester was considered to be "mitigation": such processing did not break the chain of causation. The effects of spreading digestate on third party land did not amount to conjecture or speculation. There are no identifiable reasons as to why the council considered that such assessment did not need to happen.

The judge also found that the council had acted unlawfully by accepting the advice of officers that the project "alone, or in-combination with any other projects, would not result in adverse effect on site integrity", given that officers had (wrongly) excluded from their assessment "later projects subject to" the environmental permitting regime. What officers had done was fail to look at the in combination effects of projects which were subject to an environmental permit, but not a planning application or permission. Local planning authorities

should, following the judgment, carry out searches for relevant environmental permits when carrying out any in combination assessment for the purposes of the EIA or Habitats Regulations regime.

The judgment establishes that local planning authorities may be required, under the EIA Regulations, to assess the effects of spreading digestate on third-party land before granting permission for EIA development and that any manure arising from this particular IPU will need to be treated before being applied to third-party land. The judgment also confirms that councils, when carrying out an in-combination assessment under the Habitats Regulations, must assess the effects of projects whose effects have not been assessed as part of the planning process and which need new or varied environmental permits.

This is an important judgment to refer to if you believe that a development might lead to impacts to a river or watercourse.

The judgment can be found [here](#).