

WESTMEATH COUNTY COUNCIL

Water Pollution (Agricultural) Bye Laws 2000

LOCAL GOVERNMENT (WATER POLLUTION) (AMENDMENT) ACT, 1990.
LOCAL GOVERNMENT ACT, 1994 (BYE-LAWS) REGULATIONS 1995 and 1999.

Bye-laws for the purpose of preventing or eliminating the entry of polluting matter to waters.

The County Council of the County of Westmeath, in exercise of the powers conferred upon it by Section 21 of the Local Government (Water Pollution) (Amendment) Act, 1990, and the Local Government Act, 1994 (Bye-Laws) Regulations 1995 and 1999, hereby makes the following Bye-Laws in relation to agricultural activities in those parts of the functional area of the County Council of the County of Westmeath listed in the schedules attached hereto.

1. INTERPRETATION

1.1 In these bye-laws –

“Agriculture” has the meaning assigned to it by the Local Government (Water Pollution) Act, 1977 and means any one or more of the following activities:

- a) the collection, storage, treatment and disposal of any polluting matter used in connection with, or arising from any operation, activity, practice or use of land or other premises carried on for the purposes of agriculture, horticulture or forestry;
- b) any activity that involves the application to land or to growing crops, or the injection into land, of any silage effluent, animal slurry, manure, fertiliser, pesticide or other polluting matter;
- c) any other operation, activity, practice or use of land or other premises for the purposes of agriculture, horticulture or forestry.

“Approved Nutrient Management Plan” means a nutrient management plan approved by the Local Authority or the Environmental Protection Agency;

“Acquifer” has the meaning assigned to it in section 2 of the Local Government (Water Pollution) (Amendment) Act, 1990;

“Authorised person” has the meaning assigned to it by the Local Government (Water Pollution) (Amendment) Act, 1990;

“chemical fertiliser” means any fertiliser which is manufactured by an industrial process;

“farmer” means a person undertaking an activity for the purpose of agriculture;

“farming” means activity for the purpose of agriculture;

“fertiliser” means any substance containing phosphorus and/or nitrogen and/or potassium compounds utilised on land to enhance growth of vegetation;

“Intensive Agricultural Enterprise” means –

- (i) installations for intensive rearing of poultry which would have more than 40,000 places for poultry, and
- (ii) installations for intensive rearing of pigs which would have more than 2,000 places for production pigs (over 30Kg) in a finishing unit, more than 400 places for sows in a breeding unit or more than 200 places for sows in a finishing unit;

“livestock” means all animals kept for use or profit;

“livestock manure” means waste products excreted by livestock or a mixture of litter and waste products excreted by livestock, even in processed form;

“Local Authority” means the council of the county of Westmeath and references to the functional area of the local authority shall be construed accordingly;

“main river channel” means a river which is identified on the 1:50,000 Ordnance Survey maps;

“nutrient” has the meaning ascribed to it by the Local Government (Water Pollution) (Amendment) Act, 1990;

“Nutrient Management Plan” means a plan which, by reference to soil analyses reports, soil type, stocking intensity, farming enterprise, efficient use of nutrients and the environmental sensitivity of the area, specifies limits for nutrient applications from organic and chemical sources;

“person” means owner or occupier;

“plan” means a Nutrient Management Plan;

“public road” has the meaning ascribed to it by the Roads Act, 1993;

“organic fertiliser” means all farm animal excreta, including dungstead and farmyard manures, silage effluent, mushroom compost, poultry manure, soiled

water, non-farm organic wastes, industrial wastes and residues from fish farms that are used to promote grass or other crop production;

“Soiled Water” refers to polluting liquids that arise from a variety of farmyard sources, such as:

- a) overland flow from concrete surfaces that are soiled or contaminated by
 - manure / slurry
 - silage effluent
 - discarded silage
 - discarded / unprotected chemical fertilisers
- b) effluent from dungsteeds and farmyard manure pits
- c) washings from milking premises, dairies, assembly and holding yards
- d) washings from mushroom houses and rainfall onto stored spent mushroom compost
- e) vegetable washings.

