

## Slurry, milk and waste spreading on agricultural land: Emergency cold weather guidance

Spreading in exceptional weather conditions should not take place until all efforts have been made to follow the hierarchy of options given in this document. During exceptional weather conditions, where other options are not available, we will not seek to enforce a breach of regulation where slurry, milk or other waste is spread to waterlogged, flooded, snow-covered or frozen land unless the activity has caused, or is likely to cause, pollution or harm to human health. 'Spreading in exceptional conditions' will be declared following the advice of Governments and on the express approval of the Strategic Management Team and specified in [position statement 032](#).

### Background

This position has been issued to help our staff advise farmers on how to deal as safely as possible with slurry, waste milk and other wastes in exceptional weather conditions (an extended period of weather that surpasses what is common or usual or expected), when normal storage provisions are at or close to capacity and pollution may arise unless immediate action is taken. This position will only take effect externally following the advice of Governments and on the express approval of the Strategic Management Team and specified in Position Statement PS032 which will be published on the web site and publicised widely as the need arises.

This statement covers livestock slurry, including dirty water (dilute slurry), and waste milk. It also covers wastes normally spread on land for agricultural benefit, which are controlled by both Standard Permits and exemptions from the need for a permit under the Environmental Permitting (England and Wales) Regulations 2010 (Environmental Permitting Regulations). It does not cover sewage sludge or solid manure.

Exceptional weather conditions, e.g. prolonged heavy snowfall and prolonged deep frosts, make it unsafe to spread slurry, milk and other wastes. For instance, after snowmelt and frost-thaw the risk of run-off to surface water is high to very high while the soil is replete with water (at field capacity). Slurry, waste milk and other liquid waste applied to land at field capacity may pass quickly through to land drains (where present) and/or run across the soil surface to pollute surface water. Groundwater may also be polluted.

### Our Position

Normally there is no justification to spread slurry, milk or other wastes to land that is waterlogged, flooded or snow covered; or has been frozen for 12 hours or more in the preceding 24 hours. We acknowledge that the circumstances are exceptional, and

that we will take these into account when deciding what enforcement action is appropriate. However this position and the following the guidance cannot guarantee that enforcement action will not be taken.

Should such a spreading activity be undertaken it would normally be seen as acting against Defra's advice<sup>1</sup>. It may prevent compliance with the Nitrate Vulnerable Zone (NVZ) and Environmental Permitting Regulations (and any other Regulations) and it may put farmers in breach of their Cross Compliance responsibilities. Any breaches must still be reported to RPA as normal. RPA will look at breaches reported to them on a case by case basis to determine the appropriate level of reduction.

Spreading in exceptional weather conditions should only take place if:

- All efforts have been undertaken to follow the following hierarchy of options;

***Most favoured options***

Storage\* at the place waste is produced;  
Storage\* at the place where waste is to be used;  
Disposal to a Sewage Treatment Works or other permitted treatment site;  
Storage\* at a third party location;  
Spreading on alternative lower risk land (including land outside an NVZ);  
Spreading on land subject to an appropriate site specific risk assessment.

\*including hiring in of appropriate temporary storage

***Least favoured options***

- The person responsible for spreading the waste must **request the ability to spread in writing** (this includes by email or fax) from us before spreading, although notification can be given by telephone (with a written request to follow) if there is imminent risk of stores overflowing. This request should be made to the local Environment Agency office, who can also give site-specific advice. A formal record of this pre-notification must be made by the person contacting us.
  - All requests should be recorded internally on file and a summary sheet kept recording all cases received. You should record the name, address and telephone number of the person making the request, the location of the land to be spread, and a description of that land (including any measures to be taken to address likely risks resulting from the spreading operation).
  - You should also identify whether the land is in or out of an NVZ, and if in an NVZ remind the farmer that relevant records must be recorded by the occupier of the land.
- The activity will meet the relevant objectives of the Waste Framework Directive;

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<sup>1</sup> Contained in "Protecting our Water, Soil and Air: A Code of Good Agricultural Practices for farmers (COGAP)"

'... ensuring that waste management is carried out without endangering human health and without using processes or methods which could harm the environment and in particular without –

- (i) risk to water, air, soil, plants or animals; or
- (ii) causing nuisance through noise or odours; or
- (iii) adversely affecting the countryside or places of special interest.'

