



Farming and Environmental Health Guide

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Chartered
Institute of
Environmental
Health
NI Directorate

Introduction

WHY PRODUCE THIS GUIDE?

The Ulster Farmers' Union and the Chartered Institute of Environmental Health for Northern Ireland have worked together to produce this Guide to help explain the role of the environmental health service in NI and also to provide information, guidance and advice to farmers. Ultimately we hope that it will assist towards both avoiding issues arising that may cause tensions between farming communities and the wider community and a more informal resolution of issues when they do occur.

Farmers in Northern Ireland manage almost 80% of the land area and the agri-food sector is a key part of the local economy. There are 47,000 people employed in farming with a further 27,000 in food and drink processing and despite the difficult economic climate, the agri-food industry here continues to grow. Agriculture and the environment are inseparable; the ability to produce quality food and products from the land is dependent on a quality environment.

There is an expectation that the agri-food sector will continue to grow and farms will be developed in line with the vision of the Agri-Food Strategy Board's 'Going for Growth' strategy. There are many

rules and regulations in place to help protect our environment and it is often difficult for farmers and others to be fully aware of all the various requirements, particularly when changes are being made to a farming business. Environmental Health Officers (EHO's), within local councils, may have an involvement with local farms in many ways – for example in relation to a planning application, diversification of a farm business or 'if a complaint has been received'. EHO's are also a useful source of advice or information.

WHO ARE THE ULSTER FARMERS' UNION?

The Ulster Farmers' Union (UFU) is the largest democratic voluntary organisation (with over 11,500 members), representing farmers and growers in Northern Ireland.

Further details can be found on their website at: www.ufuni.org



WHO ARE THE CHARTERED INSTITUTE OF ENVIRONMENTAL HEALTH NI DIRECTORATE (CIEH)?

The Chartered Institute of Environmental Health NI Directorate (CIEH) is a registered charity and the professional voice for environmental health.

Further details can be found on their website at: www.cieh-nireland.org



It sets standards, accredits courses and qualifications for the education of members and other 'Environmental Health Practitioners' (EHP's). It also provides information, evidence and policy advice to local and national government and environmental and public health practitioners in the public and private sectors. Individuals appointed within councils as Environmental Health Officers must hold appropriate undergraduate and professional qualifications from recognised bodies. Within the UK both the Chartered Institute of Environmental Health (CIEH) and the Royal Environmental Health Institute of Scotland (REHIS) are recognised as such.

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ROLES AND RESPONSIBILITIES OF THE ENVIRONMENTAL HEALTH SERVICE IN NORTHERN IRELAND

The Environmental Health Service in Northern Ireland (NI) is delivered through local councils. The following web address will allow you to access your local council's website www.nidirect.gov.uk

Environmental Health Departments (EHD's) within a council, administer the councils' statutory functions in respect of a wide range of environmental health and associated legislation. For example, they are responsible for food hygiene and standards, human infectious disease investigations, local air quality and for dealing with a wide range of complaints that amount to a nuisance in law.

In addition to their statutory role the EHD's provide information and advice on a wide range of matters from environmental protection to hygiene in food production.

EHD's do not have any role in monitoring cross compliance requirements that could affect agricultural aid payments, or in enforcing health and safety in respect of farming activities and generally would not be involved with water pollution incidents.

“EHD's provide information and advice on a wide range of matters from environmental protection to hygiene in food production”

EHD's are also consultees on planning applications, and submit comments where a planning proposal may impact on an existing sensitive use (such as a dwelling), or where the proposed development would be affected by an existing source of noise, odour etc.

The Welfare of Animals (NI) Act 2011, which applies to non-farmed animals including horses, is enforced by EHD's. In some councils they are responsible for dog licensing and control, and deal with small scale fly tipping incidents. In other councils these services would sit within another council department.



COMPLAINTS ABOUT FARMING PRACTICES

Environmental Health Officers (EHO's) are involved in investigation of complaints from members of the public regarding the activities of all types of industries including farming.

Councils have a duty to investigate complaints which may constitute a statutory nuisance. Part 7 of the Clean Neighbourhoods and Environment Act (NI) 2011 contains the main provisions on statutory nuisances.

What is a nuisance?

