



Guidance for Applicants (Revised)

The Farm Nutrient Management Scheme (FNMS) and Planning Permission

1.0 Background

1.1 Department of Agriculture and Rural Development (DARD) has launched the Farm Nutrient Management Scheme, a £45m grant programme to assist compliance with the Nitrates Directive by facilitating the upgrading of existing facilities and the construction of new facilities within farms for the storage of slurry and manure. The Nitrates Directive seeks to reduce or prevent water pollution caused by the application and storage of organic manure and chemical fertiliser on farmland.

1.2 Planning Service in conjunction with the Department of Agriculture and Rural Development consulted in June 2005 on the possibility of extending permitted development rights to reduce the burden on farmers and guarantee that the time consuming process of obtaining planning permission will not delay compliance with the Nitrates Directive. Following that consultation it was decided to extend permitted development rights for a period up to the end of 2007. The Planning (General Development) (Amendment) Order (Northern Ireland) 2005 which came into operation on 24th October 2005 provides for the changes to permitted development rights.

1.3 The following information should help you to decide whether you require planning permission for a new slurry tank or other works and if so, how to make an application.

2.0 When is Planning Permission not required?

1.0 Planning Permission is not required for the following:-

- installation of guttering and downpipes;
- creation of drainage channels or gullies for the collection of clean water;
- roofing of existing middens;
- erection of a fence under 2m in height, or 1m in height if it is adjacent to a road.

2.2 Where the development proposed does not contravene any of the limitations below it will benefit from permitted development rights and planning permission will not be required.

- ❑ The agricultural unit must comprise at least 0.5 hectares of land existing as one complete portion of land;
- ❑ The proposed development must comprise a building (other than a dwelling), structure or works designed for the purposes of agriculture;
- ❑ The proposed building or structure **must not be more than 75m** from the nearest part of a group of principal farm buildings;
- ❑ The proposed building or structure **must not be within 75m** of a dwelling house which is occupied by a person who is not engaged in agricultural operations on that agricultural unit;
- ❑ The ground area covered by a building or excavation used, or to be used, for storage of slurry or manure, or by a building for both the accommodation of livestock and storage of slurry or manure must be 600 sq. m or less (calculated as detailed in 2.3 below). This provision is time limited and will have effect until 31st December 2007.
- ❑ The ground area of any **OTHER** works or structure, not included above, must be 300 sq m or less (calculated as detailed below);
- ❑ The proposed building, structure or works must 12 metres or less in height, or if located within 3km of an aerodrome 3 metres or less in height;
- ❑ The proposed building, structure or works must be 24m or more from the nearest part of a special road; or 24m or more from the middle of a trunk or first or second class road; or 9m or more from the middle of other classes of road (this includes a tank constructed under an existing building);

2.3 Calculation of Ground Area:

The ground area limit referred to above comprises the ground area of the proposed development, together with the ground area of any other building (other than a dwelling house), works, structure, plant or machinery, within 75m of the proposed development, which are provided between the 24th October 2005 and 31st December 2007. **The ground area of any development which has been provided before 24th October 2005 is not taken into account.**

3.0 When is Permission required?

3.1 Planning Permission will **always** be required if the proposed tank or structure to be used for the storage of slurry or manure or both the accommodation of livestock and storage of slurry or manure as described above is:-

- ❑ **More than 600sq. m.** in ground area as calculated above; **OR**
- ❑ More than 75m from the nearest part of a group of principal farm buildings; **OR**
- ❑ Within 75m of a dwelling house which is occupied by a person who is not engaged in agricultural operations on that agricultural unit; **OR**
- ❑ More than 12m high, or if within 3km of an aerodrome more than 3m high; **OR**
- ❑ Within 24m of the nearest part of a special road, **OR** within 24m of the middle of a trunk, or first or second class road, **OR** within 9m of the middle of any other class of road. (this includes a tank constructed under an existing building) **OR**
- ❑ On an agricultural unit of less than 0.5 hectares of land existing as one complete portion of land.

