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Wales

Consultation

Ammonia and nitrogen
assessments for farm
developments that require an
environmental permit or planning
permission

GN020: Guidance on ammonia assessment

Published by:

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Summary

In 2017 NRW updated the guidance available on how to carry out ammonia assessments for farm developments that required planning permission or an environmental permit. The guidance was aimed at ensuring the same standards were applied to developments that had the potential to adversely affect the environment. In 2017 we stated that a review of the guidance would be carried out in 2019. This consultation is a result of that review.

The review showed the following issues:

- The guidance was not clear or accessible
- The screening distance for large farms was not sufficiently protective
- The screening distance for smaller farms was overly conservative
- Case law since 2017 suggested that the use of screening thresholds for in-combination assessments was not justified
- The use of protected sites to assess environmental effect was not consistent with the aims of the Environment (Wales) Act 2016
- The requirement to produce additional assessments for permitting, when an Environmental Impact Assessment (EIA) had already been produced for a planning application, was an additional burden for applicants
- It was not clear what type of developments the guidance could be used for

As a result, we have made the following changes:

- We will use the information produced for the Town and Country Planning Act EIA to determine a permit, and use the same thresholds where that information is available
- We will use a variety of screening distances based on the type of development and the number of animal places proposed, reducing the distance for the smaller units and increasing it for the larger units.
- We will produce a map of species and habitat locations around which extremely strict controls and detailed modelling is likely to be a requirement; this may include, but not necessarily be limited to, Natura 2000 sites.
- We will remove the 1% screening threshold of insignificance for in-combination assessments.
- We will use the critical level to inform whether the proposed development will harm the species or habitat.
- We withdraw OGN 41 and only use GN 020
- We will make the guidance accessible and collate all the required information into a single source
- The guidance will be applicable to all developments that emit ammonia and require either planning permission or an environmental permit

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1 About this consultation

This is an explanatory document that provides an outline of the guidance we are consulting on, and an overview of the reasons for the changes. It is designed to help you understand and comment on them.

The consultation will run for 12 weeks from TBC

1.1 What we are consulting on

The draft guidance note GN 020, that shows how we expect assessments of the impact of ammonia emissions from developments that emit ammonia to be carried out for permit applications, and the standards we would expect if we are consulted on planning applications.

1.2 What this consultation means to you

We think that this consultation will be of particular interest to:

Operators, trade associations, and business:

This is your opportunity to ensure that the guidance note works for you and your industry but also provides the necessary protection to the environment. We would welcome any suggestions you may have for changes that make it easier to use whilst maintaining the protections mentioned.

Other regulators, the public, community groups and non-governmental organisations with an interest in environmental issues:

This is your opportunity to ensure that the guidance note works to provide the necessary protection to the environment and human health, whilst still being useful to industry.

2 Why is Ammonia an issue?

2.1 Ammonia

Ammonia can have a significant effect on human health and the environment. Most Ammonia emissions come from agriculture and adversely affect the environment close to the release point. Plants that are sensitive to ammonia have evolved in a low nutrient environment and are able to utilise very small concentrations of nutrient. When these plants encounter higher levels of Ammonia they cannot grow and tend to die. The loss of these sensitive plants leads to a change in the way the ecosystem functions and affects the food available in that ecosystem. In turn this has an adverse effect on the whole food web leading to a loss of species.

Ammonia is also a very reactive gas and forms other compounds in the air that become pollutants away from the source. This includes the very fine particulate matter pollution that forms in urban areas from the interaction between Nitrogen Oxides and Ammonia.

This guidance aims to ensure that when a planning permission or environmental permit is approved, the development is in the correct location and employs the appropriate technique to control the emissions. In this way we can ensure that the environment and public health of Wales are protected and that our farming industry grows in a sustainable way.

2.2 Why have guidance?

We want to ensure that the farming industry has a clear set of rules to follow and can get information easily. We also want to ensure that biodiversity can be enhanced in those areas of Wales that are extremely sensitive to ammonia pollution and that these areas are protected for future generations to enjoy.

Some areas of Wales have very high background levels of Ammonia and any development will need to employ appropriate techniques to reduce pollution and prevent harm to sensitive species. In other areas where there may not be any sensitive species, or where the level of ammonia is very low, emissions controls will be lighter. In this way we can ensure the appropriate development for that place is carried out.

