

Description: A case concerning the Environment Agency's approach to assessing ammonia pollution from intensive farming, and whether its screening methods properly protect sensitive nature sites from potential harm.

Case Overview

Background/Complaints Summary

This assessment concerns the approach taken by the Environment Agency (EA) when assessing ammonia emissions from intensive agricultural activities and their potential impact on protected sites in England.

In October 2024, the OEP [concluded an investigation](#) examining the standing advice that the Department for Agriculture, Environment and Rural Affairs (DAERA) provided to planning authorities and other competent authorities in relation to assessing the impacts of agricultural ammonia emissions on certain protected sites in Northern Ireland.

This advice, commonly referred to as 'the Operational Protocol', directed competent authorities to apply screening thresholds which were not scientifically robust and risked screening out plans or projects which were likely to damage or have a significant effect on protected sites from the need for further assessment. The OEP concluded that DAERA's use of the standing advice (now withdrawn) had constituted a failure to comply with environmental law.

Drawing on lessons learned from our investigation, in August 2025 the OEP began work to better understand how public authorities in England assess the impact of agricultural ammonia emissions on protected sites. This included consideration of the EA's process for evaluating ammonia-related impacts before granting consents, permits and licenses for intensive agricultural activities and industrial activities that require Pollution Prevention and Control Permits under the Environmental Permitting (England and Wales) Regulations 2016.

After initially informing the EA of our interest in this topic on 19 August 2025, the OEP issued an information request on 24 September 2025. Specifically, the request sought clarification of the scientific basis for the EA's ammonia screening practices. The EA responded on 5 November 2025.

While the EA formalised several improvements to its assessment process in relation to Special Areas of Conservation, Special Protection Areas and Ramsar sites on 22 August 2025 ([Intensive farming risk assessment for your environmental permit – GOV.UK](#)), following the EA's response, we identified an outstanding area of concern regarding the use of screening distances for these protected sites. In this context, a 'screening distance' is a term used to refer to a threshold that is set around a prospective emission source (e.g.

a poultry shed) based on the area that is likely to be impacted by any ammonia emissions that it produces. If no protected sites can be located within this area – set at 5km for agricultural emissions of ammonia for Special Areas of Conservation, Special Protection Areas, or Ramsar sites – the EA excludes an application from further assessment on the grounds that the emission source is not likely to damage, or cause adverse effects to, any protected sites.

As with elements of the Operational Protocol, the OEP had not been provided with evidence which enabled us to rule out the possibility that farms located beyond 5km from a protected site could damage or have a significant effect on these protected sites. This created a risk of developments being incorrectly ‘screened out’ without taking proper account of the full environmental impacts of those developments, in accordance with the EA’s duties under The Conservation of Species and Habitats Regulations 2017.

The EA’s response to our information request explained that the 5km threshold was originally informed by a modelling study carried out by its Air Quality Modelling and Assessment Unit (AQMAU) based on historic approaches that it took to the assessment of ammonia-related emissions on protected sites. It confirmed that the AQMAU had made recommendations in 2023 for new screening distances to be adopted based on the EA’s updated assessment approach, but that this had not yet happened.

OEP Actions

The OEP reviewed the EA’s information request response in full. From this, the OEP concluded that there was information which indicated that the EA’s ammonia screening process may fail to comply with environmental law. Specifically, the continued use of the 5km screening distance risked potentially harmful developments not undergoing the necessary level of environmental scrutiny before being granted consents, permits or licenses.

The OEP therefore wrote to the EA on 5 March 2026 to:

- Communicate the OEP’s concerns regarding the continued use of the 5km threshold
- Request a **timebound action plan** setting out how the EA intends to update its screening distances in line with recommendations made by its AQMAU
- Request that the EA outline any **interim measures** it will implement to manage risks until new distances are adopted

The OEP’s intervention focussed solely on securing timely correction of the distance threshold to ensure compliance with the precautionary requirements of The Conservation of Habitats and Species Regulations 2017.

Conclusions and Outcomes

The OEP concluded that there was an indication of a potential serious failure to comply with environmental law, arising from the EA’s continued application of the 5km screening distance. Evidence from the EA confirmed that a generic 5km screening distance was not always protective of those sites at risk of damage from ammonia pollution.

The EA committed to provide the requested action, which was received on 24 April 2026. In their response the EA have stated they will replace the current Ammonia Screening Tool with the SCAIL agriculture tool, which uses air dispersion modelling to provide more robust and powerful screening results. They also state they will replace the existing blanket 5km screening distance with a new range of 3-10 km using the total farm mass emissions approach. They anticipate these actions to be completed by the end of August 2026, with a two-month contingency period until the end of October 2026.

In response to our request for details of any interim measures which will be implemented by the EA, they state that they are prioritising the completion and rollout of the final proposed changes as quickly and efficiently as possible, as opposed to expending time and resources to develop and deliver an interim approach.

Given that the timebound action plan should see results over the next six months, we accept the decision to not develop an interim approach. We intend to monitor the progress the EA makes in line with the timebound action plan they have provided. At this stage we are satisfied that the proposed action plan will address the identified risk and provides a proportionate path to compliance without requiring statutory enforcement.