There are several matters listed in the legislation which, if considered prejudicial to health or a nuisance, would constitute a statutory nuisance. Those most relevant to farming activities include:-

- **Dust, smoke or fumes emission**
- **Odour**
- **Accumulations of material**
- **Noise**
- **Insects (mainly flies)**

Most cases of statutory nuisance are considered under the term 'nuisance' rather than 'prejudicial to health'. Nuisance in law

high, so minor problems or mere annoyance or irritation will not be enough to amount to a nuisance in law. 'One-off' situations would not generally be considered to constitute a nuisance. Furthermore the determination of nuisance is based upon the test of what ordinary people would find unacceptable and unreasonable. Courts generally do not take account of the particular sensitivities of an individual.

The decision as to whether a complaint should be dealt with as a statutory nuisance usually falls to environmental health staff within the Council, taking account of precedents established in common law, e.g.

- **the impact on the complainant**
- **the character of the locality**
- **the time, frequency and duration of the matter complained of**
- **the need for the activity giving rise to the activity complained of**
- **whether reasonable steps have been taken to avoid/minimise the impact**

What happens in the case of a nuisance?

An EHD will initially try to resolve a complaint of nuisance informally by giving advice and information, but if this fails formal statutory nuisance action must be taken with the service

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is an unlawful interference with the use and enjoyment of property, or with the comfort of the general public. The standard required to prove that the interference is unreasonable is fairly

of an Abatement Notice (AN) which may detail remedial works. Failure to comply with an AN is a criminal offence.

There is a right of appeal to the service of an AN and a defence that the 'best practicable means' (bpm) have been used to prevent or counteract the nuisance. Compliance with codes of practice would generally constitute a bpm defence in any proceedings.

It is not a defence that the person claiming nuisance acquired or moved into his/her property after a nuisance had started ie 'came to a nuisance'. However a recent Supreme Court judgement has indicated that a defence may be available in some circumstances where the complainant has changed the use of their land (eg by building a house) so that they are exposed to what was a pre-existing situation.

Additional information

More information in relation to nuisances under the 2011 Act has been published by the Department of the Environment and may be obtained from their webpage at:
DOE Clean Neighbourhoods

Common complaints

In relation to farms, complaints could be anything. Smell from slurry handling, flies from a poultry house or noise from an audible bird scarer are all examples of typical complaints. Some further information in relation to specific types of complaint are as follows:

Odour

Odour can arise from livestock buildings, farmyards and animal waste handling and spreading. Most odour complaints relate to pig and poultry units. Odours from livestock buildings can be reduced by siting well away from housing coupled with good management. Slurry spreading should if possible be avoided when the wind is blowing towards nearby houses and if spreading is to be undertaken near populated areas precision application methods should be considered. Odour from slurry spreading, at normal application rates and frequencies (eg at the beginning of the

growing season and after silage cuts) would generally not be considered as constituting a statutory nuisance.

More information on controlling agricultural odours can be found in the Department of Agriculture and Rural Development (DARD) publication 'Code of Good Agricultural Practice for the Prevention of Pollution of Air and Soil'.

Noise

Some agricultural activities generate significant levels of noise which could constitute a statutory nuisance. Examples of such activities/sources include intensive livestock buildings with breakout of animal noises or noise from ventilation fans etc, noise from renewable energy projects such as wind turbines and noise from audible bird scarers.

There is no fixed level of noise which constitutes a statutory nuisance and each case has to be judged on its merits. It is not only the level and character of the noise but how often it occurs and its duration which have to be taken into account.

Many noise problems can be prevented by:

- Prevention of generation of the noise at source
- Minimising or containing noise at source
- Increasing the distance between source and receiver
- Using physical noise barriers etc
- Timing and control of inherently noisy operations

Many farmers are now employing contractors for operations such as slurry spreading and silage cutting, who may operate throughout the night. This may give rise to noise complaints but due to the transient nature of this activity it would not generally be considered as giving rise to nuisance. Good practice would however suggest working on areas close to houses

during daylight hours where possible.

