

# 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  $1 \times 10^{-9}$  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.

| <b>Type of storage</b>  | <b>Minimum capacity of bund</b>  |
|-------------------------|--|
| 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](#)

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## [Detailed guide: Apply for an accommodation licence on the River Thames](#)

*Updated:* Updated tariffs for 2018 to 2019

You must have a licence if you have an existing structure or want to build a new structure on the River Thames that's:

- in, on or over the river
- cut into the bank
- on a towpath owned by the Environment Agency

Structures are known as 'accommodations' and include:

- jetties
- pontoons
- docks
- boathouses
- slipways
- landing stages
- footbridges
- offshore mooring piles and buoys
- rubbing posts
- miscellaneous piles

You must get a licence whether your structure is for private, shared or commercial use.

You'll only be given permission for public or private amenity work schemes of a non-navigational nature (eg building development) in exceptional circumstances.

## **Getting a licence**

You must apply to the Environment Agency for your licence and pay an annual fee.

Fees are payable from 29 September each year and are charged on a pro-rata basis depending on when you apply. For example, if you apply for your licence on 29 August you'll just pay the fee for the period between then and 28 September of that year. You'll then have to pay the next year's fee in full.

You can't transfer a licence to someone else. You must get a licence yourself if you buy or move into a property with a structure.

You'll be sent a licence plate when your licence is granted. You must display this on the structure.

## **Existing structures without a licence**

You must tell the Environment Agency if you already have a structure that hasn't been licensed before and you want to keep it.

Your structure may be removed and you could be charged for its removal if you don't get a licence.

Download and fill in the [retain accommodation form](#) and send it to the address on the form.

## **New owners of existing structures**

You must tell the Environment Agency if you're the new owner of an existing structure that needs a licence.

Download and fill in the [change of circumstances form](#) and send it to the address on the form.

## **Building new structures and changing existing structures**

To build a new structure or change an existing structure you must do both of the following:

- [apply for an environmental permit](#)
- apply for an accommodation licence – download and fill in the [application for a new accommodation](#) and send it to the address on the form.

You'll be sent an information pack telling you what to do next when you apply for consent.

Please be aware you may need planning permission. You should contact your local planning authority to check.

## **Licensing requirements**

To get a licence your structure should only:

- be used for landing and mooring purposes and to give access to the river
- encroach into the river as much as is reasonably necessary for it to fulfil its purpose

The Environment Agency may make an exception about how much your structure can encroach into the river if they decide that it has enough fishery and environmental benefits and that it doesn't unacceptably impact the normal river flow and the floodplain.

Each application is assessed on an individual basis, with the local environment and individual requirements taken into account.

Your application may be refused, or you may have to make compensatory measures or provide mitigation if the Environment Agency decides that your proposed structure will have a negative impact on the local ecology or flood defences.

You'll be sent a full list of the requirements with your application pack.

## **Landing stages**

Landing stages should be decked structures that allow the water to pass underneath. They usually shouldn't be made of concrete or otherwise form a solid construction on the riverbed.

You won't be given a new licence for an existing solid stage if you're the new owner.

## **Private domestic frontages and non-residential leisure plots**

Your structure should:

- be free of any garden ornament, furniture, shelter, trellis, fencing, screening or planting in or over any part of the river channel
- be positioned away from neighbouring boundaries to allow any neighbour clear navigable access and clear line of sight from their frontage in either direction
- not obstruct your neighbours' sight lines by more than 45 degrees from the bankline ahead (except where the bankline is already subdivided into small plots and it's considered reasonable to permit the whole frontage to be used for a boat)

## **Working boatyards**

If you want to apply for a licence to extend an existing commercial mooring area in or over the main channel of the River Thames, you'll need to show:

- this will benefit other users of the river, eg provide public landing or mooring rights or environmental enhancements
- it doesn't negatively affect navigation or normal river and flood flow

## **Waterside amenities at riverside hotels, bars and restaurants**

If you own a riverside hotel, bar or restaurant you can apply for a licence to provide fixed landing stages or pontoons for short-stay temporary mooring. The structure should only encroach into the river as much as is reasonably necessary to fulfil its purpose.

You can ask the Environment Agency for permission to have a seating area on the structure. They will appoint a private consultant to assess the commercial benefit of a seating area and then add this as an additional fee for you to pay. If you're given permission, you must only place outdoor tables and chairs for customers on areas of spare decking approved by the Environment Agency. Areas that you can use will be shown on the licence plan and on the deck itself. The landing area must not be furnished with tables, chairs or other garden furniture. Associated walkways should be kept clear.

