

# AGRICULTURAL DEVELOPMENTS

ADVICE FOR PLANNING OFFICERS AND APPLICANTS SEEKING PLANNING  
PERMISSION FOR AGRICULTURAL DEVELOPMENTS

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## Scope of this Standing Advice Guidance Document

This Advice Note applies to agricultural developments that may result in the generation of slurry or dirty water as defined by the following legislation. Developments such as machinery stores are not addressed within this Note.

## Legislation and Water Quality

The key legislation, relevant to agricultural developments and their potential impact upon the water environment, is:

- The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (SSAFO) Regulations (Northern Ireland) 2003;
- The Nitrates Action Programme (NAP) Regulations (Northern Ireland) 2014.

(Please note that the SSAFO Regulations apply between 1 December 2003 and up until the 31 December 2014 for the storage of slurry and silage. From the 1<sup>st</sup> January 2015 the legislative requirements relating to storage of slurry and silage effluent are now contained within the NAP Regulations and have been revoked from the SSAFO Regulations. Legislative requirements relating to storage of agricultural fuel oil are currently still implemented through the SSAFO Regulations, however, this is likely to be reviewed in 2016 as part of a review of the Control of Pollution (Oil Storage) Regulations (Northern Ireland) 2010.)

- The NAP Regulations are one of the Statutory Management Requirements for The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2014 and any breach may lead to a penalty being imposed.
- Any construction (or substantial alteration) of silage, slurry or agricultural fuel oil storage, completed after 1 December 2003, and up until the 31 December 2014 must comply with the SSAFO Regulations.
- From the 1<sup>st</sup> January 2015 any construction (or substantial alteration) of silage or slurry storage facilities must comply with the NAP Regulations. SSAFO requirements still apply to agricultural fuel oil storage. As well as design, construction and storage capacity standards, the Regulations require that any new (or substantially altered) silage, slurry and agricultural fuel oil stores are located at least 10m from any waterway.
- It should also be noted that under both of the Regulations Northern Ireland Environment Agency (NIEA) Water Management Unit must be notified of new (or substantially altered) silage, slurry and agricultural fuel oil stores, at least 28 days before they are brought into use. When NIEA has been notified, an inspection may be carried out.

- The applicant should be fully aware that if, subsequently, it is found that silage, slurry or agricultural fuel oil is being stored in facilities (built after 1 December 2003) that do not comply with the Regulations, enforcement action may be taken.

## Slurry and Dirty Water Collection

- Under the NAP Regulations any run-off meeting the definition of slurry must be collected in a slurry tank. Run-off meeting the definition of dirty water as described in the Regulations must be collected with the slurry or in a separate dirty water tank.
- For washings to be considered as dirty water, and, therefore, subject to the measures relating to dirty water under the NAP Regulations, the applicant must ensure the following:
  - The washings must have a Biochemical Oxygen Demand (BOD) no greater than 2000 mg/litre, total nitrogen concentration less than 0.3 kg/m<sup>3</sup> and less than 1% dry matter (as specified in the NAP Regulations).
  - If the farm unit is subject to an PPC permit, it will need to be demonstrated that wash water collection and storage facilities qualify as “best available techniques” (BAT). Construction of storage tanks to the British Standard BS5502 would qualify as BAT – other techniques are not excluded, but it will need to be demonstrated that they qualify as BAT i.e. that they provide a similar or better specification.
- If these conditions cannot be met, any such washings would be considered as slurry under the above Regulations. The tank installed for collection of washings would then have to comply with the SSAFO Regulations or NAP regulations 2014 and any disposal of the collected washings comply with the measures relating to slurry in the NAP Regulations.
- Should a concrete or hardcore apron be placed around a poultry house to assist with litter management around pop holes, all effluent from this apron must be collected as slurry. Any hardcore channels must be lined with an impermeable membrane compliant with the nitrates regulations and the effluent collected as slurry in a nitrates regulations compliant tank.

## Clean Water

- Only clean water, i.e. water not defined as slurry or dirty water, should be disposed of to a soakaway or waterway.
- We would advise that adequate roof guttering to direct clean roof water to storm drainage, would help minimise the volume of dirty water produced at the site.

## Use of a Diverter

Diverter tanks, if correctly managed, can be useful for dealing with yard water around poultry houses that only occasionally requires collection with the slurry or in a separate dirty water tank.

Diverter tanks must not be used in the area around silage clamps as the risk of pollution is too high.

- Should a diverter for the yard be installed it should be fitted prior to the tank to ensure effluent from the tank is not washed through the diverter and to the waterway.
- Before yard water is directed away from a tank to a waterway, the yard should be power hosed clean and the effluent produced, collected for spreading as slurry or dirty water. Failure to manage a diverter system effectively may lead to NIEA requesting removal of the diverter.

## Additional Information

The applicant should view the following link containing further information and a Notification form:

<https://www.daera-ni.gov.uk/articles/silage-slurry-and-agricultural-fuel-oil-ssafo-storage>

<https://www.daera-ni.gov.uk/articles/nitrates-directive>

## Final Comments

Effective mitigation measures must be in place to protect the water environment and surrounding water bodies from any discharge into them that may damage ecological status and to ensure that the Water Framework Directive (WFD) objectives for the water body are not compromised nor the WFD objectives in other downstream water bodies in the same and other catchments.

It is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.



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