

Detailed guide: Planning and transport authorities: get environmental advice on planning

Updated: Guidance includes spatial development strategy considerations.

This guide explains what consultations you must do with the Environment Agency and Natural England. It applies to:

- local planning authorities
- combined authorities (Greater Manchester, Liverpool City Region, West of England and Greater London)
- transport authorities
- elected mayors

Spatial development strategies, local plans and neighbourhood plans

Before you start your plan, you must consult the relevant agency if you think it affects their environmental interests.

Use this table to find out which agencies you must consult:

Your plan	Consult Natural England	Consult the Environment Agency
requires a sustainability appraisal	Yes	Yes
requires a strategic environmental assessment	Yes	Yes
affects protected sites and areas , such as sites of special scientific interest, national parks or marine protected areas	Yes	No
affects the best and most versatile agricultural land	Yes	No
includes reclaiming land previously used for mining or waste management to agricultural use	Yes	No
affects protected species	Yes	No
affects ancient woodland and veteran trees	Yes	No
affects flooding and coastal erosion	No	Yes
affects waterbodies identified in river basin management plans by including plans to develop next to water bodies, restore water bodies to a more natural state or increase water efficiency	No	Yes
involves land that may be affected by contamination from a previous use such as disused railways	No	Yes

Your plan	Consult Natural England	Consult the Environment Agency
affects land for waste management or mineral extraction	No	Yes
includes sites that the Environment Agency regulates, such as intensive agricultural activity	No	Yes
identifies environmental opportunities that could be achieved such as ‘green infrastructure’ and biodiversity improvements	Yes	Yes

Check the impact risk zone (IRZ) around a protected site to help you assess potential effects that the development proposal may have on the site. You can:

- download the [SSSI Impact Risk Zones \(England\)](#) dataset for geographic information systems (GIS)
- use the government’s [Magic website](#)

See the [Magic map to show the location of protected areas](#) such as national parks and areas of outstanding natural beauty.

Spatial development strategies and local plans

What you need to send and how soon you’ll hear back will vary depending on your situation.

What you’re doing	What you need to send	When you’ll get a response
Deciding on the extent of the issues to be assessed in a sustainability appraisal (known as ‘scoping’)	Details on scope and level of detail of information to be included in sustainability appraisal	5 weeks
Doing a sustainability appraisal for your plan	Draft plan Environmental report Draft Habitats Regulations appropriate assessment (if required)	Agencies will agree a time with you – usually 5 weeks
Preparing your draft local plan	Information about the content of the plan Draft local plan Environmental report with evidence such as a strategic flood risk assessment	Minimum 6 weeks
Asking for comments on your early draft local plan	Draft Habitat Regulations appropriate assessment (if required)	Agencies will agree a time with you – usually 6 weeks

What you're doing	What you need to send	When you'll get a response
Asking for comments on your final draft plan (known as the 'publication stage')	local plan Environmental report with evidence such as a strategic flood risk assessment Habitats Regulations appropriate assessment (if required)	Agencies will agree a time with you – usually 6 weeks
Asking for comments on your draft spatial development strategy	Draft plan Environmental report Habitats Regulations appropriate assessment (if required) Draft spatial development strategy	12 weeks
Asking for comments on proposed modifications to your plan	Details of proposed changes	6 weeks

Neighbourhood plans

What you're doing	What you need to send	When you'll get a response
Giving an opinion on a plan's environmental effects (known as 'screening')	A map of the plan area and the purpose of the plan	Agencies will agree a time with you – usually 6 weeks
Asking for comments from the agencies about a new plan	The plan	Agencies will agree a time with you – usually 6 weeks
Strategic environmental assessment (if required)	Evidence as an environmental report	Agencies will agree a time with you – usually 5 weeks

Considering planning applications, permission in principle, technical details consent and development orders

Use this table to find out which agencies you must consult. You can consult the agencies on issues not covered in this table if the proposals affect their environmental interests.

The proposal	Consult Natural England	Consult the Environment Agency
requires an environmental impact assessment (EIA)	Yes	Yes
requires a habitats regulation appropriate assessment of the effect it may have on European protected sites	Yes	No