## **Licence fees: private**

You must get a private licence if the structure is for your own private use.

You need to pay an administration fee of £50 to get your licence, plus an annual fee.

Annual licence fees for structures are calculated by the square metre (maximum length of the structure multiplied by its width). This is known as its overall projection into the river.

| <b>Type of structure</b> | <b>Environment Agency/Crown river bed rent (2018 to 2019)</b> | <b>Non Environment Agency/Crown river bed rent (2018 to 2019)</b> |
|--------------------------|---|---|
|--------------------------|---|---|

| Type of structure   | Environment Agency/Crown river bed rent (2018 to 2019) | Non Environment Agency/Crown river bed rent (2018 to 2019) |
|---|--|--|
| Staging, steps, gangway, ladder, catwalk, framework, pontoon, slipway, boathouse, or other licensed enclosure that's no more than 5 square metres | £96.10   | £64.80   |
| – cost of each extra square metre   | £19.22   | £12.96   |
| Footbridge (each)   | £96.10   | £64.80   |
| Boom/rubbing pile against bank (single or pair)   | £96.10   | £64.80   |
| Offshore mooring piles or buoys (single or pair) up to 6 metres apart   | £96.10   | £64.80   |
| Offshore mooring piles or buoys (single or pair) up to 10 metres apart  | £116.83  | £78.46   |
| Offshore mooring piles or buoys (single or pair) up to 15 metres apart  | £135.69  | £91.38   |
| Offshore mooring piles or buoys (single or pair) up to 20 metres apart  | £156.13  | £103.46  |
| Offshore mooring piles or buoys (single or pair) up to 25 metres apart  | £175.62  | £116.67  |
| Offshore mooring piles or buoys (single or pair) up to 30 metres apart  | £194.60  | £129.92  |

## Licence fees: corporate

You must to get a corporate licence if the structure is for anything other than your own private use, for example, you're a:

- commercial company
- hotel
- school
- yacht club
- youth group
- residents association

You need to pay an annual fee for each structure. There's also a £50 administration fee to get your licence.

For any structure with a mooring edge, you must pay for both the area of the structure and the total length of mooring edge it has.

| Type of structure   | Fee (2018 to 2019)                                  |
|---|---|
| Stage, gangway, catwalk, pontoon, boathouse or other enclosure of river space (plus the fee for any mooring edge) | £9.00 per square metre                              |
| – mooring edge of each structure  | £8.04 per linear metre                              |
| Offshore mooring piles and buoys  | £8.04 per linear metre of moorings run accommodated |

| <b>Type of structure</b>             | <b>Fee (2018 to 2019)</b> |
|--------------------------------------|---------------------------|
| Rubbing posts or miscellaneous piles | £31.16 each               |
| Slipways and footbridges             | £71.92 each               |

### **Minimum fee per structure**

There's a minimum fee of £95.90 for each:

- stage, gangway, catwalk, pontoon, boathouse or other enclosure of river space (including the cost of any linear mooring edge)
- offshore mooring pile or buoy

### **Extra charges and discounts**

You'll be charged an extra:

- 50% if the riverbed is owned by Environment Agency or the Crown Estate at Hampton
- 100% if both the riverbed and the bank is owned by the Environment Agency or the Crown Estate at Hampton

You get a 25% discount if your structure is for education or sport, eg for a school, youth group, or rowing club.

If you own a riverside hotel, bar or restaurant and apply for permission for a public service seating area on a structure, you'll also have to pay for an assessment of the commercial benefit of having such a seating area. The Environment Agency will use this assessment to determine the additional fee.

### **Minimum total fee per licence**

There's also a minimum total fee of £153.43 per licence (after taking into account any discounts or extra charges).

Structures used for education or sport (eg by schools, youth groups, or rowing clubs) have a reduced minimum total fee of £95.90.

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## **[Guidance: Exporting waste: meeting EU equivalent standards](#)**

*Updated:* There are new entries for Israel and Canada and changes to Malaysia.

Guidance and a look-up table of acceptable evidence that packaging or Waste Electrical and Electronic Equipment (WEEE) exporters can use to prove that overseas sites are operating to broadly equivalent standards to those

operating in the UK.

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## [Detailed guide: Litter and refuse: council responsibilities to keep land clear](#)

*Updated:* Section on 'Dealing with litter from businesses' added to explain Community Protection Notices and what councils must do with existing street litter control notices.

District councils and some other authorities must keep land in their area clear of litter and refuse (including dog mess), [as far as is practicable](#).