**Specific guidance on the following is included below:**

1. Landspreading of slurry.
2. Landspreading of waste milk and other wastes exempt from the Environmental Permitting Regulations.
3. Landspreading of wastes not exempt from the Environmental Permitting Regulations.
4. Additional guidance on storage and landspreading of slurry, milk and other wastes.

**1. Landspreading of slurry**

Farms with inadequate slurry storage that are currently at or near their storage capacity will overflow unless urgent action is taken. They present a serious risk of causing pollution and harm to fish and other aquatic wildlife. To prevent pollution, the farmer's **only option** may be the controlled spreading of slurry on land under conditions that would normally contravene regulations (e.g. NVZ Regulations) or COGAP. This includes spreading slurry on snow-covered soil and/or on land that has been frozen for more than 12 hours in the previous 24-hours.

Where alternative temporary storage capacity (e.g. new storage built to adequate standards or existing on a neighbouring farm) or disposal to an environmentally acceptable destination is not available, **we will not seek to enforce a breach of regulation** where slurry is spread to land during this period, unless the activity has caused, or is likely to cause, pollution or harm to human health. Cross compliance requirements still apply and any breaches must still be reported to RPA as normal. RPA will look at breaches reported to them on a case by case basis to determine the appropriate level of reduction.

Measures should be taken to **reduce the amount of slurry** (including dirty water) produced on a daily basis, such as:

- Washing down a dairy parlour with a low volume hose (0.6 cubic metres per cow per month or 20 litres per cow per day), where it would not compromise milk hygiene standards. Removing excess dung with a brush or squeegee before hosing down will help reduce the amount of wash water needed.
- Keeping animals on straw, if possible, to produce a solid manure (e.g. Farmyard manure (FYM)) rather than slurry.

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- Keeping/moving livestock on the minimum yard area necessary — uncontaminated surface water that can be diverted from a clean yard area can be drained to a surface water.

FYM and other solid manures (waste that can be stacked in a freestanding heap without slumping and that do not give rise to free drainage of liquid from within the stacked material) **may be stored in field heaps**. Farmers should avoid placing them within 10m of a land drain or surface water. If a suitable field location is doubtful, farmers must contact their local Environment Agency Office for advice.

Solid manure that gives rise to free drainage of liquid from within the stacked material must continue to be contained on an impermeable surface, with the liquid collected and stored securely

Farmers have a responsibility to provide enough safe storage to prevent slurry being applied to land when there is a significant risk of it getting into surface water and/or groundwater. They must also work to minimise diffuse pollution of water from slurry, surface wash, soil erosion and leaching.

Furthermore, farms in an NVZ must have in place at least six months' storage capacity for poultry manures and pig slurry and at least five months' for slurry from other types of livestock by 1 January 2012, or 1 January 2013 in a deferred slurry storage area.

Where it is necessary to increase storage capacity, whether to comply with the NVZ rules or not, the facilities must meet the requirements of the Control of Pollution (Silage, Slurry and Fuel Oil) Regulations (SSAFO).

## 2. Landspreading of waste milk and other wastes exempt from the Environmental Permitting Regulations

The following exemptions specifically prohibit spreading of waste to occur on land which has been frozen for 12 hours or more in the preceding 24 hours, or is waterlogged, frozen or snow-covered:

- **U10 Spreading waste on agricultural land to confer benefit** (including activities covered by the former paragraph 16 exemption (biobeds) paragraph 47 exemption (milk)).
- **U11 Spreading waste on non-agricultural land to confer benefit** (including activities covered by the former paragraph 16 exemption (biobeds)).
- **U13 Spreading of plant matter to confer benefit** (including activities covered by the former paragraph 37 exemption (plant tissue at the place of production)).
- **U15 Spreading pig and poultry ash** (including activities covered by the former paragraph 28 exemption).
- **D4 Deposit of agricultural waste consisting of plant tissue under a Plant Health notice** (including activities covered by the former paragraph 37 exemption (plant tissue at the place of production))

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If separate storage capacity for milk or other waste (e.g. sludge from washing vegetables on a farm) is not available it may be temporarily placed in a slurry store until it can be spread in accordance with the relevant exemption. (Under normal circumstances putting waste in a slurry store will result in the entire mixture becoming waste and regulated under the Environmental Permitting Regulations.)