The proposal	Consult Natural England	Consult the Environment Agency
is in or likely to affect a site of special scientific interest (SSSI), check the impact risk zone around an SSSI to help assess potential impacts that the proposal might have on the site	Yes	No
will result in a loss of over 20 hectares (ha) of the best and most versatile agricultural land , unless the land is included in policies or proposals in a local or neighbourhood plan	Yes	No
reclaims land previously used for mining or waste management to agricultural use	Yes	No
is for development involving hazardous substances in a naturally sensitive area, such as an SSSI	Yes	No
is for development that will be used to handle, produce, use or store hazardous substances and is within the area at risk if a major accident happens nearby (see the Health and Safety Executive guidance on development near hazardous sites)	No	Yes
is in flood zones 2 and 3 (first read the Environment Agency's flood risk guidance, known as 'standing advice')	No	Yes
is in flood zone 1 – with critical drainage problems (the Environment Agency will have told your LPA if this is the case)	No	Yes
is for a cemetery or cemetery extension	No	Yes
is for mining or mining exploration	No	Yes
is for storing oil and fuel and their by-products like petrol station	No	Yes
is for major development that doesn't use existing sewerage infrastructure for sewage treatment	No	Yes
is in or likely to affect waterbodies identified in river basin management plans	No	Yes
is in or likely to affect groundwater in source protection zones	No	Yes
includes land affected by contamination from a previous activity such as a former power station or disused railway	No	Yes
is for the storage of sludge or slurry	No	Yes
is for storage, transfer or treatment of waste products or refuse	No	Yes
is within 20m of the top of the bank of a main river	No	Yes
is for intensive pig, poultry or dairy units	No	Yes
is in or likely to affect areas identified in local plans (as coastal change management areas) to be affected by coastal erosion	No	Yes
is for 'permission in principle' (PIP) and the proposed site meets the criteria in this table	Yes	Yes

The proposal

Consult Natural England

Consult the Environment Agency

Yes, if
you're
advised
in
writing
at the
PIP stage

Yes, if
you're
advised in
writing at
the PIP stage

is for a site with PIP (the 'technical details consent' stage) and the agency made a written request at the PIP stage to be consulted

Use this guidance, known as 'standing advice' if planning applications affect:

- [protected species and their habitat](#)
- [ancient woodland and veteran trees](#)
- [flood risk](#)

Check if the proposed development is on or might affect any [protected sites, protected areas or marine protected areas](#) by using the Magic map guidance.

Consult the [Marine Management Organisation](#) for coastal proposals (like slipways, jetties and dredging). Find out about the [permits, consents and licences](#) that a developer might need for coastal developments.

What you need to send

You must provide enough information about the plan or proposal for the environmental agencies to comment. You must include any environmental effects in the plan or proposal. In some cases you may need to get further surveys or assessments done before the agencies can give advice.

Planning applications, PIP and technical details consent

What you're doing	What you need to send	When you'll get a response
Preparing an EIA scoping opinion, that is deciding on the issues that need to be assessed	Your scoping opinion	Within 5 weeks
Deciding on a planning application	The planning application with relevant supporting environmental information such as a draft Habitats Regulations appropriate assessment if required	Within 21 days, or longer if agreed in writing

What you're doing	What you need to send	When you'll get a response
Deciding an EIA planning application	The planning application with relevant supporting information including the environmental statement that provides an assessment of the effect the proposal may have on the environment Draft Habitats Regulations appropriate assessment if required	Within 30 days, or longer if agreed in writing
Deciding whether to give a site permission in principle and to list it in Part 2 of a brownfield land register	Details of the proposal with relevant environmental information to show that the site is suitable in principle	Within 21 days
Deciding whether to grant permission in principle for non-major development	Details of the proposal with relevant environmental information to show that the site is suitable in principle	Within 14 days (or longer if agreed in writing)
Deciding an application for 'technical details consent' after granting permission in principle	Details of the proposal with relevant supporting environmental information	Within 21 days (or longer if agreed in writing)

Local development orders (LDOs) and neighbourhood development orders (NDOs)

What you're doing	What you need to send	When you'll get a response
Working on an LDO	Draft LDO	Agencies will agree a time with you – usually within 28 days
Consulting on your environmental statement for an LDO	Draft LDO Environmental statement (only for EIA development)	Agencies will agree a time with you – usually within 30 days
Consulting on your environmental statement for an NDO	Draft NDO Environmental statement (only for EIA development)	Agencies will agree a time with you – usually within 6 weeks

You may be asked to provide extra information with the proposal, such as:

- a 'foul drainage assessment' for proposals where connecting drainage to the public sewer to carry contaminated waste water isn't feasible
- a flood risk assessment for proposals within a flood zone or at risk of local flooding
- a water cycle study to make sure the proposal is sustainable and doesn't have an impact on water supply, water quality or flooding
- water supply or water quality assessment if one or both are affected
- an assessment of the landscape and visual impacts on protected areas such as areas of outstanding natural beauty or on protected species

Environmental assessments

You must consult Natural England and the Environment Agency about plans and projects that need an environmental assessment. These are:

- [environmental impact assessments](#) for development projects
- [strategic environmental assessments](#) for plans and programmes
- [sustainability appraisals](#) for local plans
- habitats regulations appropriate assessments for plans and projects (Natural England only)

You may be asked to provide extra information with the proposal, even if an environmental assessment isn't needed.

Contact the agencies

Consult the relevant agency in writing by email or letter.

