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STATUTORY RULES OF NORTHERN IRELAND

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**2019 No. 81**

The Nutrient Action Programme  
Regulations (Northern Ireland) 2019

PART 4

Storage requirements

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

17.—(1) Subject to paragraphs (2) and (3) and regulations 18 to 24, 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 period of wet weather, frozen ground or otherwise, the application to land of organic manure is not permitted.

(3) Subject to regulation 18, 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 19 and 24.

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

18.—(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,

(4) 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 for the other livestock enterprise.

**Manner of storage of slurry**

19.—(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 6 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 30(1) is not complied with within the period stated in the notice;
- (b) it is substantially enlarged; or
- (c) it is substantially reconstructed, unless, it appears to 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 30(5) 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 30(5).

(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**

20.—(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 or 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 applications of the farmyard manure shall take place with 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 or anaerobic digestate fibre and location of storage facilities**

**21.**—(1) Prior to land application, poultry litter or anaerobic digestate fibre shall only be stored on a holding—

- (a) in a midden which shall have adequate effluent collection facilities;
- (b) where anaerobic digestate fibre is stored in open midden, it must be covered within 24 hours of storage; or
- (c) subject to paragraphs (2) to (6), in the field where land application will take place.

(2) Poultry litter or anaerobic digestate fibre 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 in such manner and be accompanied by such information 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 or anaerobic digestate fibre in a field heap shall not preclude service by the Department of a notice under regulation 30; 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 31.

(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 or 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 katstified limestone features (such as swallow holes and collapse features).

(5) Where stored in a field, land application of the poultry litter or anaerobic digestate fibre shall take place within 120 days from storage in that field, and the poultry litter or anaerobic digestate fibre 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 or anaerobic digestate fibre shall be covered with an impermeable membrane within 24 hours of storage.

(7) This regulation applies to the location and storage of anaerobic digestate fibre from 1st January 2020.

### **Manner of storage of dirty water**

**22.** 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**

**23.**—(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 20;
- (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 controller has with a manure processing facility or demonstrable access to an approved treatment or recovery outlet; and
- (e) the quantity of poultry litter or anaerobic digestate fibre stored in a midden or field prior to land application in accordance with regulation 21.

(2) Subject to paragraph (4), the livestock manure storage capacity of a holding may be less than the capacity specified in regulation 17 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) 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 2; 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 with 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 nitrogen, as the case may be, per hectare of the grassland when calculated in accordance with the nitrogen excretion rate of livestock specified in Table 1a of Schedule 2.

(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**

**24.**—(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 7 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
- (d) 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 30(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, it appears to 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 30(5) 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 30(5).

(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.

### **Cover in winter**

**25.** After harvesting a crop other than grass the controller shall ensure that from the date of harvesting to 15th January in the following year, one of the following conditions is met on the land at any time—

- (a) the stubble of the harvested crop remains in the land;

- (b) the land is sown with a crop which will take up nitrogen from the soil; or
- (c) where soil or weather conditions prevent a subsequent crop from being sown, appropriate measures are put in place to limit soil erosion.