



Jersey

# **WATER POLLUTION (WATER MANAGEMENT) (JERSEY) ORDER 2020**

## **Official Consolidated Version**

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# WATER POLLUTION (WATER MANAGEMENT) (JERSEY) ORDER 2020

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Jersey

## **WATER POLLUTION (WATER MANAGEMENT) (JERSEY) ORDER 2020**

**THE MINISTER FOR THE ENVIRONMENT** makes this Order under Articles 14 and 52 of the [Water Pollution \(Jersey\) Law 2000](#), having consulted such other Ministers and other persons as the Minister considers appropriate in accordance with Article 9(2), and having complied with the requirements of Article 10, of that Law –

Commencement [[see endnotes](#)]

### **1 Interpretation**

(1) In this Order –

“inland water” means any water of the description set out in Article 2(1)(c) of the [Water Pollution \(Jersey\) Law 2000](#);

“RB209” means advice taken from the RB209 Fertiliser Manual published by the Agriculture and Horticulture Development Board, or, in relation to provisions of the Manual that do not apply to Jersey, an equivalent manual or relevant advice in writing from a suitably qualified expert in relation to fertilisers.

(2) For the purposes of paragraph (1), an expert is suitably qualified if he or she is qualified under the Fertiliser Advisers Certification and Training Scheme (FACTS) or is certificated by an equivalent body as having met the equivalent standard of expertise as would be gained from FACTS.

### **2 Designation of Water Management Areas**

- (1) All land in Jersey is designated as one of 8 Water Management Areas.
- (2) The 8 areas are delineated by a geographic information system (GIS) map that is available to view on a website under the control of the Department for the Environment.
- (3) The Schedule contains a representation of the map for information purposes only.

### **3 Application of restrictions and requirements**

- (1) The restrictions and requirements imposed by this Order apply in respect of any person who imports, sells, purchases, stores or uses any fertiliser in the course of a business activity or operation in any Water Management Area designated by this Order.
- (2) However, this Order does not apply to –
  - (a) any landscape gardener working on land that forms part of the *corpus fundi* of a property primarily used as a dwelling;
  - (b) any amenity land.
- (3) In this Article “amenity land” means any land (not covered by a building) used as a park, garden, playground, golf course, sports field or for any other recreational purpose.

### **4 Storage of fertilisers**

- (1) No fertiliser may be stored within –
  - (a) 50 metres of a borehole, well or spring, being a groundwater source the abstraction of water from which is registered or licensed under the [Water Resources \(Jersey\) Law 2007](#); or
  - (b) 10 metres of any inland water.
- (2) Organic fertiliser to be used as a soil enhancer must not be stored in any location for more than one year and that location must not be used again for such storage for at least 2 years after it was last so used.
- (3) However, paragraphs (1) and (2) do not apply if the storage is in a building or other structure (whether temporary or permanent), other than one newly-erected for the purposes of storing the fertiliser, that is of such a construction, and maintained to such a standard, as to prevent any run-off or leaching of fertiliser from the building or structure.

### **5 Planning and management of fertiliser use**

- (1) This Article applies to any person who uses or plans to use fertilisers on any land.
- (2) The persons to whom this Article applies must have in place and follow –
  - (a) a written plan (the “nutrient management plan”) that complies with paragraph (3) and provides for the proper use of fertilisers on the land to which they are to be applied so as to minimise the risk of pollution to controlled waters, whether or not that use is for all or part of the year;
  - (b) a written plan (the “organic fertiliser management plan”) that complies with paragraph (4) and provides for the proper storage, management and use of organic fertiliser in relation to any soil to which it is added to improve the soil’s productivity so as to minimise the risk of pollution to controlled waters,

and the plans must be reviewed and updated each year, or more frequently if a change in circumstances so requires.