Natural England

Email consultations@naturalengland.org.uk

Natural England consultation service

Hornbeam House

Electra Way

Crewe Business Park

Crewe

Cheshire

CW1 6GJ

Environment Agency

Email enquiries@environment-agency.gov.uk

Environment Agency

PO Box 544

Rotherham

Yorkshire

S60 1BY

What you'll get back

The written response you receive from Natural England or the Environment Agency will depend on the:

- level of risk the proposal has on the environment, for example you'll get a standardised response for a low risk proposal
 - stage the plan, order or planning proposal has reached, for example you'll get more advice if you've sent in a completed draft plan
 - environmental opportunities that could be achieved such as '[green infrastructure](#)' and biodiversity improvements of the site and surrounding area
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[Detailed guide: Developers: get environmental advice on your planning proposals](#)

Updated: Included guidance on getting advice for planning in principle and technical details consent.

This guide applies to construction and transport developers.

You can get environmental advice about your development proposal early in the planning process. Natural England, the Environment Agency and the Marine Management Organisation can tell you about environmental issues and help you to deal with them.

When to consult

You must consult the relevant environmental agency before you apply for planning permission (the 'pre-application stage') on:

- nationally significant infrastructure projects like motorways, power stations or offshore wind turbines
- drilling monitoring boreholes for oil exploration (Environment Agency only)

You can get advice at the pre-application stage on all other development from the relevant agency. This is optional, but it will help you make sure that:

- risk assessment information such as flood risk assessments is correct
- you consider all environmental risks

- you include environmental opportunities

You'll need to provide enough information for the agencies to respond, such as landscape and visual impact assessments or flood risk assessments. You'll get a response within 21 days or by an agreed deadline. The agency may request extra information such as relevant survey data or research. You'll need to pay for some advice.

Consult Natural England

Get advice from Natural England if your development proposal:

- is likely to affect [protected sites and areas](#) – this guidance helps you locate protected sites and areas on the [Magic map](#) and tells you how to avoid harming them during development work
- is likely to affect [protected species](#) – this guidance tells you how to avoid harming protected species during development work and whether you need a wildlife licence to carry out your proposal
- affects the [best and most versatile agricultural land](#) (classified as 1 – excellent, 2 – very good or 3a – good) – you can find the agricultural land classifications on the [Magic map](#) and zoom in on the map
- affects [ancient woodland](#)
- includes [restoring land](#) previously used for mining or waste management to agricultural use
- includes environmental opportunities that could be achieved such as [‘green infrastructure’](#) and biodiversity improvements of the site and surrounding area

Read Natural England's guidance on [how your local planning authority will review your application](#) if there are protected species on the proposed development site. This is known as Natural England's 'standing advice'.

Check the [impact risk zone \(IRZ\) around a protected site](#) to help you assess potential impacts that the development proposal may have on the site. You can download the IRZ data and use it on the government's [Magic website](#).

See the [Magic map to show the location of protected areas](#) such as national parks and areas of outstanding natural beauty.

Natural England can tell you:

- if your proposal will significantly affect a protected site or area or protected species
- if your proposal will affect the best and most versatile agricultural land
- what you should include with your planning application
- how you can avoid or reduce harming the natural environment

EU funding for transport projects

Find out how to get Natural England's approval for applications for EU transport funding in the [Connecting Europe Facility transport guidance](#).

Successful applications will need to show that transport proposals are not likely to have significant effects on a [Natura 2000](#) site.

Consult the Environment Agency

Read the Environment Agency's [flood risk standing advice](#) before you consult them about flood risk.

You can get advice from the Environment Agency if your development includes:

- land in [flood zones 2 or 3](#)
- land in [flood zone 1](#) with critical drainage problems – your LPA will know if this is the case
- is for development that will be used to handle, produce, use or store hazardous substances and is within the area at risk if a major accident happens nearby (see the Health and Safety Executive guidance on [development near hazardous sites](#))
- mining and mining exploration
- storing oil and fuel and their by-products, such as petrol stations
- a major development that does not use existing sewerage infrastructure for sewage treatment
- land in or within 20m of the top of the bank of a [main river](#)
- waterbodies identified in [river basin management plans](#)
- a cemetery or cemetery extension
- land affected by [contamination](#) from a previous use such as disused railways, or your proposal could cause contamination
- land used for the storage, transfer or treatment of waste products or refuse
- intensive pig, poultry or dairy units

You can get advice even if your proposal does not need a planning application, such as when [prior approval](#) is needed for permitted development.

Check the Environment Agency's [maps and data](#) to find out if there's environmental information that could be relevant to your development proposal.

The Environment Agency can provide free preliminary advice to tell you:

- about environmental constraints on your development
- if your development will affect the environment
- the kind of information it wants you to include with your planning application
- if you [need an environmental licence or permit](#) and if there are likely to be problems with granting it

[Complete the preliminary opinion enquiry form.](#)

The Environment Agency aims to respond to preliminary opinion requests within 21 days.