### **Authorities who must keep land clear**

The councils that are litter authorities are:

- county councils
- district councils
- single-tier councils (unitary authorities)
- London borough councils
- the Common Council of the City of London
- the Council of the Isles of Scilly

Other authorities are responsible for litter on all or parts of their own land. These include:

- Crown authorities
- educational institutions
- Network Rail and rail and tram operators
- water companies

### **Land councils must keep clear**

Council litter authorities are responsible for land where all of the following apply:

- it's open to the air on at least one side
- it's under their direct control
- it's publicly accessible (with or without payment)

This is called 'relevant land'. Relevant land includes beaches (above the average high water mark).

## Highways

Councils must also keep any highway they're responsible for both clean and clear of litter and refuse (as far as is practicable).

## Code of practice on litter and refuse

Litter authorities must 'have regard to' the [code of practice on litter and refuse](#) which explains how different types of land should be kept clear.

This means they must consider the code, and they must follow it unless there are clear, justifiable reasons not to do so in specific circumstances.

## How to deal with littering

It's an offence to drop litter on land or into water that's accessible to the public even if it's private land. This applies to private land that the public can access, for example a right of way.

Offenders can be prosecuted in a magistrates' court and fined up to £2,500.

Litter droppers can get [fixed penalty notices \(FPNs\)](#). If they don't pay the FPN they can be prosecuted.

FPNs aren't appropriate for:

- people who leave their rubbish out for collection at the wrong time
- someone who drops litter accidentally
- cases where it's not in the public interest
- repeat offenders (they should be prosecuted)

## Public space protection orders

Councils can issue public space protection orders (PSPOs) for problems in public spaces, including [the control of dogs](#).

PSPOs can make it an offence if dog owners do any of the following:

- don't clean up after their dogs
- allow their dogs to enter particular places that have a PSPO, like playgrounds or parks

## Dealing with litter from businesses

Councils can issue community protection notices (CPNs) to require businesses or individuals to:

- clear litter from around their premises
- take steps to prevent future littering

Failure to comply with a CPN is an offence.



CPNs have replaced street litter control notices (SLCNs). SLCNs also gave councils the power to require businesses to clear litter from around their premises. Councils can no longer issue SLCNs, but they must keep a public register of existing SLCNs as long as they're in force.

Members of public must be able to do both of the following:

- inspect the register free of charge
- copy the register for a reasonable charge

## **Litter abatement orders**

A litter authority can be taken to court if they don't keep publicly accessible land that they're responsible for clear of litter and refuse.

A litter authority can be ordered by a court to pay the complainant's costs.

A litter authority can avoid court action if they clear the land within 5 days of being notified.

Courts can issue a litter abatement order (LAO) requiring the litter authority to clear land of litter within a certain time.

A litter authority is breaking the law if they don't comply with an LAO and can be fined up to £2,500. They can also get further fines of up to £125 a day for each day the offence continues after conviction.

## **Cleaning and clearing roads**

When clearing or cleaning roads, councils must do both of the following:

- warn approaching traffic using signs and barriers
- follow instructions from highways authorities about when cleaning can be done

If they need to restrict traffic, councils must apply to the highway authority for a traffic regulation order.

## **Removing refuse that blocks roads**

If there's an object on the road, councils (or the Highways Agency if it's a trunk road) should either:

- remove it immediately if it's a danger to road users
- issue the owner of the object with a notice to remove it within a set time, if it's not an immediate danger

It's an offence to leave anything on the road that could interrupt its use – offenders can be fined up to £1,000, if convicted.

If the owner doesn't remove the object, councils can do one of the following:

- remove the object and apply to the magistrates' court for a disposal order
- apply to a magistrates' court for a removal and disposal order

## Other ways to keep land clear

Councils have other powers to keep land clear by:

- [removing abandoned vehicles](#)
- [removing abandoned shopping trolleys](#)
- [controlling leafleting](#)

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## [Detailed guide: Fixed penalty notices: issuing and enforcement by councils](#)

*Updated:* Updated what the fly-tipping fixed penalty notice money can be spent on to 'waste on land'.