This guidance is designed to ensure that detailed modelling is carried out where needed and that a safe ammonia level is not exceeded at sensitive sites.

3 Proposed changes

3.1 Screening distances

Our specialist modelling team have re-assessed the levels of emissions from intensive poultry developments at the screening distances we have been using since 2017. This showed that for larger developments, especially laying units, the 5km screening distance could result in an adverse effect on a sensitive species beyond this distance.

It also showed that for smaller farms, housing fewer than 32,000 birds, a smaller screening distance would be appropriate.

3.2 Protected species and habitats

We will produce a map of sensitive species/locations which will include those SAC and SSSI where sensitive species exist, but exclude those not sensitive to ammonia pollution. The map will also include areas where we have evidence that sensitive species exist but may not be currently protected under the Natura 2000 network of sites.

The aim of this approach is to comply with the Environment Wales Act Section 6 duty to protect sensitive species whilst ensuring that sites in the current Natura 2000 network that are not Ammonia sensitive do not stop development in that area.

3.3 In-combination assessment

The case of *Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority* [2017] EWHC 351 found that it was not appropriate to use screening thresholds to remove emissions from in-combination assessments. Therefore, in our revised guidance all emissions, including those whose contributions are below 1% of the screening threshold, need to be included in the in-combination assessment. If an in-combination assessment is not required, then the 1% screening threshold remains valid.

3.4 When is detailed modelling required?

A detailed modelling assessment will be required if your process contribution is above 1% of the critical level and critical load at a sensitive site within the screening distance or if the background levels exceed the critical level.

Some sites are particularly sensitive to ammonia. In those situations, if your contributions are below 1% of the screening threshold, detailed modelling may be required.

We will no longer use 8% as the maximum contribution, all developments will relate to the appropriate level of ammonia for the receiving environment.

3.5 Aligning with the requirements of EIA

The Town and Country Planning Act requires an EIA if the criteria in Schedules 1, 2 and 3 are met. We have used the same criteria for livestock numbers in this guidance and we will use the information provided for the EIA in the determination of the environmental permit. Aligning the requirements prevents the need to redo the assessment for a permit application.

4 Consultation questions

This consultation is your opportunity to comment on our proposed amendments to the guidance.

We would particularly welcome your feedback on the questions below:

1. Is the guidance clear, do you know what is required?
2. Does the draft document link to the required information sources, is all the information accessible from the draft document?
3. Is aligning the guidance to assist both EPR / Town & Country Planning / EIA helpful?
4. Is any additional information needed?
5. Any further comments?

5 Responding to this consultation

5.1 Important dates

This consultation opens on 11th May 2020 and runs until 31st August 2020.

5.2 How to respond

You can view the consultation documents and questions online at <http://naturalresources.wales/?lang=en>

If you would like to ask for a printed version of the document to be posted to you, please contact our Customer Contact centre via email, telephone or post:

Email permittingconsultations@naturalresourceswales.gov.uk

Phone 0300 065 3000

Mail Natural Resources Wales, Ty Cambria, Newport Road, Cardiff, CF24 0TP

You can submit your response by email or letter. Please send your completed responses by 31st Awst 2020 to the address above.

5.3 What will the responses be used for?

We will use the responses from this consultation to ensure the guidance is as clear and user friendly as possible. If evidence is provided that requires us to change the guidance we will explain how and why the changes have been made.

5.4 How we will use your information

Throughout the consultation we will make all comments (apart from personal information) publicly available on our website in line with the General Data Protection Regulations (GDPR) 2018. This includes comments received online, by email and post, unless you have specifically requested that your response be kept confidential. Only names of organisations that respond and not individuals will be published.

If you respond online or provide an email address, you will receive an acknowledgement of your response. After the consultation has closed a summary of the responses will be published on our website in September 2020. You will be contacted to let you know when this is available.

In accordance with the Freedom of Information Act 2000, we may be required to publish your response to this consultation but will not include any personal information. If you have requested your response to be kept confidential, we may still be required to provide a summary of it.

We would also like to contact you about other consultations

If you consent to receiving further information in relation to consultations from us please tick the box to confirm

If you have any further queries or concerns, please contact dataprotection@naturalresourceswales.gov.uk.

For further information on the processing of your personal details please see our [Privacy Notice](#) page on the website.