Consult the Marine Management Organisation

You can get advice from the [Marine Management Organisation](#) (MMO) if your development proposal is on the coast and includes slipways, jetties or dredging.

You must consult the MMO on nationally significant infrastructure projects such as offshore wind turbines.

Find out what [permits, consents and licences you might need for coastal developments](#) you might need for coastal developments.

If you need an environmental permit

If you need an [environmental permit](#) for activities at your new site before you submit your permit or planning applications you can get Environment Agency advice.

The Environment Agency can provide a limited amount of pre-application advice to help you complete your application. The cost of this advice is included in the application charge.

The Environment Agency charges £100 an hour plus VAT for its enhanced pre-application advice service. This is an optional service which you can request if you want more help with your application.

Find out about [basic and enhanced pre-application advice for environmental permits](#).

You do not need planning permission before you apply for an environmental permit, but you can still get advice about environmental permits after you've submitted your planning application.

If you need planning and environmental consents

If your development needs both [planning permission and an environmental permit](#) you can submit your environmental permit application at the same time as your planning application. This is known as 'twin-tracking' and means you'll get fewer information requests.

You should twin-track if:

- your activity is large or complicated
- there are protected habitats or species near the place you want to develop and the Environment Agency's assessment shows your activity could have a significant effect on them

Nationally significant infrastructure projects

If your activity is part of a nationally significant infrastructure project, you can twin-track your applications or apply for your environmental permit before you submit a development consent application.

The Planning Inspectorate will consider your permit requirements when assessing your application.

If you need an environmental impact assessment

You can ask [your LPA](#) whether your proposal needs to include an [environmental impact assessment](#) (EIA).

If your proposal needs an EIA, you'll need to prepare an [environmental statement](#). Your LPA must consult with the environmental agencies before they can tell you what information needs to be included.

You can get help from Natural England or the Environment Agency with your environmental statement, but you'll need to pay for advice.

Preparing an environmental statement

Your statement should only focus on the significant effects that your proposal will have on the environment. You should include relevant documents to support this, for example:

- a water cycle study if the proposal affects water supply, water quality or flooding
- a landscape assessment or visual impact assessment on a protected landscape

When you can pay for agency advice

You can get help from Natural England or the Environment Agency on how to:

- reduce harm to the environment
- maximise opportunities to enhance the environment

They'll also look at your environmental statement and respond within an agreed timescale.

Natural England's advice services

Natural England offers 2 kinds of paid-for advice:

- a [pre-submission screening service](#) to find out if a development proposal affects a protected species and needs a wildlife licence
- a discretionary advice service (DAS) which is extra advice for more complex development proposals that affect the environment

You can use the discretionary advice service to:

- review your draft environmental statement
- review your survey results and assessments
- advise on your mitigation strategies to reduce damage to the environment

You'll normally get this advice before you submit your application for:

- planning permission
- permission in principle
- technical details consent
- a marine licence

In some cases, you can get advice during and after getting consent.

How much you'll have to pay depends on:

- the work you need to do, such as multiple mitigation strategies or several surveys
- whether or not a Natural England adviser needs to visit your site

You'll pay:

- £500 per adviser for a 90 minute meeting (either by conference call or a face-to-face meeting at an office or on the development site)
- £110 per hour per adviser for each additional hour

If an adviser needs to travel to your office or development site you'll pay their:

- travel costs at 45p per mile
- additional public transport, tolls and travel expenses
- travel time as part of the hourly rate

You'll pay £110 per hour if your request is more complicated. This includes:

- reviewing a draft environmental statement
- providing advice to reduce damage to protected sites and species
- providing advice on your landscape and visual impact assessment

Complete the [charged service request form](#) and send to consultations@naturalengland.org.uk

Natural England will respond within 15 working days to:

- confirm if the request is eligible
- agree the scope of the works
- provide a written quotation
- agree a timetable

Read

[Natural England's terms and conditions for paid-for services](#)

(PDF, 140KB, 16 pages)

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Environment Agency's advice services

The Environment Agency offers a charged-for discretionary advice service.

You can use the discretionary advice service to:

- review and provide advice on your draft environmental statement
- review and provide advice on your technical reports and assessments
- seek advice on your mitigation strategies to reduce damage to the environment
- seek advice on non-statutory strategic engagement activities such as planning policies and evidence base documents

You'll normally get this advice before you submit your application for:

- planning permission
- permission in principle
- technical details consent
- a marine licence

In some cases, you can get advice during and after getting consent.

