

Updates, cases and other materials

The King (on The application of Animal Equality UK) v North East Lincolnshire Borough Council and ASL New Clee Limited [2025] EWHC 1331 (Admin), 2025

By Adam Waite

Facts

In this case, an animal protection charity, Animal Equality UK ("the Claimant"), challenged the decision of North East Lincolnshire Borough Council (the "Defendant") regarding its approval of the UK's first wholly onshore salmon farming operation proposed to be developed by the salmon farming operative and owner of the site ASL New Clee Limited.

The project had drawn objections from residents and the Claimant, who raised serious environmental and animal welfare concerns, including the potential suffering of the farmed fish and the operation's wider impacts. In a letter to the Planning Committee before the decision, the Claimant (with input from an aquatic veterinary expert) warned that keeping salmon in high-density on-land tanks could cause severe welfare issues – including pain, disease, high mortality rates and even cannibalism – and noted the risk of mass die-offs if systems failed¹.

The Council's Planning Committee nonetheless voted 7–4 on 29 November 2023 to approve the development, and formal planning permission was issued on 1 December 2023. This prompted the Claimant to seek a judicial review of the decision in the High Court. The Claimant was permitted to challenge the grant of planning permission on one ground, which was an allegation that the Council's planning committee was materially misled in having been advised that animal welfare concerns were not a "material consideration" to be taken into account in their decision making.

The Claimant's argument was that the planning committee had been advised that fish welfare and moral concerns were not material, relying on both

¹ The King (on the application of Animal Equality UK) v North East Lincolnshire Borough Council -and- ASL New Clee Limited, para 4.

the contents of the Officer's Report, which included a paragraph stating that "Regarding fish welfare and the moral concerns of fish farming that have been raised...whilst these concerns are noted they are not considered to be material land use planning considerations"², and the oral advice given at the committee meeting from the officer that "the moral side of what is being proposed" and "the welfare of the fish involved" were "not considered a material consideration"³.

The Claimant did not seek to persuade the Court that the committee was required to take the welfare of the fish into account, but rather that the committee should have been advised that it was open to them to do so if they wished.

The law

Section 70(2) of the Town and Country Planning Act 1990 requires planning authorities to have regard to (among other things) all "material considerations". The Court confirmed that whether or not a decision-maker chooses to take into account something which is a lawful material planning consideration is a matter of discretion for the committee. The only exception being where a material consideration is so obviously material that a decision maker is required to take it into account.⁴

Likewise it is for the planning authority to decide what weight should be given to a material consideration.⁵

The decision

Deputy High Court Judge Ridge dismissed the claim and upheld the council's decision to grant planning permission for the onshore salmon farm. The Court affirmed that animal welfare concerns were capable of constituting a material consideration as a matter of law, but in this case the planning committee was not materially misled regarding the materiality of such concerns when granting permission.

The Court pointed out that the Officer's Report is not a legal report and is not to be subject to "overly

² Ibid. at para 7.

³ Ibid. at para 33.

⁴ Ibid. para 20.

⁵ Ibid. para 21.



forensic examination”.⁶ Likewise, that words used in a committee meeting should not be “forensically dissected”.⁷ In that context the Court did not accept that the words “those concerns are noted” in the Officer’s Report meant that they could not be taken into account in the assessment, nor that the words “they are not considered to be” were literary flourish, but instead flagged the view of the planning officer that concerns in relation to fish welfare are not material to the decision⁸. Thus they were an expression of professional opinion as to materiality⁹ rather than a categorical legal direction. The report had asked - not told - the committee not to consider animal welfare concerns.

Analysis

This case is the first reported High Court decision to explicitly address animal welfare as a factor in planning for an intensive animal facility¹⁰, and although the challenge was ultimately dismissed, the case is legally significant for animal law in the

planning context.

