
STATUTORY RULES OF NORTHERN IRELAND

2014 No. 307

**The Nitrates Action Programme
Regulations (Northern Ireland) 2014**

PART 4

Storage requirements

General obligations as to storage facilities for livestock manure and silage effluent

14.—(1) Subject to paragraphs (2) and (3) and regulations 15 to 21, the capacity of storage facilities for livestock manure and silage effluent of a holding shall be sufficient and adequate to provide for the storage of all the livestock manure and silage effluent which is likely to require storage on the holding for such period as may be necessary to ensure compliance with these Regulations and the avoidance of water pollution.

(2) For the purposes of paragraph (1), the controller shall have due regard to the storage capacity likely to be needed by the holding during periods of adverse weather conditions when, due to extended periods of wet weather, frozen ground or otherwise, the application to land of organic manure is not permitted.

(3) Subject to regulation 15, the total livestock manure storage capacity on holdings shall be sufficient for at least 22 weeks storage.

(4) All storage facilities for livestock manure and silage effluent shall be maintained free of structural defect, shall be of such standard as is necessary and be managed to prevent run-off or seepage, directly or indirectly, into a waterway or water contained in any underground strata and where applicable shall comply with regulations 16 and 21.

Obligations as to livestock manure storage capacity on pig and poultry enterprises

15.—(1) Subject to paragraphs (2) and (3), on any holding where there is a pig or poultry enterprise or both the total livestock manure storage capacity on the holding shall be sufficient for at least 26 weeks storage.

(2) On any holding with less than 10 breeding sow places or 150 finishing pig places and any holding with less than 500 poultry places the total livestock manure storage capacity on the holding shall be sufficient for at least 22 weeks storage.

(3) On any holding where there is—

- (a) a pig enterprise;
- (b) a poultry enterprise; or
- (c) both a pig and poultry enterprise,

in addition to another livestock enterprise the livestock manure storage capacity on the holding shall be sufficient for at least 26 weeks storage for the pig or poultry enterprise and at least 22 weeks storage for the other livestock enterprise.

Manner of storage of slurry

16.—(1) Subject to paragraph (2), an appropriate person having custody or control of slurry shall store it in a slurry storage system in relation to which the requirements of Schedule 2 are satisfied or which is an exempt structure by virtue of paragraph (3).

(2) Paragraph (1) shall not apply to slurry while it is stored temporarily in a tanker with a capacity not exceeding 18,000 litres which is used for transporting slurry on roads or about a holding.

(3) A slurry storage system is an exempt structure if—

- (a) its construction for the purpose of storing slurry was completed before 1st December 2003; and
- (b) it has not ceased to be an exempt structure by virtue of paragraph (4).

(4) A structure to which the circumstances set out at paragraph (3) apply shall cease to be an exempt structure if—

- (a) any requirement of a notice under regulation 28(1) is not complied with within the period stated in the notice;
- (b) it is substantially enlarged; or
- (c) it is substantially reconstructed, unless, in the opinion of the Department, the risks of pollution will be reduced by such works.

(5) Any reference in paragraph (4) to the period stated in a notice is to that period as extended if it has been extended under regulation 28(6) and any reference in that paragraph to a requirement of a notice is to that requirement as modified if it has been modified under regulation 28(6).

(6) Any appropriate person who proposes to have custody or control of slurry which is to be kept or stored on a holding in a slurry storage system constructed, substantially enlarged or substantially reconstructed on or after 1st December 2003 shall serve notice on the Department specifying the type of structure to be used and its location at least 28 days before it is to be first used for such purpose.

Manner of storage of farmyard manure and location of storage facilities

17.—(1) Prior to land application, farmyard manure shall only be stored on a holding—

- (a) in a midden which shall have adequate effluent collection facilities; or
- (b) subject to paragraphs (2) and (3), in the field where land application will take place.