How much you'll have to pay depends on:

- how complex your proposal is
- the number of staff needed to provide the relevant advice

You'll pay:

- £100 an hour plus VAT per staff member – this includes travel time
- any other reasonable costs, for example costs of advice from external consultants if needed

To request charged-for discretionary advice email the Environment Agency at enquiries@environment-agency.gov.uk. Your enquiry will go to your local sustainable places team. You need to provide:

- your name and contact details, and who you're acting on behalf of
- the postcode or grid reference of the site and a location plan showing the boundary of the proposed development
- a project description, including what you're planning to build and the type of consent you need
- the type of advice you want, for example a face-to-face meeting or document review

The Environment Agency will respond within 15 working days to:

- confirm if the request is eligible
- agree the scope of the works
- provide a written quotation
- agree a timetable

Read the [Environment Agency's terms and conditions for planning and marine licence advice](#).

Contact the agencies

Natural England

Email consultations@naturalengland.org.uk

Natural England consultation service

Hornbeam House

Electra Way

Crewe Business Park

Crewe

Cheshire

CW1 6GJ

Environment Agency

Email enquiries@environment-agency.gov.uk

Environment Agency

PO Box 544

Rotherham

Yorkshire

S60 1BY

[Detailed guide: Polychlorinated biphenyls \(PCBs\): registration, disposal, labelling](#)

Updated: The contact email address has been changed to: pcb-enquiries@environment-agency.gov.uk.

You must follow this guide if you own polychlorinated biphenyls (PCBs), or any of the following substances that are also collectively known as PCBs:

- polychlorinated terphenyls
- monomethyl-dibromo-diphenyl methane

- monomethyl-dichloro-diphenyl methane
- monomethyl-tetrachlorodiphenyl methane

You must also follow this guide if you own or operate equipment or material that contains any of these PCBs at a concentration higher than 50 parts per million (0.005%).

Ban on PCBs

PCBs are banned. You must [dispose of PCBs](#), and equipment or material that contains them, as soon as possible unless they're covered by an exception.

Exceptions to the PCB ban

Research or disposal

The ban does not apply to PCBs held:

- for research and analysis into the properties of PCBs
- as part of a process to dispose of PCBs (for example at a hazardous waste disposal site) or a process to remove ('decontaminate') PCBs from equipment

Transformers

You can continue to use transformers if the fluid in the transformer has a PCB concentration below 500 parts per million (0.05%).

You must [dispose of the transformer](#) as soon as possible after the end of its useful life.

Small components of equipment

You can continue to use small pieces of equipment that contain PCBs if both of the following apply:

- they're not [CE](#)
- they're components of larger pieces of equipment, which are not CE either

The exception for smaller equipment is meant to avoid you having to destroy or damage a large piece of equipment to remove the PCBs contained in a small component. The exception does not apply if it's practical for you to remove the smaller component and get rid of the PCBs without damaging the larger machine.

Contaminated equipment (CE)

Any equipment that contains more than 5 litres of fluid containing PCBs (or more than 5 litres of fluid that has a PCB concentration of more than 0.005%) is classed as CE.

You must generally assume the following equipment is CE if it was manufactured before 1987 and contains more than 5 litres of fluid:

- power factor capacitors
- heat transfer equipment
- pole-mounted transformers
- process heating equipment
- vacuum pumps
- high temperature hydraulic systems
- electrical resistors
- brushings and other high voltage equipment
- fluorescent light ballasts
- hospital diagnostic equipment

You do not have to assume such equipment is CE if you're certain it does not contain PCBs, for example if you have:

- carried out tests on the equipment that showed it does not contain PCBs
- kept the original manufacturers' manual and it shows the equipment does not contain PCBs

If you're not sure whether your equipment contains PCBs, you must assume it does.

Combined sets of equipment

Email pcb-enquiries@environment-agency.gov.uk if you hold several pieces of equipment that would not be classed as CE on their own, but are part of a combined set which would be classed as CE.

This would apply, for example, if you have a piece of equipment that contains multiple capacitors which individually contain less than 5 litres of fluid, but collectively contain more than 5 litres of fluid.

The Environment Agency will discuss this with you on a case-by-case basis.

Register CE

You must register any CE that you own with the Environment Agency, including CE that:

- has a legal use (for example transformers with a PCB concentration below 0.05%)
- does not have a legal use, but you have not disposed of yet (you must tell the Environment Agency how you plan to dispose of it as soon as possible)

Complete a [PCB holdings registration form](#) and return it to the Environment Agency as soon as possible.

You must re-register your equipment every year until you stop holding CE. To do this send a new PCB holdings registration form to the Environment Agency,

listing all CE you hold on 31 July each year.

You must pay a £155 fee every year when you submit your PCB holdings registration form.

If you become the owner of CE (for example if you buy a business that operates such equipment), you must register the equipment even if it's been registered before.