The Court’s explicit affirmation that animal welfare concerns are capable of constituting a material consideration as a matter of law is significant, and has been described by the Claimant in this case as a “precedent-setting moment”,¹¹ and a “landmark legal victory”¹² on the basis that planning decision-makers who deliberately fail to acknowledge that animal welfare can be considered could now be subject to judicial review proceedings.¹³

Others have commented that the case is part of a wider trajectory of societal and legal developments affording increased legitimacy to animal welfare concerns as part of the planning process,¹⁴ comparable to how climate change and air quality have gradually become central to planning.¹⁵

6 Ibid. para 42.

7 Ibid. para 56.

8 Ibid. para 45.

9 Ibid. para 45.

10 Morris Poxton I “Salmon farm approved after legal challenge” (BBC News, 5 June 2025) citing Alex Shattock who represented the Claimant in this case (<https://www.bbc.co.uk/news/articles/cn4qp7nll22o>) [accessed 31 November 2025]

11 <https://animalequality.org.uk/news/2025/06/16/animal-equality-secures-landmark-legal-victory-for-animal-welfare-in-planning-law/> [accessed 26 October 2025]

12 Ibid 2. [accessed 26 October 2025]

13 Ibid 2. [accessed 26 October 2025]

14 Bowles, E. “Animal welfare as a material consideration in planning law” (The Law Society Gazette, 16 September 2025) <https://www.lawgazette.co.uk/practice-points/animal-welfare-as-a-material-consideration-in-planning-law/5124475.article> [accessed 26 October 2025].

15 Bowles, E. “Animals matter as we plan our world” (the Ecologist, 20 October 2025) [accessed 26 October 2025].

Conclusion

While historically animal welfare has not featured prominently in planning decisions, this case squarely raised the question of whether concerns about the treatment of animals (in this case, intensively farmed fish) could play a role in planning approval.

Following this case, it is confirmed that if an aspect of animal welfare is relevant to the use of the land or the nature of the proposed operation, it can be weighed alongside other planning considerations (such as loss of ecological habits, noise and disturbance, visual amenity, etc.). However, the judgment also draws a line: planners are not obliged to consider welfare in every case, and they can legitimately decide to disregard animal welfare issues if, in their judgment, those issues are not pertinent to the planning decision. This dynamic essentially brings animal welfare into the conversation in planning, even if it will not always prevail. Animal advocates will view this direction of travel in planning law as an encouraging development.

The Moral Value of Companion Animals: Are they Someone or Something?

By Angie Vega

***At a Glance:** As other areas of the law continue to evolve to recognize the significance of the relationship between humans and their nonhuman family members, it is time for a reform that allows compensation of damages truly suffered as opposed to mere fair market value, which, interestingly, is nothing but unfair.*

Seeing dogs and cats in holiday pictures sent to friends and family is not unusual. From celebrating their birthdays and making them part of important family events to paying for specialized food and veterinary care and acquiring health insurance, companion animals have gone from being pets or even best friends to being considered cherished family members.

Throughout history, humans and their companion animals have had a range of relationships. For instance, humans used to have dogs and cats for utilitarian purposes, where they would live outside and provide some sort of service to their master, such as herding animals, hunting 'pests' or food, or guarding the home. There might have been affection towards one another. Nevertheless, it was fair to expect their lives to be cut short at any moment due to diseases or other animals.

Today, this relationship looks very different. The bond between humans and nonhuman animal companions has significantly evolved and is stronger than ever.¹ Companion animals are treated by the average family as full family members, where they provide companionship and happiness. In addition, studies have shown that having a pet can improve mental health, reduce stress, and lead to a longer, healthier life.² They are different from many other animals in that we live with them, give them a name, and do not eat them.³ In today's world, it is

¹ The Human Animal Bond Research Institute (HABRI), New Research Confirms the Strong Bond Between People and Pets is a Global Phenomenon, 95% Worldwide Say Pets Are Family <<https://habri.org/pressroom/20220116>> (accessed January 28, 2025).

² National Institutes of Health, The Power of Pets, Health Benefits of Human-Animal Interactions <<https://news-inhealth.nih.gov/2018/02/power-pets>> (accessed January 28, 2025); FEDIAF EuropeanPetFood <<https://europeanpetfood.org/pets-in-society/health-benefits/>> (accessed January 28, 2025).

³ Irvine & Cilia, Morethanhuman families: Pets, people, and practices in multispecies households <https://www.academia.edu/35990445/More_than_human_families_Pets_people_and_practices_in_multispecies_households> (ac-

not uncommon for people to consider their companion animals as valued members of their family. This phenomenon occurs in most families with a "pet," and families in the United States⁴ and the United Kingdom⁵ are no exception.

