

## **NEW GOOD AGRICULTURAL PRACTICE REGULATIONS INTRODUCED IN DECEMBER 2010.**

New agricultural regulations were introduced in December 2010 replacing the Good Agricultural Practice for Protection of Waters Regulations 2009 (S.I. No. 272 of 2009). The new regulations relate to a number of issues including, nutrient management on farmholdings, general farmyard management, general duties of those engaged in agricultural activities and the prevention of water pollution from fertilisers and certain activities. The new regulations have not been substantially amended but clarify a number of requirements in relation to the management of farmholdings and the storage, management, landspreading and disposal of agricultural waste produced on farm-holdings. The regulations are detailed and the provisions detailed below may be useful as a general reference for farmers operating within County Sligo:

### In relation to landspreading activities:

1. Chemical fertiliser shall not be applied to land within 2m of any surface waters.
2. Organic fertiliser or soiled water shall not be applied to land within:
  - (a) 200m of the abstraction point of any surface waters, borehole, spring or well used for the abstraction of water for human consumption in a water scheme supplying 100 m<sup>3</sup> or more of water per day or serving 500 or more persons.
  - (b) 100m of the abstraction point (other than an abstraction point specified in paragraph (a)) of any surface waters, borehole, spring or well used for the abstraction of water for human consumption in a water scheme supplying 10 m<sup>3</sup> or more of water per day or serving 50 or more persons.
  - (c) 25m of any borehole, spring or well used for the abstraction of water for human consumption other than a borehole, spring or well specified in paragraph (a) or (b).
  - (d) 20m of a lake shoreline.
  - (e) 15m of exposed cavernous or karstified limestone features (such as swallow holes and collapse features).
  - (f) 5m of any surface waters (other than a lake or surface waters specified at paragraph (a) or (b)).
  - (g) Organic fertiliser or soiled water shall not be applied to land within 10m of any surface waters where the land has an average incline greater than 10% towards the water.

The regulations also specify requirements as to the manner of application of organic fertiliser, weather conditions and periods of the year when land-spreading can be carried out.

3. Organic fertilisers or soiled water shall not be applied to land:
  - (a) By use of an umbilical system with an upward-facing splashplate.
  - (b) By use of a tanker with an upward-facing splashplate.
  - (c) By use of a sludge irrigator mounted on a tanker, or
  - (d) From a road or passageway adjacent to the land irrespective of whether or not the road or passageway is within or outside the cartilage of the holding.
  
4. Fertilisers or soiled water shall not be applied to land in any of the following circumstances:
  - (a) The land is waterlogged
  - (b) The land is flooded or likely to flood
  - (c) The land is snow covered or frozen
  - (d) Heavy rain is forecast within 48 hours. Farmers are to have due regard for weather forecasts issued by Met Eireann.
  - (e) The ground slopes steeply and taking into account factors such as proximity to waters, soil condition, ground cover and rainfall, there is a significant risk of causing water pollution.
  
5. The new regulations specify the period during which the application of fertilisers to land is prohibited. This varies on a national basis by region of the Country but in County Sligo, prohibited land-spreading periods are as follows:
  - (a) 15 September to 15 January in the case of the application of chemical fertiliser.
  - (b) 15 October to 15 January in the case of the application of organic fertiliser (other than farmyard manure)
  - (c) 1 November to 15 January in the case of the application of farmyard manure.

In relation to farmyard manure:

1. Where farmyard manure is held in a field prior to land-spreading, it shall be held in a compact heap and shall not be placed within:
  - (a) 250m of the abstraction point of any surface waters or borehole, spring or well used for the abstraction of water for human consumption in a water scheme supplying 10m<sup>3</sup> or more of water per day or serving 50 or more persons.
  - (b) 50m of any other borehole, spring or well used for the abstraction of water for human consumption, other than a borehole, spring or well specified at paragraph (a).
  - (c) 20m of a lake shoreline
  - (d) 50m of exposed cavernous or karstified limestone features (such as swallow holes and collapse features).
  - (e) 10m of any surface waters (other than a lake or surface waters specified at paragraph (a)).

In relation to requirements detailed for County Sligo, farmyard manure shall not be held in a field during the period November 1<sup>st</sup> to January 15<sup>th</sup>.

The regulations also specify that silage bales shall not be stored outside of farmyards within 20m of a surface watercourse or drinking water abstraction point in the absence of adequate facilities for the collection and storage of any effluent arising.

Storage requirements for livestock manure and slurry are also outlined in the Regulations. In County Sligo the storage period specified is 18 weeks. The regulations also contain specific provisions in relation to record keeping including livestock numbers and type, an estimation of the annual fertiliser requirement and a copy of any nutrient management plan prepared for the farmholding, capacity of waste storage facilities etc.

The regulations also detail the potential penalties that may be imposed for offences under the regulations. A person who contravenes Parts 2 to 5 of the regulations is guilty of an offence and shall be liable:

- On summary conviction to a fine not exceeding € 5,000 or to imprisonment for a term not exceeding 3 months, or
- On conviction on indictment to a fine not exceeding € 500,000 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

On a national basis the Department of Agriculture, Fisheries and Food will be carrying out a number of farm inspections each year to examine compliance with the provisions of the Good Agricultural Practice for the Protection of Waters Regulations 2010. This will be supplemented by local authority inspections under requirements detailed in the various River Basin District Management Plans prepared for the Country. The functional area of Sligo County Council falls within three River Basin District areas. Duplication of inspections is avoided through the DAFF informing local authorities of the farms they will be inspecting in any given year. Local authorities have been designated as the responsible authorities for enforcement of the regulations and issues of non compliance with the regulations will be forwarded to local authorities by the DAFF. In addition, under national reporting procedures agreed, local authorities are required to report non compliance issues to the Cross Compliance Section of the Department of Agriculture, Fisheries and Food, where penalties may be imposed on farm payments depending on the extent and severity of the non compliance.

The full text of the new regulations is available to view on the Department of Environment Heritage and Local Government website, available to purchase at Government Publications, Postal Trade Section, Unit 20 Lakeside Retail Park, Claremorris, County Mayo or further clarification in relation to the regulations can be obtained from the Environment Section of Sligo County Council, Unit 9, Cleveragh Business Park, Sligo.