Take CE off the register

You can take CE off the PCB register:

- after you have [disposed of it](#)
- if you sell it, or you sell the business or site it was part of
- if you have carried out tests that prove it does not contain PCBs
- if you have decontaminated it, so that the PCB content of the fluid is less than 0.005%

You can take equipment off the register at any time by completing the 'de-registering equipment' section of the [PCB holdings registration form](#) and returning it to the Environment Agency.

There's no charge for deregistering equipment.

Labelling CE and premises

You must attach a label to any CE stating that the equipment is contaminated with PCBs.

You must also attach a sign to the premises where the equipment is used stating that the premises contains equipment contaminated by PCBs.

You must make sure the labels and signs are clearly visible and cannot be easily removed.

For transformers where the fluid has a PCB content of less than 0.05%, your label and sign can say, 'PCBs contaminated <0.05%'.

Dispose of PCBs

You must dispose of PCBs and materials that contain PCBs as a persistent organic pollutant and hazardous waste.

That means you can either:

- dispose of the PCBs or equipment in a [way that destroys the PCB content](#)
- [apply to permanently store the equipment](#) underground if you cannot destroy the PCB content

Email pcb-enquiries@environment-agency.gov.uk to discuss how to do this.

You must keep records to show that you disposed of the PCBs by one of these 2 methods.

[Promotional material: Rod fishing licence campaign](#)

Updated: Added the posters for 2018 to 2019.

Posters to remind anglers to buy a fishing licence.

The Environment Agency welcomes support from fisheries and angling shops. Please print out and display these posters to remind your customers to fish legally.

It's easy to [buy a fishing licence online](#). You can also [check the rules about freshwater fishing](#).

[Detailed guide: Storing silage, slurry and agricultural fuel oil](#)

Updated: Link to PLANET replaced with one to MANNER NPK software.

You must follow these rules if you store silage, slurry or agricultural fuel oil.

You need to know the general rules that apply if you store any of the 3 substances, as well as specific rules for storing and handling each one.

If your farm is in a nitrate vulnerable zone (NVZ) there are [extra rules for storing organic manures](#). You can [check if your farm is in an NVZ](#).

General rules

Who's responsible

You're responsible for making sure you meet the rules if you control, manage

or look after a farm or an installation on a property, eg as a:

- farmer or land manager
- tenant farmer – unless you can prove someone else, eg the leaseholder, is jointly or wholly responsible

You can be prosecuted and fined up to £5,000 in a magistrates' court, or get an unlimited fine in the Crown Court, if you don't follow the rules and take care to avoid causing pollution.

New storage and substantial changes

A new or substantially changed store must:

- follow the specific rules for the substance you're storing
- have an expected lifespan of at least 20 years with maintenance (any part of a silage effluent tank that's underground must last 20 years without maintenance)
- be at least 10 metres clear of inland or coastal waters – you may need a larger 'safety zone' in some cases, eg near a water supply intake

Although your store itself must be at least 10 metres clear of inland or coastal waters, drains and sealed pipes can be within 10 metres of these features if the Environment Agency agrees an exception. Ask for an exception when you tell the Environment Agency about your project.

'Substantial changes' usually means structural alterations, rather than minor repairs. [Check with the Environment Agency](#) if you're unsure.

Exempt storage

If your installation was built before March 1991, or a contract for construction was entered into before March 1991 and completed before September 1991, it's exempt from the rules for new stores. However, if you make substantial changes – for example structural changes, increasing capacity or relocating – your store is no longer exempt.

The Environment Agency can also serve a notice at any time requiring you to bring storage up to the current standards if it believes there's a significant risk of pollution.

Before you start work

It's up to you to decide what planning and work is needed but you must:

- tell the Environment Agency at least 14 days before you begin construction – you can also contact them for [advice on planning and building a store](#)
- make sure you don't pollute the surrounding environment – eg rivers or other watercourses

- check if you also need [planning permission](#)

Once your storage is built you must carry out maintenance to make sure there's no risk of pollution.

Tell the Environment Agency

You must notify the Environment Agency at least 14 days before you build new storage for silage, slurry or agricultural fuel oil, or make substantial changes to an existing store.

You must also tell the Environment Agency if you intend to make or store field silage or non-baled bags – there are [specific rules and a form](#).

Contact your local office

Call or write to [your local Environment Agency office](#).

Tell them:

- your name, address, telephone number and email address
- the type of store you're proposing to build or change
- the exact location of the site (8-figure [grid reference](#))

You'll need to supply the following when you contact the Environment Agency so they can assess your proposal:

- a site plan drawing of the structure
- a design drawing confirming the materials that will be used and their design, specification and layout – you may also be asked to confirm that your design meets the requirements of [BS 5502](#)
- if you plan to use prefabricated products, a copy of the manufacturer's specifications and guarantee
- if the structure is constructed from earth, analysis about the soil type, depth and permeability and a description of how it will be engineered
- for underground or partially underground silage effluent tanks you'll need a certification from the installer – you must provide this certification to the Environment Agency because the tank is required to perform for at least 20 years without maintenance.