Further information on noise control techniques can be found in:

- Guidance for Operators on Noise Management at Intensive Livestock IPPC Installations Version1 2003 NI Environment Agency
- Metcalfe J P 1999 Guidance on the control of noise on pig units (Guidance produced by ADAS for Defra)
- Metcalfe J P 1999 Guidance on the control of noise on poultry units (Guidance produced by ADAS for Defra)
- NFU Code of Practice on Bird Scarers

Air Pollution

Burning waste produced on farms is largely prohibited except for small quantities of plant material, including hedge trimmings, where an exemption may be obtained by registering with the NI Environment Agency (NIEA). Any burning should comply with the Clean Air (Northern Ireland) Order 1981, enforced by the local council and not constitute a statutory nuisance.

Some intensive poultry or pig units may have an on-site incinerator for the burning of animal carcasses. These require approval from DARD under the Animal By-Product Regulations and if they have a capacity greater than 50 kg/hr they require a permit from the local council EHD under the Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2012.

For additional information go to: The Code of Good Agricultural Practice for the Prevention of

landowners are generally more often the victims of this practice rather than the perpetrators. Council's deal with smaller amounts of fly-tipped waste and the NI Environment Agency (NIEA) focus on larger-scale illegal waste activity. Where fly tipping on private land has an adverse affect on the environment or public health, or has the potential to do so, the relevant enforcement body could use their powers to effect removal of the waste and/or the remediation of the area, and take appropriate enforcement action.

Dogs/Animal Welfare

Councils provide a dog control service including dog licensing. Even licensed dogs if straying can present a potential threat of attacking people or livestock. If a stray dog is reported, the council will arrange to collect it. Owners who continually allow their dogs to stray can be fined.

Councils are also responsible for ensuring the welfare of non-farmed animals. This includes domestic pets such as cats, dogs, horses and donkeys. Animal welfare officers investigate complaints received from members of the public and can take a range of actions to improve the welfare of non-farmed animals, including giving advice, issuing improvement notices, taking animals into their possession and prosecution.

Pests

Agricultural operations can provide a source of attraction or provide breeding conditions for pests and insects. Insects can fall within one of the categories of nuisance in the Clean Neighbourhoods and Environment Act (NI) 2011. Livestock buildings, particularly poultry houses and manure/slurry stores will generate most insect complaints. The best way to prevent insect problems is to eliminate sources of

“Livestock buildings, particularly poultry houses and manure / slurry stores will generate most insect complaints”

Pollution of Soil Water and Air DARD 2008

Fly tipping

Fly tipping is a term used to describe the illegal dumping of waste on public or private property and is a criminal offence. Farmers and

attraction and material which can be used as a breeding medium. Chemical insecticides may also be necessary but only as a last resort. Some EHDs may be able to provide advice in relation to the control of rats and mice and other pests.



DEVELOPING NEW FACILITIES ON THE FARM

A healthy and sustainable agricultural sector must have the ability to develop new facilities to respond to market demand as well as new husbandry and production standards. However, all development will result in some environmental impacts and the following section aims to guide those considering new developments on the likely impacts and to where additional information and guidance can be obtained in order to minimise adverse effects.

When considering a new development on the farm it is common to think through issues such as road access, land stability and the relationship to other buildings on the farmyard. It is important to also give early consideration to the likely impact on the environment and surrounding houses, schools and other buildings. Many agricultural developments such as machinery stores cause very minor impacts, whereas developments such as large scale pig or poultry units may cause significant impacts. The types of impact that should be considered include, but are not limited to:

Your architect or planning agent will be able to advise on how the proposed development should be designed in order to comply with the requirements of planning policy. A pre-application discussion with the planning authority may also be appropriate for some developments. At the initial stages of considering a development on the farm it may also be useful to discuss the proposal with the EHD of your local council who will be able to provide some general guidance on the type of information required to assess environmental impacts. Where the new development will trigger the requirement for an industrial pollution prevention and control permit from the NIEA, it may also be useful to consider the requirements of the NIEA and to prepare the permit application at the same time as the planning assessments.



“It is important to also give early consideration to the likely impact on the environment and surrounding houses, schools and other buildings.”

- Odour from manure build up in buildings or slurry storage and handling
- Noise from machinery, animals or plant such as ventilation systems or milking parlours
- Fumes and gases emitted from combustion or other processes
- Dust release from mixing and feeding or from buildings
- Insects and pests migrating off-site as a result of infestations on the farm
- Light overspill from floodlighting

When choosing a site on the farm it is also useful to bear in mind that the type and quality of information required to assess the impacts is likely to be greater the closer it is to sensitive receptors such as houses or schools. In addition the prevailing wind direction is of importance where significant odour and dust emissions may occur as the effect upon sensitive receptors will be greater where they lie downwind of the source.