**SAFETY NOTE: Mixing milk and some other wastes with slurry can liberate lethal or explosive gases due to bacterial processes, for example methane, carbon dioxide, ammonia, and hydrogen sulphide.**

Where storage or an alternative treatment or disposal option is not available, **we will not seek to enforce a breach of the Environmental Permitting Regulations (and if relevant NVZ or other Regulations)** where milk or other waste is spread to land during this period, unless the activity has caused, or is likely to cause, pollution or harm to human health. Spreading of milk when ground is frozen or waterlogged can also present a significant risk of polluting groundwater. Cross compliance requirements still apply and any breaches must still be reported to RPA as normal. RPA will look at breaches reported to them on a case by case basis to determine the appropriate level of reduction.

This position assumes we will work with farmers, producers and contractors on the basis of the 'Hierarchy of options', with a presumption against landspreading, unless it is proven to be the only viable and least potentially polluting option available.

In April 2010 changes were introduced to the exemptions under the Environmental Permitting Regulations. A period of transition currently exists between the former exemptions and the newly introduced exemptions. Details can be found on our website of the [exemption changes](#). Additional landspreading activities not covered by the exemptions are covered by our guidance on [Low Risk Waste Activities](#).

### **3. Landspreading of wastes not exempt from the Environmental Permitting Regulations**

Spreading of wastes for agricultural benefit may be controlled by a Standard Rules Permit (SR2010No4 Mobile Plant for landspreading) or a Paragraph 7 exemption from the Environmental Permitting Regulations.

The standard permit does not specifically prohibit the spreading of the waste on land which has been frozen for 12 hours or more in the preceding 24 hours, or is waterlogged, frozen or snow-covered. But to ensure the waste is recovered without endangering human health, and without using processes or methods which could harm the environment, there is still an expectation that the spreading activity will comply with COGAP. There may also be a need to comply with the NVZ and other Regulations.

Where storage or an alternative treatment or disposal option is not available, **we will not seek to enforce a breach of the NVZ or other Regulations** where the waste is spread to land to confer agricultural benefit during this period, unless the activity has caused, or is likely to cause, pollution or harm to human health. Cross compliance

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In April 2010 changes were introduced to the exemptions under the Environmental Permitting Regulations. A period of transition currently exists between the former exemptions and the newly introduced Standard Rules Permits for landspreading. Information can be found on our website on the change to [Standard Permits](#).

#### **4. Additional guidance on storage and landspreading of slurry, milk and other wastes**

Where alternative storage is not available and there is freeboard in the store (normally 300 mm for a square, rectangular or circular steel tank or concrete store / 750 mm for an earth-banked lagoon) this should also be used, where it is safe to do.

Slurry, milk and other wastes must only be spread on **very low run-off risk land** that:

- has an average slope of less than 3 degrees;
- does not have effective land drains (i.e. any drains present do not run);
- in the last 12 months has not been pipe drained, mole drained or sub-soiled;
- is at least 50 metres from a watercourse or conduit leading to a watercourse;
- does not have a shallow soil above fissured rock;
- has a sufficient depth and suitable type of soil above groundwater to prevent pollution;
- is not compacted or where the soil surface is capped (e.g. only spread where the soil is permeable and has a good structure).

Slurry, milk and other wastes should be spread thinly and widely at an application rate not exceeding **20 cubic metres per hectare**. The farm's driest soils should be targeted.

No more slurry or waste than is absolutely necessary to prevent a store from overflowing must be spread.

Where slurry, milk and other waste is spread to land the activity must be regularly monitored, including checking adjacent watercourses, to ensure pollution is not happening and is not likely to happen.

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