The significance of companion animals in our lives has been steadily growing. The evolving needs and dynamics of society have profoundly impacted our relationship with these beloved animals. Busy schedules, smaller families, and moving to urban areas are some of the factors that have brought humans closer to their companion animals.⁶ The advance of veterinary medicine and technology is a critical factor as well. Dogs and cats are living longer than ever.⁷ Parasite control treatments allow us to have a relationship with animals without worrying that they will make us sick. In addition, many of yesterday's deadly diseases are treatable today. It can be asserted that when someone welcomes a dog or a cat into their family, they do so with the expectation of forming a deep and enduring bond. This assumption is based on the understanding that that animal will likely have a relatively long lifespan, allowing ample time to create a strong and meaningful connection. As that bond develops and grows stronger, it becomes more difficult to watch them endure pain. Studies even show that humans grieve their nonhuman animal companions like they grieve close family members.⁸ Indeed, the choice to welcome an animal into the family is far from random. People make this decision because animals bring genuine happiness and a profound sense of purpose, but also under the understanding that their responsibility towards their new non-human family member will extend over the long haul.

It is no secret that people love their animals, not like they love a valuable piece of jewelry, but as family members. For instance, in 2022, around 94% of people with companion animals in the U.S.⁹ and

4 Southern Methodist University, Dedman College of Humanities and Sciences, Pets on board: Meet the multispecies American family, <<https://blog.smu.edu/dedmancollege/2021/07/14/pets-on-board-meet-the-multispecies-american-family/>> (accessed January 28, 2025).

5 Warwick Knowledge Centre, Has COVID-19 changed our relationship with pets and other animals?, <https://warwick.ac.uk/newsandevents/knowledgecentre/society/sociology/animals_and_covid19/>.

6 See Morethanhuman families: Pets, people, and practices in multispecies households.

7 Almo Nature, Dogs and Cats Are Living Longer: The Study <<https://blog.almonature.com/en-gb/dogs-and-cats-are-living-longer-the-study>>.

8 Behler, Green, and Joy-Gaba, "We Lost a Member of the Family": Predictors of the Grief Experience Surrounding the Loss of a Pet <<https://www.cabidigitallibrary.org/doi/full/10.1079/hai.2020.0017>> (accessed January 29, 2025).

9 PR Newswire, Pets as (Affluent) Family Members

the U.K.¹⁰ considered them part of the family.

But how about the law? Does the legal system value companion animals in the same way as society does? The U.S. and the U.K. legal systems have evolved differently in many aspects. However, when it comes to the legal treatment of animals, both countries, as with the vast majority of other countries, classify them as property – a chattel, just like a toaster, a phone, or a computer.¹¹ At first glance, this may not seem problematic and may even seem logical to many. After all, legal systems are built around the notions of persons and property. However, the strict interpretation of this classification poses some deeper issues, particularly to those that highly regard their nonhuman animals within the context of their family.

When a companion animal is harmed by the intentional or negligent conduct of a third person, the "owner" of the companion animal can file a lawsuit against the tortfeasor for the harm or loss suffered by that person. The same principle applies in both the U.S. and the U.K. The goal is to put the injured party in the same position they would have been in if the tort had not occurred – to make the plaintiff whole. This area of the law has been developed through case law. The remedies in torts are damages, which provide financial compensation to the plaintiff for their losses, with the goal of compensating the plaintiff, not punishing the defendant.

Let's illustrate this issue. Imagine your beloved 7-year-old mutt dog, Benny, is beaten up by your neighbor because he went onto his property. You have been together for many years, and even though he may not be as energetic and may even have some health issues, your love for him is ever-growing. You take him to the vet regularly to ensure he is healthy. You go for walks together, watch TV, and cuddle at night. Benny means the world to you! You love him unconditionally, and he gives you happiness and purpose in return. Benny does not die immediately. However, he undergoes extensive treatment and stays at the hospital for many days. You become anxious and stressed. Focusing at work becomes almost impossible. You cannot sleep, wondering how Benny must be feel-

Drive Durable Product Sales <<https://www.prnewswire.com/news-releases/pets-as-affluent-family-members-drive-durable-product-sales-301560524.html>> (accessed January 29, 2025).

10 Pets Magazine, Majority Consider 'Pets to be Family,' Finds Major Charity Poll of Pet Owners <<https://www.petsmag.co.uk/charity-reveals-findings-of-largest-ever-survey-of-uk-pets-and-their-people/>> (accessed January 29, 2025).