“waters” has the meaning assigned to it by the Local Government (Water Pollution) Act, 1977.

1.2 These bye laws may be cited as the Water Pollution (Agricultural) Bye Laws, 2000.

1.3 Sections 2 and 3 of these bye-laws shall not apply to:-

- (a) A person carrying on an activity which requires the grant of a licence under Part IV of the Environmental Protection Agency Act, 1992;
- (b) A person participating in the Rural Environmental Protection Scheme operated by the Department of Agriculture, Food and Rural Development.

1.4 A person wishing to avail of the provisions of sub-section 1.3(b) (non-application) shall, by 30th April 2001, provide documentary evidence of participation in the Rural Environment Protection Scheme, to the satisfaction of the Local Authority, and evidence of continued participation shall be provided thereafter on an annual basis.

1.5 The provision of sub-section 1.3(b) shall not apply from the time a person ceases participation in the Rural Environment Protection Scheme.

1.6 These bye-laws shall come into effect on the 1st of March 2001.

SECTION 2. STORAGE AND MANAGEMENT OF ORGANIC WASTES

- 2.1 Every person farming land in those parts of the functional area of the Local Authority listed in Schedule 2 attached hereto shall provide 20 weeks storage capacity for livestock manure arising from livestock housed during the winter period.
- 2.2 Sub-section 2.1 shall not apply to a person in relation to an activity the carrying on of which requires the grant of a licence under Part IV of the Environmental Protection Agency Act, 1992.
- 2.3 Every person subject to the provisions of sub-section 2.1 shall comply with the storage requirement set out in sub-section 2.1 within three (3) years of the making of these bye-laws in accordance with a Local Authority approved programme.
- 2.4 Every person subject to the provisions of sub-section 2.1 shall, within six (6) months of the making of these bye-laws, submit to the Local Authority an assessment of his/her farm's effluent storage capacity requirement together with a programme for compliance with the requirements of Section 2.1. Storage requirements shall be assessed in accordance with the 'Code of Good Agricultural Practice to Protect Waters from Pollution by Nitrates' published by the Department of the Environment and the Department of Agriculture, Food and Forestry (1996) or any other code published by that Department as its replacement, or as amended from time to time.
- 2.5 The Local Authority may accept a lesser storage capacity requirement where a person can demonstrate a lesser requirement through the preparation of an approved Nutrient Management Plan.
- 2.6 Slurry, soiled water and silage effluent shall be directed to and collected in the storage tanks provided and shall not be caused or permitted to flow or overflow onto adjoining property or to enter any waters or aquifer.
- 2.7 Storage tanks shall be of watertight construction; the design and construction standards for concrete tank construction shall be at least equivalent to the Department of Agriculture Food and Forestry minimum building specifications for storage units, S123: "Minimum specification: Slatted livestock units; Reinforced concrete tanks", (DAFF, 1994a) or any other code published by that Department as its replacement, or as amended from time to time.
- 2.8 Dungstead and farmyard manure shall be stored in a manure pit structure constructed in accordance with S108: "Minimum specification for manure pit", (DAFF, 1987), or any other code published by that Department as its replacement, or as amended from time to time, and shall be sited where there is no risk of water pollution.