You'll usually get a written assessment of your proposal that says whether it's been approved or not. The Environment Agency may contact you, rather than giving you a written assessment, to give you guidance on changes you need to make to your installation before it can be approved.

Silage

There are specific rules for making and storing silage.

The rules do not apply to silage you store temporarily in a container or trailer for transportation.

Where to store silage

You must not make or store any silage, or unwrap baled silage, within 10 metres of inland or coastal waters.

In addition you must not store field silage within 50 metres of a 'protected water supply source'. This is any place where water is abstracted (taken) for any of the following purposes:

- human consumption
- use in farm dairies
- human food preparation

Ask the [Environment Agency](#) about protected water sources or [use the 'What's in my backyard?' map](#) to check your local area.

Silos

All parts of a silo must be resistant to attack. Your silo must have:

- an impermeable base extending beyond any walls
- impermeable drainage collection channels around the outside, flowing into an effluent tank

The base must comply with:

- [British Standard 8007:1987](#) and [British Standard 8110-1:1997](#) (for concrete bases)
- [British Standard 594/EN 13108-4:2006](#) (for hot-rolled asphalt bases)

If your silo has walls, they must withstand wall loadings set in [British Standard 5502-22:2003+A1:2013](#).

Ask your manufacturer, or check the manual that came with your equipment, to find out if it meets these British Standards.

Effluent tanks

Your silo must have an effluent collection system.

If all parts of an effluent tank are above ground, the tank must be constructed to resist attack from silage effluent for at least 20 years with maintenance. If any part is below ground, it should be impermeable for at least 20 years without maintenance. You'll be asked to prove your tank is suitable, for example with a manufacturer's guarantee.

You can store silage effluent and slurry together if your tank has enough capacity and is built to withstand both types of effluent. However, mixing slurry can give off gases that are lethal to humans and livestock, and you

must never put silage effluent into an under-floor slurry store.

Capacity

The minimum capacity rules for effluent tanks should give you at least 2 days' storage at peak flow. However, it's up to you to ensure you've enough capacity to avoid the risk of pollution.

Silo capacity

Minimum effluent tank capacity

Up to 1,500 cubic metres 20 litres for each cubic metre

Over 1,500 cubic metres 30 cubic metres, plus 6.7 litres for each cubic metre of silo capacity over 1,500 cubic metres

Baled silage

Baled silage must be sealed in an impermeable membrane or bagged. It doesn't need a specially constructed base, but you must make sure any silage stored directly on the ground cannot leak into a water source.

Baled silage must be kept at least 10 metres clear of inland or coastal waters.

Field silage and non-baled bags

For silage to be stored as 'field silage' there must be no construction works, for example walls or earth banks, and topsoil must not be disturbed.

If you make field silage or non-baled bags, you must:

- choose a suitable site – for example if you store silage in a non-baled bag in your farmyard, you must make sure you can contain any drainage
- notify your local Environment Agency office at least 14 days before you first use the site

Notify the Environment Agency

Use form [WQE4](#) to tell the Environment Agency if you intend to [make or store field silage](#). Give at least 14 days' notice.

Send the completed form to [your local Environment Office](#).

Slurry

There are specific rules when you make and store slurry, including in earth-banked stores.

Run-off from solid manure stores, woodchip, or straw-bedded corrals or stand-off pads counts as slurry. You must collect and store it either separately or in your main slurry store.

The rules do not apply to slurry you store temporarily in a container or trailer for transportation.

Where to store slurry

You must not site slurry storage tanks, effluent tanks, channels or reception pits within 10 metres of inland or coastal waters without written agreement from the Environment Agency.

All slurry stores

Slurry tanks, reception pits, pipes and channels must be impermeable and meet the anti-corrosion standards set in [British Standard 5502-50:1993+A2:2010](#). They should last for at least 20 years with maintenance.

The base and walls of your slurry tank and any reception pit must withstand the wall loadings set in the standard.

You're responsible for making sure your storage and maintenance complies with the rules – get professional advice if you need it.

Capacity

When calculating the required capacity of your steel or concrete store, you'll need to include a minimum of 300 millimetres of freeboard. For earth-banked stores you'll need a minimum of 750 millimetres, and you must maintain this freeboard during use. Freeboard is the vertical distance between the crest of your tank or lagoon and the slurry surface.

You'll normally need capacity for at least 4 months' slurry storage. What this means for you will depend on how much slurry you use, the size of your tanks and expected rainfall.

Use [MANNER NPK](#) to work out your average winter rainfall (November to February). Add an extra 25% to your calculation to take account of wetter than average winters.

