

Regulatory position statement

Building biobeds in a groundwater source protection zone 1

If you comply with the requirements below, we will allow impermeably lined biobeds to be built on land which is situated in a groundwater source protection zone 1 (SPZ1) without an environmental permit.

Background

Exemption T32 allows the use of lined biobeds and biofilters to treat dilute pesticide washings at the site where they were produced provided the biobed/biofilter is not sited within:

- 10 metres of a watercourse
- 50 metres of a spring or well or from any borehole not used to supply water for domestic or food production purpose;
- 250 metres of any borehole used to supply water for domestic or food production purposes
- a SPZ1¹

In some locations, especially in parts of South East England, farmers have large areas of their land situated in an SPZ1 and cannot benefit from registering the T32 exemption. This means that an environmental permit would be required to construct, use and maintain a lined biobed in these locations. Unlined biobeds require an environmental permit in all cases given the inherent risk to the environment but are not acceptable in most locations.

Where it is not possible to move the risk of pesticide impact out of SPZ1, one of the possible solutions to reduce the existing risk of pesticide handling in these SPZ1s is to install a lined biobed.

We recognise that a well constructed and managed lined biobed reduces the active pesticide residues in wash waters over time, and that if discharged to a dedicated area these would need an environmental permit.

Our approach

Provided that area teams are satisfied that the operator can meet the following requirements, we will not pursue an application for an environmental permit:

- The local Environment Officer has discussed and reviewed with the farmer whether there are any options for constructing the lined biobed outside of the SPZ1.

- Where the lined biobed cannot be constructed outside of the SPZ1, the Environment Officer and the local Groundwater and Contaminated Land team specialist have assessed and accepted the proposed location and design of the biobed. The decision is recorded in a letter to the farmer stating the agreed enforcement position.
- The local area Environment Management team has been informed in writing of how the person responsible for the biobed proposes to comply with the requirements of this RPS.
- The lined biobed must be constructed and maintained in line with the [biobed manual](#) and sited at least:
 - 10 metres from a watercourse;
 - 50 metres from a spring, well or borehole not used to supply water for domestic or food production;
 - 250 metres from a borehole used to supply water for domestic or food production
- The biobed should be designed without a discharge in a SPZ1 and any excess effluent should be collected for disposal outside of the SPZ1. Where this is not possible the discharge point must be agreed in advance with the Local Environment Officer.
- No more than 15,000 litres of dilute pesticide washings may be treated in the biobed/biofilter within in a 12-month period.
- You meet the relevant objectives of the Waste Framework Directive;
 - '... ensuring that waste management is carried out without endangering human health, without harming the environment and in particular:
 - (i) without risk to water, air, soil, plants or animals;
 - (ii) without causing a nuisance through noise or odours; and
 - (iii) without adversely affecting the countryside or places of special interest.'
- You meet the relevant objectives of the Water Framework Directive particularly the Article 4 "prevent or limit" objective ensuring:
 - "...all measures necessary to prevent the inputs into groundwater of any hazardous substance..."

Enforcement

In not pursuing an application for a permit, we will not normally take enforcement action unless the activity has caused, or is likely to cause, pollution or harm to health. For a more detailed explanation of this enforcement position, please see our [Enforcement and Sanctions](#) statement. This can be found on the '[How we regulate you](#)' page in the Business & Industry section of our web site.

This regulatory position will be reviewed by February 2015.

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