11 Farrer & Co LLP, Pets are also chattels!, <<https://www.farrer.co.uk/news-and-insights/pets-are-also-chattels/>> (accessed January 29, 2025).

ing. You wonder whether he is confused, in pain, and probably thinking you abandoned him. Your life turns upside down by the thought of losing him. Ultimately, Benny passes due to his injuries. You are devastated. You thought you had at least a few more years to experience fond moments together. However, he has been abruptly taken away from you. Certainly, Benny cannot be brought back to life, and you cannot bear the thought of welcoming another dog into your home. To you, Benny was indeed irreplaceable.

If Benny were a human family member, you would have a number of claims available to recover for your emotional injuries depending on where you are. Unfortunately, the value of companion animals is yet to be reflected in the legal system. As property, the current valuation of companion animals (including Benny) is based on their market value – the commercial value they had prior to the injury or death, the same as if someone had damaged or destroyed an item of personal property. The remedy for trespass to chattels or conversion of personal property or goods is special or economic damages; to the law, Benny is not more than that. How about the emotional distress, pain, and suffering, or in other words, the emotional damages suffered by their families? Is it taken into account when calculating damages suffered? The short answer for both countries is — most likely not.¹²

To some, it may seem like the right approach. Ultimately, economic damages are readily ascertainable and predictable. However, in tort law, the purpose of damages is to compensate plaintiffs for their loss. The value of a dog like Benny is not economical. It is sentimental! The reality is that very few people are concerned with the economic value of their dogs and cats, and unless an animal is purebred, has special training, or represents some commercial utility, they most likely have a nominal value at best. In turn, bringing a civil lawsuit will likely represent high attorney fees and court costs, compared with the possibility of being awarded the purchase or adoption fee of the companion animal at most. What does this mean? It means that under the current system, companion animal owners are not being compensated for their actual loss, but rather for a loss they do not bear. Moreover, the actions of tortfeasors lack significant deterrents, allowing them to harm other people's companion animals without real consequence.

Sentimental injuries are indeed more challenging to determine. That is why they are compensated in limited circumstances, such as in personal injury

¹² See Torts (Interference with Goods) Act 1977 for the U.K., available at <https://www.legislation.gov.uk/ukpga/1977/32/contents>; The Restatement (Third) of Torts § 217.

cases and wrongful death. However, this difficulty is not a valid reason to ignore them. On the contrary, the relationship people build with their companion animals is so unique and relevant that it should guarantee that they can recover for their emotional damages. Ultimately, we live with our companion animals; they take part in our daily lives and are distinguished from other animals. They depend on us, and we emotionally rely on them as well. It is a task for the legal system to determine a way to provide compensation, allowing plaintiffs to recover for their injuries, which are predominantly emotional in companion animal cases.

Some areas of the law have started to reflect the value of companion animals in today's society — more specifically, divorce cases, trusts law, and even the law of judicial liens. Some states in the U.S. have even started to enact hot car laws (more than half of the 50 U.S. states) to protect animals in hot cars,¹³ similar to laws that protect children. However, the development in the area of torts remains rather dull. While the U.K. and the U.S. continue to deny recovery based on dated arguments, such as the long-standing principle that companion animals are property and that allowing recovery of general damages would open the floodgates of litigation, other countries legally recognize that today's modern family is multispecies, in which animals play the role of beloved family members.¹⁴

As other areas of the law continue to evolve to recognize the significance of the relationship between humans and their nonhuman family members, it is time for a reform that allows compensation of damages truly suffered as opposed to mere fair market value, which, interestingly, is nothing but unfair. Perhaps, a law is more appropriate to move forward in tort law, where the circumstances of recovery and limitations are clearly delineated. In that way, there is a system in place that provides adequate compensation and avoids the possibility of unrestrained damages. This would be a win not just for plaintiffs but also a small win for companion animals whose place within the family ought to be legally recognized.

Angie Vega is animal law fellow at Michigan State University. She has used her civil and common law expertise to advance animal law in the academic field. Her scholarly work explores the intersectionality of animal law with other areas and how to improve animal protection and advance the interests of animals within the legal system. Angie's legal research and

¹³ Wisch, Table of State Laws that Protect Animals Left in Parked Vehicles <<https://www.animallaw.info/topic/table-state-laws-protect-animals-left-parked-vehicles>>.