- 2.9 Uncontaminated surface run-off from roofs and clean paved areas within the farmyard shall be collected separately and shall be disposed of to local watercourses or soakaway.
- 2.10 Landspreading of livestock manure shall be carried out
- as early as practicable in the growing season;
 - so that, in a normal year, at least half the livestock manure produced during the winter housing period is landspread by 1 July and the remainder by 30 September.
- 2.11 The Local Authority may, in exceptional circumstances, as it considers warranted, decide to vary the dates specified in sub-section 2.10.
- 2.12 Organic or chemical fertiliser shall not be applied :-
- to exposed bedrock;
 - to waterlogged land;
 - to frozen or snow covered lands;
 - to lands sloping steeply towards rivers, streams, and lakes, or, where the gradient is more moderate, in situations where there is a significant risk of causing water pollution;
 - where permeable rocks, such as pure limestones, are overlain by shallow (less than 2 metres) free-draining subsoils such as sands, gravels and sandy tills; and on gravel aquifers, where the water table is within 1 metre of the surface;
 - where heavy rain is forecast
- 2.13 Organic fertiliser shall not be applied:-
- within 15 metres of exposed karstified limestone or of karst features such as swallow holes and collapse features;
 - within 50 metres of domestic wells;
 - within 100 metres of public water supply sources, or as otherwise specified;
 - within 20 metres of a main river channel or lake shoreline;
 - within 10 metres of other watercourses;
 - to lands from a public roadway.
- 2.14 Chemical fertiliser shall not be applied within 1.5 metres of any watercourse.
- 2.15 The application of fertiliser in excess of the nutrient requirements of the soil, in relation to the crops grown or to be grown on the land and the intensity of the animal stocking rate and of any other agricultural activities carried out on the land, is prohibited.

SECTION 3.

NUTRIENT MANAGEMENT PLANS

- 3.1 Every person farming land in those parts of the functional area of the Local Authority listed in Schedule 3 attached hereto shall,

within six (6) months of the making of these bye-laws prepare and furnish to the Local Authority a Nutrient Management Plan for its approval.
- 3.2 A Nutrient Management Plan furnished to the Local Authority for its approval shall be prepared in accordance with the requirements specified in Schedule 1 attached hereto.
- 3.3 A person farming land in those parts of the functional area of the Local Authority listed in Schedule 3 attached hereto shall not, after the expiration of one year from the making of these bye-laws, apply nutrients, either in chemical or organic form, save in accordance with an approved Nutrient Management Plan.
- 3.4 Records maintained in accordance with the requirements of a Nutrient Management Plan shall be kept up-to-date and shall be available at all reasonable times for inspection by an authorised person of the Local Authority and be provided to the Local Authority on request in writing.
- 3.5 The Local Authority will require a review of an approved nutrient management plan during its period of operation if it considers such warranted.
- 3.6 An approved nutrient management plan may be varied during its period of operation with the prior written approval of the Local Authority.

SECTION 4.

INTENSIVE AGRICULTURAL ENTERPRISES

- 4.1 A person farming land in those parts of the functional area of the Local Authority listed in Schedule 2 attached hereto shall not, after the expiration of one year from the making of these bye-laws, apply nutrients from an Intensive Agricultural Enterprise save in accordance with an approved Nutrient Management Plan.
- 4.2 Every person farming land in those parts of the functional area of the Local Authority listed in Schedule 2 attached hereto and applying nutrients from an Intensive Agricultural Enterprise in accordance with an approved Nutrient Management Plan shall maintain the following records;
- a monthly livestock inventory;
 - monthly details of organic fertilisers brought on to or taken off the farm;
 - particulars of all chemical fertilisers brought on to the farm;
 - winter housing dates of livestock;
 - monthly details of land applications (which shall include amounts, locations and dates of applications) of nutrients.
- The records shall be kept up-to-date and shall be available at all reasonable times for inspection by an authorised person of the Local Authority.

SECTION 5.

BURIAL OF ANIMALS

- 5.1 No animals shall be buried on any farm within the County, without the express written consent of the Local Authority.
- 5.2 Burials will only be permitted on areas, which have been designated and agreed in advance.
- 5.3 Application for a designated area shall be accompanied by
- (i) 1:2500 scale or area aid map indicating proposed area
 - (ii) Percolation test and soil analysis report on proposed area.