Fixed penalty notices (FPNs) can be issued to deal with environmental offences like:

- littering
- fly-tipping
- dog control offences
- graffiti
- fly-posting
- nuisance parking (people selling or repairing cars on the road)
- abandoned vehicles
- leafleting without permission on land where leafleting is restricted ('designated land')
- failing to nominate a key holder or give the council key holder details in an alarm notification area
- failing to provide a [waste carrier licence](#) (for businesses transporting their own waste)
- failing to provide a [waste transfer note](#) when moving non-hazardous waste
- [household bins causing or likely to cause a nuisance to the local amenity](#)

## Who can issue fixed penalty notices

Different authorities have the power to issue FPNs for specific offences.

| <b>Authority</b>   | <b>Offence</b>   |
|--|--|
| District council, London Borough council, Council of the City of London, Unitary authority | Littering, fly-tipping, graffiti, fly-posting, dog control offences, alarm noise (no nominated keyholder), Noise Act offences, nuisance parking, unauthorised distribution of free literature on designated land, abandoning a vehicle, waste receptacle offences, failure to produce a waste transfer note or waste carrier's licence |
| County council   | Unauthorised distribution of free literature on designated land<br>Only if designated: littering, graffiti, fly-posting  |
| Common Council of the Isles of Scilly  | Littering, graffiti, fly-posting, dog control offences, alarm noise (no nominated keyholder), Noise Act offences, nuisance parking, unauthorised distribution of free literature on designated land  |
| Parish council   | Littering, graffiti, fly-posting, dog control offences (under its own Dog Control Orders)  |
| Police Community Support Officers (on behalf of district council or unitary authority)     | Littering, dog control offences<br>Only if authorised: graffiti, fly-posting   |
| Environment Agency   | Failure to produce a waste transfer note or waste carrier's licence  |
| Broads Authority   | Littering, graffiti, dog control offences  |
| National Park Authority  | Littering, abandoning a vehicle (in areas where the National Park authority is also the planning authority)  |

## What to include on fixed penalty notices

FPNs must state all of the following:

- the alleged offence, for example, littering or graffiti
- details about the offence, for example, what sort of litter was dropped
- where and when the offence took place
- how the FPN has been issued (in person or by post)
- the fine imposed (and if there's a discount for paying early)
- when the fine must be paid by (this must be at least 14 days)
- how the fine can be paid

If you have an appeals process, you should also include instructions for how to appeal.

## Set penalty levels

Depending on the offence, you can charge penalties within certain limits.

| <b>Offence</b> | <b>Default penalty</b> | <b>Minimum full penalty</b> | <b>Maximum full penalty</b> | <b>Minimum discounted penalty</b> |
|----------------|------------------------|-----------------------------|-----------------------------|-----------------------------------|
|----------------|------------------------|-----------------------------|-----------------------------|-----------------------------------|

| Offence  | Default penalty | Minimum full penalty | Maximum full penalty | Minimum discounted penalty |
|--|-----------------|----------------------|----------------------|----------------------------|
| <a href="#">Littering</a>  | £100            | £50                  | £150                 | £50                        |
| <a href="#">Littering from vehicles</a>  | £100            | £65                  | £150                 | £50                        |
| <a href="#">Dog control offences</a>   | £75             | £50                  | £80                  | £50                        |
| <a href="#">Graffiti</a>   | £100            | £50                  | £150                 | £50                        |
| <a href="#">Fly-posting</a>  | £100            | £50                  | £150                 | £50                        |
| <a href="#">Unauthorised distribution of free literature on designated land</a>                                  | £100            | £50                  | £150                 | £50                        |
| <a href="#">Alarm noise: failure to nominate key-holder or to notify local authority of key-holder's details</a> | £75             | £50                  | £80                  | £50                        |
| <a href="#">Nuisance parking</a>   | £100            | £100                 | £100                 | £60                        |
| <a href="#">Abandoning a vehicle</a>   | £200            | £200                 | £200                 | £120                       |
| <a href="#">Fly-tipping</a>  | £200            | £150                 | £400                 | £120                       |
| <a href="#">Failure to produce a waste transfer note</a>   | £300            | £300                 | £300                 | £180                       |
| <a href="#">Domestic waste receptacle offences</a>   | £60             | £60                  | £80                  | £40                        |
| <a href="#">Industrial and commercial waste receptacle offences</a>  | £100            | £75                  | £110                 | £60                        |
| <a href="#">Noise exceeding permitted level – domestic premises</a>  | £100            | £75                  | £110                 | £60                        |
| <a href="#">Noise exceeding permitted level – licensed premises</a>  | £500            | £500                 | £500                 | £500 – no discount allowed |

Parish councils can set their own level for dog control offences, but must use the levels set by their district council for other offences.

## Getting payment

You can demand payment within 14 days.

You can also accept payment in instalments, if people can't afford to pay the full amount.

## Sending reminder letters

If you decide to send out reminder letters to ask for payment you should wait at least 7 days from the date the FPN was issued.