- (3) The nutrient management plan must include the following information for all the land on which fertiliser is to be applied –
  - (a) a field-by-field plan (or a plan by reference to another geographical unit where one or more fields are managed together by all users of those fields) that is prepared in advance of the fertiliser use and updated as necessary;
  - (b) an assessment of the nutrient requirement of each planting or crop in accordance with RB209;
  - (c) an assessment of the nutrient supply from any organic fertiliser, integrating the information contained in the organic fertiliser management plan (if any);
  - (d) a calculation of the appropriate level of nutrients to be supplied by the fertiliser by taking into account the contribution to the nutrients already in the soil from organic fertiliser and from earlier plantings;
  - (e) a record of the actual quantities of fertiliser to be applied to land on a field-by-field basis.
- (4) The organic fertiliser management plan must include the following matters –
  - (a) an assessment of –
    - (i) the adequacy of the storage arrangements based on the production of organic fertiliser over any 12-month period, and
    - (ii) whether or not there is sufficient land available to spread it using the maximum field application rate set out in Article 7(2)(c) and (3), taking into account any period when it cannot be spread and any other restrictions on spreading;
  - (b) the identification of suitable and unsuitable areas for the application of organic fertiliser, taking account of factors such as slope, soil type and the proximity of controlled waters by recording on a map, to be known as the “field-by-field risk map” –
    - (i) areas where organic fertiliser must not be applied due to the high risk of causing pollution to controlled waters as “high risk/no application”,
    - (ii) areas where organic fertiliser either must not be applied under certain conditions or where application must be restricted as “moderate risk/special conditions”, and
    - (iii) the remaining areas as “lower risk”;
  - (c) a description of the risk assessment that must be carried out so as to minimise the risk of water pollution during and after application of the organic fertiliser to the land, including –
    - (i) reference to the field-by-field risk map,
    - (ii) an assessment of the weather and field conditions, and
    - (iii) what to do in the event of a water pollution incident.
- (5) Relevant information in the plans must be shared with any user of the land so as to enable that user to meet the requirements of Article 9.

## **6 Calibration of equipment**

- (1) Any equipment used to apply fertiliser must be maintained in a good state of repair.
- (2) The calibration of all mechanical fertiliser application equipment must be carried out at least once a year.

## **7 Application of fertilisers**

- (1) Subject to paragraph (2)(b), the quantity of fertiliser applied must not exceed that recommended by RB209.
- (2) Fertiliser must not be applied –
  - (a) in the case of nitrogen fertiliser, to any crop of Jersey Royal potatoes in excess of 210 kg per hectare;
  - (b) in the case of inorganic phosphorus fertiliser, to soils with a P soil index in excess of 4, unless the user of that fertiliser provides independent evidence to satisfy the Minister that, due to the low soil temperature, the application of fertiliser with a P soil index in excess of 4 is necessary to meet reasonable growing conditions; and
  - (c) in the case of organic fertiliser, so that the total level of nitrogen in any 12-month period –
    - (i) in the case of livestock manure, are in excess of 170 kg per hectare, and
    - (ii) in any other case, are in excess of 250 kg per hectare.
- (3) However, if the only organic fertiliser to be applied is compost that –
  - (a) does not contain livestock manure;
  - (b) is applied as mulch or worked into the ground;
  - (c) is produced to the British Standards Institute specification for composted materials PAS100:2011 or equivalent standard; and
  - (d) the Minister has given written permission for the application,the compost may be applied in levels of up to 500 kg of nitrogen per hectare over any 24-month period.
- (4) No organic fertiliser may be applied to land that is –
  - (a) within 50 metres of a groundwater source mentioned in Article 4(1)(a);
  - (b) within 10 metres of any inland water;
  - (c) frozen, waterlogged, compacted on the surface or covered with snow; or
  - (d) a loafing paddock or other heavily-grazed field.
- (5) No inorganic fertiliser may be applied to land that is –
  - (a) within 5 metres of a groundwater source mentioned in Article 4(1)(a);
  - (b) within 5 metres of any inland water; or
  - (c) frozen, waterlogged, compacted on the surface or covered with snow.



- (6) No spreading of organic fertiliser with a high readily available nitrogen content as defined in RB209 is permitted between 1st November and the following 15th of January in any year except with the written permission of the Minister.
- (7) In this Article “P soil index” means the level of phosphorus in soil as measured in accordance with RB209.

## **8 Soil management measures**

- (1) Land must be managed in such a way that the risk of pollution to controlled waters is minimised.
- (2) Any person who manages that land must have in place a written plan, to be known as a “soil protection plan”, designed to allow for the sustainable management of the soil in a way that optimises the productivity of the land and minimises the risk of pollution to controlled waters.
- (3) The soil protection plan must be reviewed and updated each year, or more frequently if a change in circumstances so requires, and must include the following matters –
  - (a) a statement setting out the measures undertaken to protect the soil and manage its cultivation along with a water pollution risk assessment in respect of the land;
  - (b) the identification of each field under cultivation of which is or may be at risk of water pollution due to factors such as erosion, compaction or persistent loss of soil, poor draining or poaching by livestock;
  - (c) where factors giving rise to a risk of water pollution occur regularly, the measures put in place for addressing them, including an appropriate timescale for review of the measures and an assessment of their success.
- (4) Any person who uses fertilisers on that land must –
  - (a) be in possession of an analysis of the soil on that land that is less than 4 years old, showing the magnesium, phosphorus, potassium and pH indices in accordance with RB209; and
  - (b) take this analysis into account when calculating any fertiliser requirement.