6. PENALTIES

- 6.1 A person who contravenes or fails to comply with these bye-laws shall be guilty of an offence pursuant to Section 21(3)(a) of the Local Government (Water Pollution)(Amendment) Act, 1990.
- 6.2 A person guilty of an offence shall be liable to penalties in accordance with Section 21 (3)(b) of the Local Government (Water Pollution)(Amendment) Act, 1990, as amended by the Local Government Act, 1994 (Bye-Laws) Regulations, 1995 (S.I. No. 360 of 1995) and 1999 (S.I. No. 78 of 1999).

SCHEDULE 1

A Nutrient Management Plan prepared in accordance with Section 3 shall meet the requirements set out below.

1. Identify land by reference to a copy Land Registry or Ordnance Survey map.
2. Identify the current land use and proposed land use, if different.
3. Identify land by reference to the *Land Parcel Identification System (LPIS)* number in accordance with *Area Aid* maps.
4. The following features are to be identified on all maps submitted:
 - watercourses
 - wells
 - domestic water supplies
 - public water supplies
 - lakes
5. Provide an estimate of nutrients to be applied annually to the land.
6. Provide a determination of soil nutrient levels in accordance with a programme of sampling and analysis to be determined by the Local Authority after consultation with the farmer.
7. Provide a specification (by the person preparing the plan) of the maximum quantities of organic and chemical fertiliser that ought to be used on the land concerned each year of the duration of the plan, taking into account:
 - the nature of the current and proposed land use
 - soil characteristics and soil nutrient levels
 - types of crop grown or to be grown on the land
 - the intensity of the animal stocking rate and of any other agricultural activities carried out on the land, and
 - the need to make efficient use of nutrients having regard to crop requirements and the objective of preventing, eliminating or minimising the loss of nutrient(s) to waters.
8. Specify the times when organic and chemical fertilisers ought and ought not, in the opinion of the person preparing the plan, be applied to land/crops or injected into land having regard to crop requirements and the objective of preventing, eliminating or minimising the loss of nutrient(s) to waters.

9. Make provision for the keeping and maintenance of records relating to

- the production, treatment, receipt from or transfer to another person of organic fertiliser;
- the timing, locations and rates of use (application or injection) of organic fertilisers;
- the types, quantities, timing locations and rates of application of chemical fertilisers;
- the types, numbers and ages of animals on the farm;
- the winter housing dates of livestock;
- the results of sampling and analysis programme to determine soil nutrient levels.
- the name of the chemical fertiliser supplier
- the quantity of animal feedstuffs imported.

Records relating to livestock, the production, treatment, receipt from or transfer to another person of organic fertiliser, and the types, quantities, timing locations and rates of application of chemical fertilisers shall be maintained on a monthly basis.

10. The duration of the plan shall be five years.

SCHEDULE 2

Townlands to which Section 2 and 4 of these bye-laws applies

Aghalasty and Ankersland	Doon
Ardnagross	Drumman (Fore By)
Ballany	Fearmore (Fore By)
Ballycomoyle	Finea
Ballymanus	Fore
Ballynagall Little	Foyran
Ballnagall (Fore by)	Freaghmore
Ballynameagh	Gilbertstown
Ballynascarry	Gillardstown
Balrath (Fore By)	Glen (Fore By)
Behabane	Gortanear
Ben	Grangestown (Fore By)
Benisonlodge or Bratty	Hammondstown and Tonaghmore
Bigwood	Hilltown
Camagh (Fore by)	Kilmore
Carlanstown	Kiltoom
Carn (Ed Coolure)	Kinturk Demesne
Carpenterstown	Knockroe
Caslanakirka	Lakill and Moortown
Castletown Lower	Lickbla
Castletown Upper	Lickny
Chancery	Lisnugent
Clareisland or Derrymacegan	Littlewood
Clonaboy	Loughanalla
Clonmore (Moygoish By)	Loughanavagh or Newpark
Clonnageeragh	Loughanstown Lower or Slivelahan
Clonrobert	Loughanstown (Fore By)
Clonsura	Loughpark
Clonteens	Martinstown (Ed Fore West)
Coolamber	Mayne
Coole	Milkernagh
Coolure Demesne	Millcastle
Corbally (Fore By)	Money
Cornacausk	Moneybeg
Cornacreevy	Monktown
Corralanna	Mullagh
Crumlin or Rockfield	Mullaghmeen
Cummerstown	Mullanakill
Curraghboy (Fore By)	Newcastle (Fore By)
Curry	Nonsuch
Deerpark (Fore By)	Pahenhamhall or Tullynally
Derrycrave	Portjack
Derrydooan Lower	Raheen Beg
Derrydooan Upper	Raheen More