3.2 **When calculating the ground area of a tank or other structure, external measurements should always be used.**

3.3 **Construction Of Laneways On Agricultural Land.**

The removal of an old midden and construction of laneway(s) on an agricultural unit from the rubble generated will not require planning permission provided no waste material is being imported onto the farm. (This does not apply to standard building materials.)

3.4 **Excavation/And Re-Use Of Soil.**

The excavation and re-use of any soil and sub-soil or rubble associated with the construction of a slurry tank or other storage facility will not require planning permission. No material should be moved to a place outside that agricultural unit. Where soil is used for the regrading of slopes the surface of the land should be levelled, top soil replaced and the land restored to its original condition.

4.0 **How do I apply for Planning Permission?**

Please submit the following:

4.1 7 no. of copies of application form P1, fully completed, signed and dated. (Photocopies of the original are acceptable.)

4.2 7 no copies of detailed drawing plans including;

- (i) 7 no copies of a site location plan, to scale 1:2500 or 1:1250, identifying the application site;
- (ii) 7 no copies of a site layout plan, preferably to scale 1:500 or 1:200, showing the proposed building, structure or tank in relation to existing buildings;
- (iii) 7 no copies of floor plans and elevations, preferably to scale 1:50 or 1:100, showing details of the proposed finishes, including materials and colours. Trade brochures depicting the proposed buildings, structure or works will be accepted provided the dimensions of the proposed works are clearly indicated.

4.3 The correct application fee which is:

- £755 for each 500sq.m. of the floor area subject to a maximum of £10,000 (Fee Category 6)

4.4 It should be noted that during processing, further details may be requested to enable Planning Service to determine your application.

Application forms are available on the Planning Service website www.planningni.gov.uk

5.0 Frequently Asked Questions

Q. Do I need to confirm with Planning Service that my Proposal does not require Planning Permission?

A. DARD has advised that formal confirmation is not required if your proposal complies with the requirements outlined above and planning permission is not required.

Q. If I am constructing a storage tank below a new agricultural building, how do I calculate the relevant ground area of the building to determine if it requires a Planning Application?

A. If a slurry tank or storage tank is being constructed below ground, and below a new agricultural building, a single ground area measurement only should be taken for the purpose of calculating whether an application is required. For example, a tank with a ground area of 600sq.m., which is constructed below a new agricultural building with a ground area of 640sq.m. will equate to a total ground area of 640sqm and will require a planning application. Equally, if the tank has a

greater ground area than the building, it is this figure, which is used when assessing whether Planning Permission is required. When calculating the ground area of a building or structure, external measurements should always be used.

Q. How do I calculate the relevant planning fee?

A. The relevant fee should be calculated by measuring the **total floor area** of the development. For the above example, an underground tank which has a ground area of 600sq.m. and which is constructed below a new agricultural building with a ground area of 640sq.m., equates to a total floor area of 1240sq.m. and the relevant fee payable will be £2265.

Q. Do I need to submit detailed plans if I am constructing an underground tank.

A. Detailed drawing plans to scale showing the dimensions of the tank are required for both above and below ground tanks. The standard of plans included in the DARD scheme booklet would suffice.

Q. Will my application be advertised in the newspaper?

A. All valid planning applications are advertised on a weekly basis in the local newspaper. Details of these applications are also placed on the Planning Service website.

Q. Will Planning Service write to my neighbours?

A. Planning Service will write to any occupiers of buildings on sites which adjoin the boundary of the application site. It is recommended that you tell your neighbour that you intend to construct a slurry tank.

It should also be noted that all planning application files are available for inspection by the wider public through the Open File Correspondence Unit.

Q. Where is the best position for a slurry tank on my farm?

A. Tanks may be positioned to meet the operational requirements of the farm but should meet the following requirements in order to obtain planning permission:-

- sited to minimise the visual impact on the landscape, e.g. grouped with existing farm buildings;
- using existing lanes/accesses where possible;
- sited close to field boundaries or trees, additional landscaping to be provided if necessary.