(2) Where stored in a field, farmyard manure shall be stored in a compact heap and such heaps shall not be placed in the same location of the field in consecutive years or within—

- (a) 50 metres of lakes;
- (b) 20 metres of any waterway, including open areas of water, open field drains or any drain which has been backfilled to the surface with permeable material such as stone/aggregate;
- (c) 50 metres around a borehole, spring or well;
- (d) 250 metres from any borehole used for a public water supply; or
- (e) 50 metres of exposed, cavernous or karstified, limestone features (such as swallow-holes and collapse features).

(3) Where stored in a field, land application of the farmyard manure shall take place within 120 days from placement in that field, and the farmyard manure heap shall not be placed where—

- (a) the soil is waterlogged; or
- (b) the land is flooded or likely to flood.

Manner of storage of poultry litter and location of storage facilities

- 18.**—(1) Prior to land application, poultry litter shall only be stored on a holding—
- (a) in a midden which shall have adequate effluent collection facilities; or
 - (b) subject to paragraphs (2) to (6), in the field where land application will take place.
- (2) Poultry litter shall not be stored in a field heap except under and to the extent granted by an authorisation from the Department in accordance with paragraphs (3) to (6).
- (3) With regard to authorisations—
- (a) an application by an appropriate person for authorisation shall be made on a form provided by the Department for the purpose and accompanied by such information in such form as the Department may reasonably require;
 - (b) the Department shall authorise or refuse an application within 28 days from its receipt;
 - (c) an authorisation of an application for storage of poultry litter in a field heap shall not preclude service by the Department of a notice under regulation 28; and
 - (d) the appropriate person may, within the period of 28 days from the day on which a refusal is made, appeal the refusal under sub-paragraph (b) in accordance with the procedure set out in regulation 29.
- (4) Where stored in a field, poultry litter shall be stored in a compact heap and such heaps shall not be placed in the same location of the field in consecutive years or within—
- (a) 100 metres of lakes;
 - (b) 40 metres of any waterway, including open areas of water, open field drains or any drain which has been backfilled to the surface with permeable material such as stone/aggregate;
 - (c) 50 metres around a borehole, spring or well;
 - (d) 250 metres from any borehole used for a public water supply; or
 - (e) 50 metres of exposed, cavernous or karstified limestone features (such as swallow holes and collapse features).
- (5) Where stored in a field, land application of the poultry litter shall take place within 120 days from placement in that field, and the poultry litter heap shall not be placed where—
- (a) soil is waterlogged; or
 - (b) the land is flooded or likely to flood.
- (6) Where stored in a field, poultry litter shall be covered with an impermeable membrane within 24 hours of placement.

Manner of storage of dirty water

19. Provision for the safe storage of dirty water should be available for those periods when weather and ground conditions, as set out in regulation 8(2), are unsuitable for land application.

Calculation of livestock manure storage capacity

- 20.**—(1) In calculating the livestock manure storage capacity of a holding, the following farming practices may be taken into account—
- (a) the quantity of farmyard manure stored in a midden or field prior to land application in accordance with regulation 17;
 - (b) any solids removed from slurry other than pig slurry by means of a slurry separator;
 - (c) any additional storage available off the holding, by means of a rental agreement;