These should tell the recipient all of the following:

- how much they must pay
- when they must pay by
- what happens if they don't pay

- how they can appeal (if they can appeal)

## **Authorising enforcement staff**

Enforcement officers must be authorised in writing by the authority they issue FPNs for.

Parish council enforcement staff must also complete a suitable training course.

All enforcement officers should also:

- receive appropriate training
- have a uniform, identification and a Police and Criminal Evidence Act (PACE) notebook

They should follow guidance on [how to issue FPNs](#).

## **Appeals**

If you have an appeals system, include the following information about how to appeal against the FPN:

- how, when and where to appeal
- what happens if the appeal is successful (no further action will be taken and the FPN will be cancelled)
- what happens if the appeal is rejected and the offender doesn't pay
- how to complain

## **Taking offenders to court for non-payment**

You should take offenders to court if penalties aren't paid.

You must wait 14 days after issuing an FPN before you can take legal action.

You must begin legal proceedings within 6 months of the offence.

## **Keeping records**

You must keep records of both:

- FPNs issued, from issue through to payment or prosecution
- any evidence in case the FPN goes to court

## **Issuing FPNs to young people**

You can't issue FPNs to anyone younger than the age of 10.

You can contact the parents or legal guardians of offenders younger than the age of 10, to make them aware of their child or ward's behaviour.

Your enforcement officers should use special procedures for offenders aged

younger than 18 and work with both the youth offending team and children's services. Find out about special procedures for juveniles in the [guidance for authorised enforcement officers](#).

## Income from FPNs

There are rules for how different authorities can use income from FPNs.

### Councils

Councils must use income from FPNs as set out in this table.

| Offence   | FPN money can be spent on functions relating to:                     |
|---|--|
| <a href="#">Litter</a>  | Litter, dog control, graffiti and fly-posting                        |
| <a href="#">Graffiti</a>  | Litter, dog control, graffiti and fly-posting                        |
| <a href="#">Dog control</a>   | Litter, dog control, graffiti and fly-posting                        |
| <a href="#">Fly-posting</a>   | Litter, dog control, graffiti and fly-posting                        |
| <a href="#">Unauthorised distribution of free printed material on designated land</a> | Litter, dog control, graffiti and fly-posting                        |
| <a href="#">Nuisance parking</a>  | Road traffic, litter and refuse                                      |
| <a href="#">Abandoning a vehicle</a>  | Road traffic, litter and refuse                                      |
| <a href="#">Fly-tipping</a>   | Waste on land  |
| <a href="#">Noise exceeding permitted levels – domestic premises</a>                  | Statutory noise nuisance, noise at night and audible intruder alarms |
| <a href="#">Noise exceeding permitted levels – licensed premises</a>                  | Statutory noise nuisance, noise at night and audible intruder alarms |
| <a href="#">Alarm noise – no keyholder</a>  | Statutory noise nuisance, noise at night and audible intruder alarms |
| <a href="#">Failing to show waste documents</a>                                       | Waste on land  |

### Exceptions

There are no restrictions on how the following councils can use income from these FPNs:

- councils rated as 'excellent', 'good' or 4, 3 or 2 stars
- a parish council approved as a Quality Parish Council

There are no restrictions on how councils can use income from fly-tipping FPNs.

### Other authorities

National Park authorities can use FPN receipts for their own litter enforcement.

The Broads authority can use FPN receipts for functions relating to litter and anti-social behaviour.

The Environment Agency must pay its FPN receipts to the Secretary of State.

PCSOs must pay their FPN receipts to their local authority.

## **Publishing your enforcement strategy**

You should make your enforcement strategy publicly available and include details of:

- offences included in your FPN scheme
- how much you'll fine people for each offence
- details of any early payment discounts
- how FPNs are issued
- how you deal with juvenile offenders
- what you'll do if offenders don't pay
- how to appeal (if you offer that option)
- how you'll spend money received from FPNs
- records you'll keep

## **Legislation**

This legislation relating to fixed penalty notices includes:

- [Environmental Protection Act 1990](#)
- [Clean Neighbourhoods and Environment Act 2005](#)
- [Anti-social Behaviour Act 2003](#)
- [Anti-social Behaviour, Crime and Policing Act 2014](#)
- [Refuse Disposal \(Amenity\) Act 1978](#)
- [Environmental Offences \(Fixed Penalties\) \(Miscellaneous Provisions\) Regulations 2007](#)
- [Environmental Offences \(Fixed Penalties\)\(England\) Regulations 2018](#)
- [Unauthorised Deposit of Waste \(Fixed Penalties\) Regulations 2016](#)