

Press release: Shropshire farmer fined £16,000 for environmental offences

On 16 April 2018, Telford Magistrates' Court fined the 55 year-old £16,000 and ordered him to pay £20,000 in costs, along with a £170 victim surcharge.

The charges were brought by the Environment Agency under the Nitrate Pollution Prevention Regulations 2008 and Sections 24(1) and (4) of the Water Resources Act 1991.

The Environment Agency discovered that between May 2015 and April 2017, the Defendant had abstracted on average over 20,000 litres of water per day from a borehole on the farmland without an abstraction licence.

Between October 2016 and April 2017, Mr Fair was abstracting an average of 67,000 litres of water per day, more than three times the legal limit. This water was being used in farming activities but was also being supplied to eight nearby tenanted properties.

Evidence gathered by Newcastle-under-Lyme Borough Council between December 2014 and May 2016 revealed that the water supplied to these properties was failing quality standards for nitrates.

A formal notice was served on Mr Fair on 13 October 2015, requiring him to notify the residents of the supplied properties advising them that the water was not fit for consumption due to high nitrate levels. The notice was withdrawn in May 2016, as a result of improvements made to the supply infrastructure by Mr Fair, including installation of a chlorination dosing pump.

Mr Fair's farm lies in an area designated a nitrate vulnerable zone. Farmers practising within these zones are required to plan and record their farming activities, including the application of manures and fertilisers, in a manner prescribed under the Nitrate Pollution Prevention Regulations 2008. The purpose of these Regulations is to protect the environment by reducing nitrate pollution.

In April 2015, the Environment Agency carried out an inspection of farming activities at Peatswood Farm. Mr Fair failed to produce records showing that in 2014 he had carried out the necessary planning and recording of his farming activities under the Nitrate Pollution Prevention Regulations 2008.

As a result of his failure to comply with the Regulations, Mr Fair was reported to the Rural Payments Agency and received a 28% reduction in his Single Farm Payment for the year 2014. The Single Farm Payment is a subsidy designed to help farmers to meet their environmental, public, animal and plant health standards.

In mitigation, Mr Fair's barrister stated that Mr Fair had no previous convictions and was a man of previous good character. He admitted that Mr

Fair had failed in his obligations under the legislation but that he had sought out new professional advice and was working to improve his farming practices. Mr Fair's barrister stated that the high nitrate levels in drinking water had been caused in-part by his tenants removing nitrate filters installed within the properties because they caused a reduction in water pressure. He further stated that Mr Fair had suffered family bereavements in 2015 and 2016.