Communication with all stakeholders including local residents and businesses can help those living near the proposed development understand the proposal and can help ease any unreasonable fears they may hold.



Farmers should also be mindful of the potential effect of the proposal on their own dwelling or other dwellings or sites associated with the farm. Whilst the adverse impacts upon residents not associated with the farm is often seen as of primary importance, in certain circumstances (for example with high levels of dust emission) it is also necessary to consider the potential harm to the health of those living on the farm.

Detailed advice on environmental impacts can be found in the following non-exhaustive list of guidance.

When assessing environmental impacts it is expected that good farm management practices will be followed so that the proposed development will not give rise to abnormal levels of odour, insect infestation etc.

Where significant environmental impacts are predicted from the normal operation of the proposed development there may be options available to reduce and mitigate the resulting effects. The following examples are illustrative only and the best option for your development will be decided in conjunction with your professional advisers, based upon your own specific site and requirements:



- Excessive odour can be addressed by improving the dispersion by increasing the height of the dispersion point and ensuring that ventilation fans are fit for purpose
- Excessive noise can be addressed by relocating noisy plant to facades located away from sensitive receptors and / or introducing noise insulation measures
- Excessive dust emissions can be addressed by fitting dust abatement plant and / or by designing the layout and processes to minimise the open handling of dusty materials
- Excessive lighting overspill can be addressed by relocating luminaires and fitting double-asymmetric fittings

For more information go to:

NIEA Application forms and Guidance

For more information go to:

- The Code of Good Agricultural Practice for the Prevention of Pollution of Water Air and Soil – DARD, 2008 http://www.dardni.gov.uk/code_of_good_agricultural_practice_2008.pdf
- Assessing Environmental Impacts of Poultry Farms – Supplementary Guidance for IPPC Applications (Draft) – DOE 2003 <http://www.doeni.gov.uk/wonderfulni/envimpact.pdf>

For additional information see:

- Additional Guidance for H4 Odour Management - NIEA and the Environment Agency – 2011 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296737/geho0411btqm-e-e.pdf
- British Standard 4142: 1997 Method for rating industrial noise affecting mixed residential and industrial areas
- British Standard 5502-31: 1995 + A1: 2011 - Buildings and structures for agriculture Part 31 - Guide to the handling and storage of waste
- British Standard 5502-33: 1996 – Buildings and structure for agriculture Part 33 – Guide to the control of odour pollution
- British Standard 5502-32: 1990 – Buildings and structures for agriculture Part 32 – Guide to noise attenuation
- British Standard 5502-30: 1992 – Buildings and structures for agriculture Part 30 – Code of practice for the control of infestation
- Guidance for operators on Odour Management on Intensive Livestock IPPC Installations v2, NIEA, 2006 <http://www.doeni.gov.uk/niea/ehsodourmanagementguidanceintlivestockmay2006.pdf>
- Reference document on BAT for the intensive rearing of poultry and pigs – EC BREF note, 2003 http://www.umweltbundesamt.de/sites/default/files/medien/419/dokumente/bvt_intensivtierhaltung_zf_1.pdf

RENEWABLES

Wind Turbines

Our location exposed to powerful Atlantic weather systems means that NI has a significant potential wind energy resource. Correctly sited wind turbines can make a contribution to NI's renewable energy targets and help reduce climate change impacts. However, wind turbines have the potential to cause a range of adverse local impacts which must be given detailed consideration prior to proposing a development.

The acceptability or otherwise of a proposed wind turbine will be determined by the planning authority in accordance with the relevant planning policies. However, the local council's EHDs are often asked to provide specialist technical comment to the planning authority in relation to potential noise impacts. When considering the potential noise from wind turbines it is important to consider the cumulative effect of other proposed and permitted wind turbines and all sensitive receptors including proposed sites which are already seeking or have already received planning permission.