## **9 Record-keeping**

- (1) A record must be kept of every fertiliser imported, sold or purchased by any person responsible for the importation, sale or purchase, containing the following information –
  - (a) the quantity of fertiliser imported, sold or purchased;
  - (b) the mass and concentration of nitrogen, phosphorus or other elements in the fertiliser;
  - (c) the nature and composition of the fertiliser;
  - (d) the date of import, sale or purchase;
  - (e) the intended use of the fertiliser;

- (f) the name and contact details of the person importing, selling or purchasing the fertiliser.
- (2) A record must be kept of the nature and composition, including nutrient content, of any fertiliser that is stored, including where and for how long it is stored and how that storage is managed in order to minimise any risk of water pollution.
- (3) All records and plans required to be kept under this Order must be –
  - (a) provided to the Minister on request;
  - (b) kept for a minimum of 4 years; and
  - (c) made available for inspection by the Minister on request.
- (4) The records and plans required to be kept under this Order must be such as will enable the Minister to ascertain the extent to which the requirements of this Order are being met and must be available in electronic form.

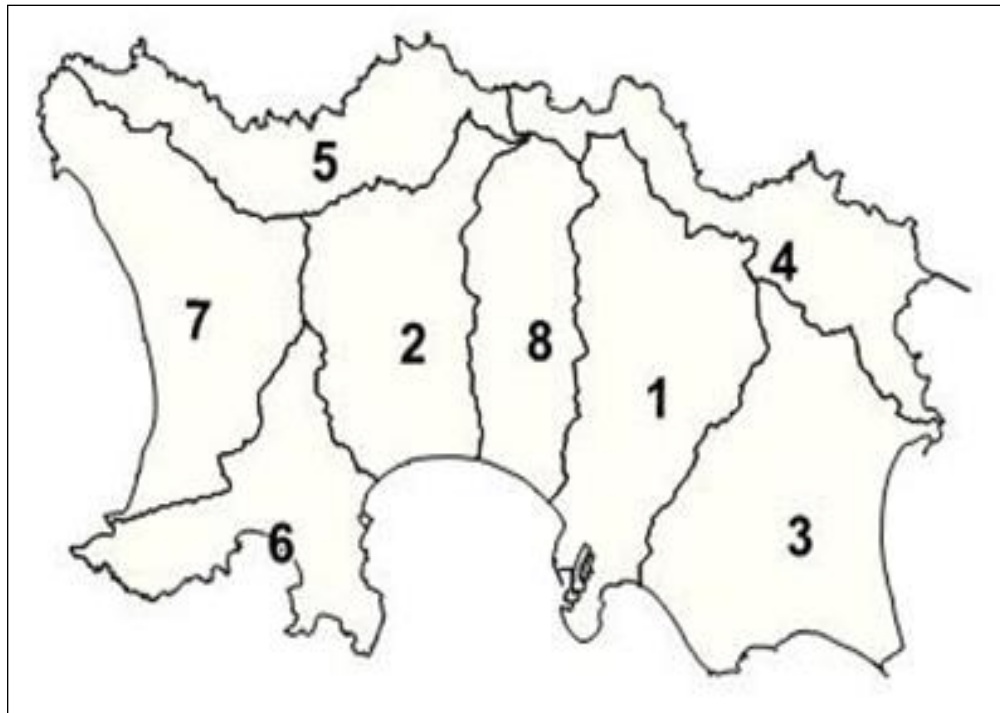
## **10 Citation and commencement**

This Order may be cited as the Water Pollution (Water Management) (Jersey) Order 2020 and comes into force as follows –

- (a) Articles 1, 2, 10 and the Schedule 7 days after the day the Order is made;
- (b) Articles 3 to 9 on 1st February 2021.

**SCHEDULE**

(Article 2(3))

**DESIGNATION OF 8 WATER MANAGEMENT AREAS TO BE DELINEATED BY  
GIS MAPPING**

The 8 Water Management Areas are –

1. Grands Vaux, Vallée des Vaux and St. Helier.
2. Beaumont and St. Peter's Valley.
3. Longueville, Queen's Valley and Southeast.
4. Northeast.
5. Northwest.
6. St. Aubin, St. Brelade and Southwest.
7. St. Ouen and West.
8. Waterworks Valley and Bellozanne Valley.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	°Projet No (where applicable)
Water Pollution (Water Management) (Jersey) Order 2020	<a href="#">R&amp;O.13/2020</a>	4 March 2020 – Articles 1, 2, 10 and the Schedule Not in force – Articles 3 to 9  1 February 2021 – Articles 3 to 9	

°Projets available at [statesassembly.gov.je](https://statesassembly.gov.je)

### Table of Endnote References

*There are currently no endnote references*