

Slurry Lagoons and associated works - requirement for warrant

Background:

LABSS have been approached by an agent (www.agri-design.co.uk) seeking clarification on the requirement for warrant for slurry lagoons. I note below what the agent has requested, I've removed references to authorities as this is only the agent's feedback:

"I have the above application in with XX council just now. It is a building warrant application for a lined earth banked slurry lagoon for agricultural slurry. I also have an application in with XX council, they have come back and said slurry lagoons don't require building warrant. I believe slurry lagoons do require a building warrant but wondered if I could have some clarification on this as it is hard to advise farmers if different councils have different interpretations of the regulations. So XX, XX, and XX all require building warrant for lagoons."

Like anything, there could be specifics of each installation which require a different approach and it could also be that warrants are being taken for associated works, such as fences. I've attached typical plans for this type of work.

Could you seek feedback from your consortium colleagues on their approach to warrants for slurry lagoons?

Local Authority responses

West Dunbartonshire - With regards to the above, WDC Building Standards would request an application for Building Warrant under 3.26 of the Technical Handbook.

East Renfrewshire - Consensus is we wouldn't have asked for one.

East Dunbartonshire - A building warrant would not have been requested as it is considered the slurry pit does not meet the requirement of structure, In relation to inspections what guidance is available to confirm the construction is safe etc. and it is believed the control of such farming activities would probably be the remit of another organisation. However where a fence or similar is installed and is in excess of 2.0m in height a warrant would be required. Considerable differences of opinion in relation to this request within EDC however majority stated no warrant would be sought.

Falkirk - My colleagues who responded regarding your enquiry felt that it does not require a building warrant. I was undecided but eventually decided the same though, bearing in mind the openness of a 'building' definition, I can understand why some may not agree.

North Lanarkshire - We do not think that this requires building warrant as we would not consider it to be a building and believe that this would be controlled by SEPA and planning. However, we have had response from SEPA below stating that some authorities are asking for BW. Ours was purely earthworks. If a tank was constructed I agree that would require a warrant.

Shetland - A slurry lagoon is not exempt and therefore requires a building warrant.

Orkney - Our view in Orkney is that slurry lagoons always require a building warrant. For what it's worth, our local SEPA office also believes a building warrant is required, probably as a result of (national) SEPA guidance on the subject – [see PEPFAA clause 4.44](#) . We do not get too many slurry

lagoons in Orkney (only one so far this year) but Agri Design drawings are representative of what we look for in terms of design information. We would probably insist on engineering design for embankment slopes and liner specification being finalised prior to warrant approval, but other than that drawings seem to cover all the bases.

Highland - The fact that there's a whole technical standard (3.26) related to farm effluent tanks (which is what a slurry lagoon is) and dungsteads would make me think they do require a warrant: Dungstead means a permanent storage facility for all farmyard manures including solid and semi-solid animal excreta. The construction should allow for any liquid to be contained within the store or be allowed to seep out for collection in a leak-proof storage tank. Farm Effluent Tank means a leak-proof storage facility for liquid animal excreta (slurry), dirty water (water contaminated with slurry) and silage effluent that is of a consistency that allows it to be pumped or discharged by gravity at any stage of the handling process. The standard doesn't say dungsteads or farm effluent tanks over a certain size or height it refers to all dungsteads and farm effluent tanks as needing to meet this standard: 3.26.1 Construction of dungsteads and farm effluent tanks. Every dungstead or farm effluent tank, including a slurry or silage effluent tank should be constructed in such a manner so as to prevent the escape of effluent through the structure that could cause ground contamination or environmental pollution. It also refers to them being protected by covers or fences which infers it can be an open slurry lagoon rather than just an enclosed tank. The construction should also prevent seepage and overflow that might endanger any water supply or watercourse. 3.26.3 Safety of dungsteads and farm effluent tanks. Where there is the possibility of injury from falls, a dungstead or farm effluent tank should be covered or fenced to prevent people from falling in. Covers or fencing should be in accordance with the relevant recommendations of Section 8 of BS 5502: Part 50: 1993.

Tayside Group - Needless to say, Dundee don't have a lot of experience with slurry lagoons but Angus and PKC would both look for a warrant for this proposal. Regulation 3 states that a warrant is required for a dungstead or a farm effluent tank. The guidance in 3.26 defines Farm Effluent Tank as a leak-proof storage facility for liquid animal excreta (slurry). Also, BS 5502: Part 50: 1993 states that a farm effluent tank includes a slurry lagoon. In truth, I would prefer not to deal with slurry lagoons as they are just earth embankments and as such, I question if they are buildings.

Conclusion from responses:

The responses received contain a mix of views which makes the reporting of a definitive conclusion difficult. However what is clear from the responses is that:

- A warrant is required for any walls (above 1.2m) and fences (above 2m) associated with a lagoon.
- Generally, where the lagoon involves the installation of a tank then a building warrant would be required.
- Where the proposals comprise simply of earthworks then a verifier may decide that a warrant is not required.

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