For additional information see:

- PPS18
- PPS18 Supplementary Guidance
- The Assessment and Rating of Noise from Wind Farms ETSU-R-97
- IOA Good Practice Guidance to the Application of ETSU

Anaerobic Digestion

Anaerobic digestion plants are becoming more common in NI and together with the associated combined heat and power plants, can make a contribution to the country's renewable energy targets. Some digesters exclusively handle material originating from agricultural activities such as slurry or silage and whilst others handle other types of organic wastes such as from food production facilities.

The acceptability or otherwise of a proposed anaerobic digester will be determined by the planning authority in accordance with the relevant planning policies, however, it may be useful to consider the following potential effects:

1. Noise from the combustion engine and any condensers or air-handling plant;
2. Noise from deliveries to the site;
3. Odours from the handling of deliveries and feeding the digester;
4. Odours from handling of the digestate including any de-watering operations;
5. Emissions from the combustion engine which have the potential to affect the health of all nearby residents including those living on the farm.

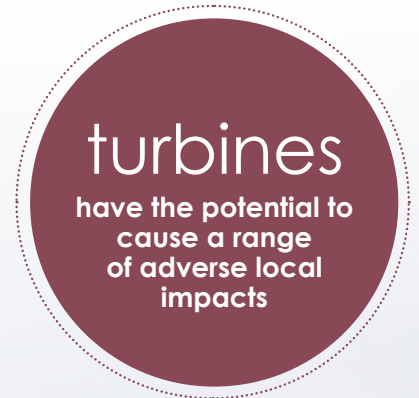
Biomass

Biomass plants that combust renewable materials remain relatively few in number in NI. Whilst biomass combustion is favourable to fossil fuel use it can nonetheless have a significant impact upon local air quality.

The EHDs of local councils are statutorily responsible for identifying areas of already existing poor air quality which are designated as 'Air Quality Management Areas' (AQMA). Whilst the acceptability or otherwise of a proposed biomass plant will be determined by the planning authority in accordance with the relevant planning policies, the effect upon air quality is likely to be a material consideration. EHDs are likely to raise concerns where a proposed biomass plant is likely to give rise to a significant worsening of the air quality in an AQMA. Details of local AQMAs can be obtained from the EHD of your local council or from www.airqualityni.co.uk

Biomass plants may also cause adverse effects due to the delivery and handling of raw materials as well noise from associated plant and equipment.

Many biomass plants may be subject to Industrial Pollution Prevention and Control permitting by the NIEA.



FARM DIVERSIFICATION

Farm Diversification can be seen as the extension or addition of other enterprises to the farm, this can include:

- Open farms
- Farm shops
- Accommodation (camping; hostels/ bunkhouses; bed and breakfast; self-catering)

- Activities (e.g. team building; other outdoor activities)
- On farm food processing facilities (e.g. butchery; ice-cream production)

In all of the above examples there are potentially either food safety and standards considerations and/or health and safety issues.

HEALTH AND SAFETY

Health and safety responsibilities will fall to either the local council (EHD) or the Health & Safety Executive NI (HSENI). Below is a simple breakdown of who has responsibilities for what:

- Petting farm / exhibition of animals (open farm) where that is the main activity – EHD's
- Farm which opens to the public but the farming is the main activity – HSENI
- Open Farm Weekend – HSENI
- General farm safety- HSENI

There will be considerations for:

- Food areas
- Play equipment (maintenance, safety)

- Washing facilities
- Moving vehicles (passenger or farming)
- Animal behaviour

Control Measures

1. Good general cleanliness around farm
2. Separate eating and contact areas
3. Adequate and suitable hand washing facilities
4. Proper instruction and training of staff
5. Information for visitors
6. Supervision of animal contact and hand-washing areas

FOOD SAFETY/ STANDARDS SAFETY

Any food safety and standards aspects will be regulated by your local council's EHD or by DARD (eg liquid milk production). Food safety is self-explanatory while food standards deals with the composition, origin, and labelling of food stuffs. There are a number of pieces of legislation covering the production and handling of food, the main ones being the Food Safety Order 1991 and the Food Hygiene Regulations 2006. Any on-farm operations involving the manufacture or sale of food will need to comply with the requirements of this legislation. The principal purpose of the legislation is to ensure that food is safe and is what the purchaser reasonably expects.