¹⁴ See cases in Spain, Portugal, Colombia, and Argentina.

teaching focus on topics such as the human-companion animal bond, animal law in Latin America, Animal Rights, and the Rights of Nature. She created the Animal Law Latin American Collection on the animallaw.info website, where she has also written articles on various topics. Angie is the Regional Director for Latin America, the Caribbean, and Oceania for World Moot on International Law and Animal Rights, an HSUS Humane Policy Volunteer Leader, a Mercy for Animals Detroit Hub member, and a UN Harmony with Nature Expert.

Is a British Chicken a Legal Subject Under UK Law?

By Edie Bowles, Executive Director, The Animal Law Foundation

Each year, millions of chickens are bred, raised and slaughtered in the United Kingdom. They are regulated, inspected, transported, killed and consumed within a dense web of legislation. And yet a fundamental question remains surprisingly unresolved: is a commercially farmed British chicken a legal subject under UK law, or merely an object of regulation?

At first glance, the answer appears straightforward. The law recognises animals as sentient beings and the Animal Welfare Act 2006 makes it a criminal offence to cause them unnecessary suffering. Farmed chickens are “protected animals”, and those responsible for them owe positive duties of care. This seems to mark a clear departure from the idea of animals as property alone.

But legal subjecthood is not simply about being mentioned in legislation. It is about whose interests the law is structured to protect, whose perspective matters, and who can meaningfully be wronged in law. On closer examination, the chicken's status becomes far more ambiguous.

Recognition without standing

UK animal welfare law is built on an enforcement model in which humans police harms done to animals, not one in which animals themselves hold legal standing. Chickens cannot bring claims. Breaches of welfare law are rarely prosecuted, if at all, and this prosecution is often at the discretion of local authorities who are under-resourced.

The chicken's suffering is legally relevant only insofar as it triggers duties imposed on humans. Even then, enforcement tends to focus on egregious or individual misconduct, rather than systemic practices affecting millions of animals simultaneously. In this sense, the chicken is recognised, but not empowered.

Crucially, the current application of the law does not encounter the chicken as an individual being. It encounters chickens as populations, units of production, and statistical tolerances. Welfare is assessed through mortality rates, growth curves, stocking densities and acceptable percentages of lameness or injury. Suffering largely becomes legally visible not when it occurs, but when it ex-

ceeds a predefined threshold.

Welfare law and the normalisation of harm

This ambiguity becomes starker when welfare law is examined in practice. The Welfare of Farmed Animals (England) Regulations 2007 prohibit keeping animals in conditions that harm their health or welfare, including where their genetic characteristics cause suffering. Yet fast-growing broiler chickens, whose biology is intrinsically linked to pain, lameness and organ failure, remain dominant.

The litigation brought by The Humane League UK exposed how legal concern is activated only when welfare indicators reach a certain "trigger". So long as mortality and body condition remain within "expected" industry ranges, the system continues unchanged.

In this way, suffering is normalised by law. The question is not whether chickens suffer, but whether too many suffer, too quickly, or outside anticipated parameters. The individual chicken disappears into averages.

The same logic is visible at the point of handling. When it became clear that existing transport regulations prohibited lifting chickens by the legs, a practice known to cause pain and injury, the government did not enforce the prohibition. Instead, it amended the law via a statutory instrument to exempt chickens and turkeys. Where individual suffering conflicted with industrial efficiency, the law recalibrated the threshold.

So, is a British chicken an individual legal subject?

In practice, not yet.

UK law recognises that chickens can suffer, but its application does not organise itself around preventing that suffering when it is profitable or routine. Instead, it manages suffering through metrics, tolerances and trigger points. Chickens are treated as numbers to be regulated, not as beings to be protected.

But this is not inevitable. There is a compelling argument that animal welfare law has a different conception: one in which the law exists for each individual chicken, not for the smooth operation of systems that use them. Indeed, taken seriously, the recognition of sentience and the prohibition of unnecessary suffering exists on an individual basis not past a given threshold.

Currently, the law sees the chicken, but the law does not yet speak for the chicken; however, there is nothing that says it should not.

About The Animal Law Foundation

The Animal Law Foundation is a legal research and action charity that looks into neglected areas and where appropriate will instruct lawyers to bring legal challenges to ensure any systems in place to protect animals function as they should.