SCHEDULE 2 *(contd.)*

Townlands to which Section 2 and 4 of these bye-laws applies

Ranaghan
Rath (Ed Rathowen)
Rathcreevagh
Rathgarve
Rathshane
Robinstown Lower
Robinstown Upper
Rochestown
Sheskernagh
Simonstown (Fore By)
Slieveboy
Srunahella
Stonestown (Fore By)
Teevrevagh
Templanstown (Ed Faughalstown)
Templanstown (Ed Hilltown)
Togher
Tonashammer
Tonyowen Lower
Tonyowen Upper
Townparks
Tromra
Tullyhill
Tullystown
Turbotstown
Williamstown (Ed Coolure)
Williamstown (Ed Finnea)
Windtown North
Windtown South
Windtown (Fore By)
Windtown (MoygoishBy)

SCHEDULE 2 (contd.)

Townlands to which Section 2 and 4 of these bye-laws applies (Lough Owel Catchment)

Walshestown North
Ballard (Corkaree By)
Ballyboy
Slanemore (Part in Lough Owel Catchment)
Lugnagullagh
Portloman
Scurlockstown (Corkaree By)
Monroe or Johnstown (Part in Lough Owel Catchment)
Ballinafid (Part in Lough Owel Catchment)
Portnashangan (Part in Lough Owel Catchment)
Culleenmore (Part in Lough Owel Catchment)
Tullaghan (Moyashel by)
Slanemore (Part in Lough Owel Catchment)
Wattstown (Part in Lough Owel Catchment)
Balrath (Corkaree By) (Part in Lough Owel Catchment)
Grangegeeth (Part in Lough Owel Catchment)
Mountmurray
Rathbennett (Part in Lough Owel Catchment)
Kilpatrick (Corkaree By)
Heathland
Fulmort (Part in Lough Owel Catchment)
Clonhugh
Ballynagall (Corkaree By) (Part in Lough Owel Catchment)
Farranistik
Irishtown (Part in Lough Owel Catchment)
Loughanstown (Corkaree By) (Part in Lough Owel Catchment)

Townlands to which Section 2 and 4 of these bye-laws applies (Lough Lene Catchment)

Collinstown (Part in Lough Lene Catchment)
Ballynagall (Delvin By) (Part in Lough Lene Catchment)
Johnstown (Part in Lough Lene Catchment)

SCHEDULE 3

Townlands to which Section 3 of these bye-laws applies

Aghalasty and Ankersland

Ardnagross

Ballycomoye

Ballymanus

Balrath (Fore By)

Ben

Bigwood

Carlanstown

Carpenterstown

Caslanakirka

Castletown Lower

Castletown Upper

Clonnageeragh

Clonsura

Corbally (Fore By)

Cornacreevy

Cummerstown

Curry

Derrycrave

Derrydooan Lower

Fore

Foyran

Freaghmore

Gilbertstown

Glen (Fore By)

Lakill and Moortown

Lickbla

Lisnugent

Littlewood

Loughanalla

Loughanavagh or Newpark

Millcastle

Money

Raheen Beg

Rath (Ed Rathowen)

Rathcreevagh

Rathgarve

Rathshane

Robinstown Upper

Robinstown (Fore By)

Slieveboy

Srunahella

Stonestown (Fore By)

Togher

Tonyowen Lower

Tonyowen Upper

Tullyhill

Tullystown

Williamstown (Ed Finnea)

Windtown North

Windtown (Fore By)