It is strongly recommended that anyone considering developing activities that involve either the handling and preparation of food for purchase and consumption on the premises (e.g. cafes/restaurants/bed and breakfast etc.); the preparation of food for purchase and taking home (e.g. farm shops) and/or the provision of eating areas for members of the public (e.g. picnic areas) speak to their local EHO during the planning phase.

...food standards deals with the composition, origin, and labelling of food stuffs

Food safety is self-explanatory

Food businesses / operators can find further information at Food Safety Act 1990:
www.food.gov.uk/sites/default/files/multimedia/pdfs/fsactguidefoodbusiness.pdf

OPEN FARMS

If the main activity is an open farm (rather than a working farm) then activities are controlled under Health and Safety legislation and Guidance (Preventing or controlling ill health from animal contact at visitor attractions HSENI Information Sheet No 1/11). It is very important that you seek advice from your local EHD at an early stage in the planning of an 'Open Farm'.

One of the factors to consider from an 'open farm' is the potential spread of disease, especially between animals and children. Animals and close contact with others can mean the easy transfer of infectious diseases. Diseases transmitted from animals to humans are known as Zoonoses. They include:

- Campylobacter
- E coli
- Cryptosporidium
- Salmonella
- Rabies
- Orf
- TB

It is vital that animals are routinely tested for all of the above and kept in a fit condition. It is important to also consider microbiological risks from contact with animals and contaminated surfaces

Common ways that bacteria transfer that can occur:

A. Direct contact

- Stroking or petting animals
- Feeding animals





B. Indirect contact

- Climbing or leaning on enclosure fences or gates
- Sitting on contaminated grass or furniture
- Removing dirty shoes or boots, then transferring via fingers or body parts to mouths/eyes.

Many of these infectious diseases can be prevented through control measures including:

- Having eating areas well separated from petting and handling.
- Having adequate hand washing facilities, i.e. a supply of hot water, suitable hand sanitiser, (the number of hand-washing stations depends on visitor numbers, nature of farm, activities of visitors)
- Adequate cleaning and where appropriate disinfection regimes in all play and activity areas, including ensuring regular removal of animal faeces.

There may also be picnic areas within open farms which require consideration.

Areas to consider will include:

- Excluding animals and domestic birds from food production/handling areas
- Preventing contact with animals in this area
- Discouraging wild birds
- Siting of food and drinks kiosk/shop (not near farm entrance)
- Banning eating and drinking in other areas

For more information go to: HSENI Preventing Ill Health at Open Farms

www.hseni.gov.uk/guidance/industries/agriculture-3-column/preventing_ill_health_information_sheet.htm





OTHER HEALTH & SAFETY CONSIDERATIONS

Where farms carry out activities that permit access to members of the general public, proprietors have a duty not only to their staff, but also visitors/customers.

Aside from infectious disease risks, other health and safety considerations include

- Slips, trips and falls
- Site traffic and farm machinery

Farm layout and visitor routes are required to be organised around the farm to ensure that visitors are diverted away from restricted areas eg parts of the farm where work is ongoing.

Appropriate safety measures should be taken to ensure that restricted areas cannot be accessed eg safety barriers such as fencing.

Where moving vehicles are concerned, speed should be kept to a minimum and designated routes should be followed. Regular maintenance of vehicles and equipment should be carried out.

Staff on the farm should be aware of the site rules and regulations and should be familiar with the layout of designated routes. They should also be aware of the appropriate hygiene procedures with regards to hand washing

Farm layout and visitor routes are required to be organised around the farm to ensure that visitors are diverted away from restricted areas e.g. parts of the farm where work is going on. There should be no access to restricted areas, preferably separated by an adequate barrier such as fencing.

Where moving vehicles are concerned on the farm, safety measures also need to be taken. When carrying children or members of staff, the correct safety procedures need to be followed. Follow only the designated routes and stay away from restricted areas where there will be farming operations being carried out. The speed of vehicles carrying passengers will need to be kept to a minimum and all maintenance of vehicles and equipment needs to be carried out regularly. This is to prevent accidents and falls.



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www.doeni.gov.uk

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www.dardni.gov.uk

Food Standards Agency Northern Ireland (FSANI)

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Email: infofsani@foodstandards.gsi.gov.uk
www.food.gov.uk/northern-ireland

To contact your local council follow the web address below
www.nidirect.gov.uk/local-councils-in-northern-ireland