- (d) any valid contract the holding has with a manure processing facility or demonstrable access to an approved treatment or recovery outlet; and
 - (e) the quantity of poultry litter stored in a midden or field prior to land application in accordance with regulation 18.
- (2) Subject to paragraph (4), the livestock manure storage capacity of a holding may be less than the capacity specified in regulation 14 in relation to—
- (a) sheep, deer and goats which are out-wintered at a grassland stocking rate which does not exceed 130 kg of nitrogen at any time during the period specified in regulation 7(3) in relation to the application of organic manure as calculated in accordance with paragraph (6);
 - (b) livestock (other than dairy cows, sheep, deer and goats) which are out-wintered at a grassland stocking rate which does not exceed 85 kg of nitrogen at any time during the period specified in regulation 7(3) in relation to the application of organic manure, as calculated in accordance with paragraph (6), provided the amount of livestock manure produced on the holding does not exceed 140 kg of nitrogen per hectare per year, as calculated in accordance with regulation 9; and
 - (c) in the case of a mixed holding the nitrogen limit in sub-paragraph (b) shall apply except where the controller of the holding demonstrates to the Department that the livestock out-wintered more appropriately reflects the composition of the livestock applicable in sub-paragraph (a).
- (3) The livestock manure storage capacity of a holding shall be calculated in accordance with—
- (a) the livestock manure production figures specified in Table 6 of Schedule 1; and
 - (b) any further procedures for calculating such storage capacity which may be specified in any guidance issued in accordance with regulation 5.
- (4) A holding falling within paragraph (2) must ensure that—
- (a) out-wintered livestock have free access at all times to the land area required for the relevant stocking rate;
 - (b) land is maintained in good agricultural and environmental condition; and
 - (c) the reduction in storage capacity is proportionate to the extent of out-wintered livestock on the holding.
- (5) Any land used for the purpose of out-wintering under paragraphs (2) and (4) must be under the control of the controller of the holding to which the exemption applies.
- (6) In this regulation, a grassland stocking rate of 130 kg or 85 kg of nitrogen, as the case may be, means the stocking of grassland on a holding at any time by such numbers and types of livestock as would in the course of a year excrete waste products containing 130 kg or 85 kg of nitrogen, as the case may be, per hectare of the grassland when calculated in accordance with the nitrogen excretion rate for livestock specified in Table 1a of Schedule 1.
- (7) In this regulation, mixed holding means a holding where there are sheep, deer, goats or other livestock (other than dairy cows).

Making and storage of silage

- 21.**—(1) Subject to paragraph (3), an appropriate person shall not have custody or control of any crop which is being made into silage, or of any silage, which is being stored unless—
- (a) it is kept in a silo in relation to which the requirements of Schedule 3 are satisfied or which is an exempt structure by virtue of paragraph (3);

- (b) it is compressed in the form of bales which are wrapped and sealed within impermeable membranes (or are enclosed in impermeable bags) and are stored at least 10 metres from any waterway that effluent escaping from the bales could enter; or
 - (c) it is made as bulk bagged silage in bags which—
 - (i) are made of 1000 gauge polyethylene or material of at least equivalent impermeability and durability;
 - (ii) are kept sealed to prevent the escape of silage effluent;
 - (iii) incorporate a facility designed to enable the safe removal of excess effluent when present; and
 - (iv) are stored at a place at least 10 metres from any waterway that effluent escaping from the bales could enter.
- (2) Any appropriate person having custody or control of any crop which is being made, or has been made, into silage in the manner described in paragraph (1)(b) or (c) shall not open or remove the wrapping of any bales or open or empty any bulk bags within 10 metres of any waterway that effluent escaping from the bales or bulk bags could enter.
- (3) A silo is for the time being an exempt structure if—
- (a) its construction for the purpose of making and storing silage was completed before 1st December 2003; and
 - (b) it has not ceased to be an exempt structure by virtue of paragraph (4)
- (4) A structure to which the circumstances set out at paragraph (3) apply shall cease to be an exempt structure if—
- (a) any requirement of a notice under regulation 28(1) is not complied with within the period stated in the notice; or
 - (b) it is substantially enlarged; or
 - (c) it is substantially reconstructed, unless, in the opinion of the Department, the risks of pollution will be reduced by such works.
- (5) Any reference in paragraph (4) to the period stated in a notice is to that period as extended if it has been extended under regulation 28(6) and any reference in that paragraph to a requirement of a notice is to that requirement as modified if it has been modified under regulation 28(6).
- (6) Any appropriate person who proposes to have custody or control of any crop which is being made into silage, or of any silage, which is to be kept or stored on a holding in a silo constructed, substantially enlarged or substantially reconstructed on or after 1st December 2003 shall serve notice on the Department specifying the type of structure to be used and its location at least 28 days before it is to be first used for such purpose.