If you're in an area with above average rainfall, you'll need more capacity. Speak to the Environment Agency or a consultant if you're unsure how much you'll need.

If you operate with less than 4 months' capacity, the Environment Agency may refuse your proposal or ask you to prove that it's sufficient and to explain the steps you've taken to protect the environment.

Any temporary storage facilities you have – such as a reception pit – must be large enough to store a minimum of 2 days' combined slurry production and likely rainfall.

Drainage pipes

If your slurry tank, effluent tank or reception pit is fitted with a drainage

pipe, it must have 2 valves separated by a least 1 metre. Each valve must be able to shut off the flow of slurry and be locked when not in use.

The exception to this rule is if your slurry storage tank drains through the pipe into another tank at the same level, or of equal or greater capacity.

Earth-banked slurry stores

An earth-banked store must have impermeable soil to a thickness of at least 1 metre. You may need laboratory analysis and confirmation from a civil engineer to be sure your soil is suitable. Alternatively you can import impermeable soil or use a synthetic liner.

The permeability of your compacted soil must be less than 1×10^{-9} metres per second (0.000001 mm per second).

Testing should be to [BS 1377-6:1990](#) or to [BS EN 1997-2:2007](#).

Weeping-wall stores

The base of a weeping-wall store must extend beyond its walls and include perimeter drains to catch escaped slurry and drain into an effluent tank.

Spreading slurry

Your irrigation system must not deposit slurry within 10 metres of inland freshwater or 50 metres of any water supply. You must assess the risk of direct run-off from land you intend to irrigate, and identify unsuitable areas.

Agricultural fuel oil

You must follow these rules if you both:

- build a new agricultural fuel oil store or make substantial changes to an existing one
- store over 1,500 litres of agricultural fuel oil on your farm

[Other rules may apply](#) if you store fuel oil:

- for domestic purposes
- for another business you run from your farm
- in a tanker temporarily for transportation on roads or around your farm
- in mobile browsers or drums temporarily stored alongside mobile plant

Wherever fuel oil is stored on your land you're responsible for taking precautions to prevent and contain spillages – for example by fitting an alarm to alert you to overfilling.

Where to store fuel oil

You can store fuel oil in one location or spread across your farm. It must be stored in a tank or drum that meets [ISO 9000](#). (Check the manual that came with your tank or drum, or ask the manufacturer.)

No part of your installation can be within 10 metres of inland or coastal waters – including yard drains, dry ditches and land drains.

If tanks are underground, they must also follow the Defra [Groundwater Protection Code](#).

Secondary containment

A tank or drum must be surrounded by a secondary containment structure or 'bund'.

The bund must:

- have a life-expectancy of at least 20 years with maintenance
- be impermeable to oil and water (walls and base), with no drain-down pipe
- contain every part of the tank, with taps and valves directed down and locked shut when not in use
- contain delivery pipes that are permanently attached to the primary tank, which must be fitted with self-closing taps or valves and locked inside when not in use

If you buy a combined storage tank and bund system you must make sure it will meet the regulations when in use.

You must [dispose of any waste fuel oil](#) or mix of oil and water that collects in the bund without causing pollution.

Bund capacity

The required capacity of a bund depends on your type of storage.

Type of storage	Minimum capacity of bund
Single tank	110% capacity of the tank
Multiple tanks	110% of the capacity of the largest tank or 25% of the total volume that could be stored in all tanks in the area – whichever is greater
Other storage – eg drum	At least 25% of the total volume that could be stored at any time

If you're served a notice

The Environment Agency can 'serve a notice' to stop you using an unsuitable silage, slurry or agricultural fuel oil store until it's improved or

relocated. They'll do this if they think there's a significant risk of pollution – for example if you've not allowed enough capacity to store slurry.

You'll have at least 28 days to carry out the work. You may be allowed more time, for example if you need planning permission or the weather is unsuitable.

How to appeal

If you disagree with the notice, you can appeal. You have 28 days from the day after the notice was served.

Appeal in writing to the Secretary of State.

The Secretary of State for the Environment and Rural Affairs

The Planning Inspectorate

Room 4/19 Eagle Wing

Temple Quay House

2 The Square

Temple Quay

Bristol BS1 6PN

Send a copy to your Environment Agency office at the address on the notice.

Your letter must explain why you're appealing. Include:

- a copy of the notice
- any related correspondence
- a plan of your farm, showing the installation and any watercourses or drains

If you're acting for a farmer on whom the notice was served, you'll also need a statement from them confirming this.

Decisions on appeals

The notice could be:

- withdrawn or changed
- upheld, with extra time for you to comply
- upheld, with no extra time to comply – the compliance period will then usually end on the day this decision is made

Legislation

These rules are based on the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations – known as the ‘SSAFO’ regulations – and related legislation.

Further Information

[Livestock manure and silage storage infrastructure for agriculture](#)