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STATUTORY INSTRUMENTS

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**2010 No. 639**

**The Water Resources (Control of Pollution) (Silage, Slurry  
and Agricultural Fuel Oil) (England) Regulations 2010**

**Making or storage of silage**

3.—(1) Subject to paragraph (3), a person who has custody or control of silage that is being made or stored must ensure that—

- (a) the silage is kept in a silo that satisfies the requirements of Schedule 1; or
  - (b) subject to paragraph (4), the silage is compressed into bales that—
    - (i) are wrapped and sealed into impermeable membranes, or enclosed in impermeable bags; and
    - (ii) are stored at least 10 metres from any inland freshwaters or coastal waters that effluent escaping from the bales could enter; or
  - (c) if the silage is a crop being made into field silage (that is, silage made on open land by a method different from the baling method referred to in paragraph (b)) or silage that is being stored on open land—
    - (i) the Agency is given notice of the place where the silage is to be made or stored at least 14 days before the place is first used for that purpose; and
    - (ii) the place is at least 10 metres from any inland freshwaters or coastal waters, and at least 50 metres from the nearest relevant abstraction point of any protected water supply source that silage effluent could enter if it escaped.
- (2) For paragraph (1)(c)(ii), a water supply source is a protected water supply source if—
- (a) any relevant water abstraction from the source is licensed under Part II of the Water Resources Act 1991; or
  - (b) the person making or storing the silage was aware of the source's location—
    - (i) before the making of the silage began; or
    - (ii) if the silage was made elsewhere, before it was stored on the land in question.

(3) Paragraph (1) does not apply to silage while it is stored temporarily in a container, trailer or vehicle in connection with its transport about the farm or elsewhere.

(4) A person who has custody or control of any crop which is being, or has been, made into silage in the manner described in paragraph (1)(b) must not open or remove the wrapping of a bale within 10 metres of any inland freshwaters or coastal waters which silage effluent could enter as a result.

(5) In this regulation—

- (a) “relevant water abstraction” means the abstraction of water for use for—
  - (i) human consumption, or
  - (ii) domestic purposes (within the meaning given by section 218 of the Water Industry Act 1991(1)) other than human consumption, or

- (iii) manufacturing food or drink for human consumption; and
- (b) “water supply source” means inland freshwaters or ground waters from which a relevant abstraction is made or licensed to be made.