
STATUTORY RULES OF NORTHERN IRELAND

2014 No. 307

**The Nitrates Action Programme
Regulations (Northern Ireland) 2014**

PART 3

Prevention of water pollution from the application of fertilisers

Periods when the land application of fertiliser is prohibited

7.—(1) The land application of chemical nitrogen and chemical phosphorus fertiliser to grassland shall not be permitted from 15th September in any year to 31st January of the following year.

(2) The land application of chemical fertiliser to any land shall not be permitted from 15th September in any year to 31st January of the following year for crops other than grass unless there is a demonstrable crop requirement between those dates.

(3) The land application of organic manure, excluding farmyard manure and dirty water, to any land shall not be permitted from 15th October in any year to 31st January of the following year.

(4) The land application of farmyard manure to any land shall not be permitted from 31st October in any year to 31st January of the following year.

(5) The land application of organic manure, to a derogated holding, shall not be permitted from 15th October in any year to 31st January of the following year where the fertiliser plan indicates a proposal to disturb the soil as part of grass cultivation.

Requirements as to the manner of land application of fertiliser to any agricultural land

8.—(1) The land application of fertiliser shall be done in an accurate and uniform manner and in accordance with paragraphs (2) to (11).

(2) The land application of fertiliser shall not be permitted when—

- (a) soil is waterlogged;
- (b) land is flooded or likely to flood;
- (c) the soil is frozen;
- (d) land is snow-covered;
- (e) heavy rain is falling or forecast within 48 hours; or
- (f) the land is steeply sloping land and where, taking into account the risk assessment set out in Schedule 4, there is a significant risk of causing water pollution.

(3) The land application of fertiliser shall not be permitted on any land in a location or manner which would make it likely that the fertiliser will directly enter a waterway or water contained in any underground strata.

(4) Subject to paragraph (6), the land application of chemical fertiliser shall not be permitted within 2 metres of any waterway.

(5) Subject to paragraph (6), the land application of organic manure shall not be permitted within—

- (a) 20 metres of lakes;
- (b) 50 metres of a borehole, spring or well;
- (c) 250 metres of a borehole used for a public water supply;
- (d) 15 metres of exposed, cavernous or karstified, limestone features (such as swallow-holes and collapse features); or
- (e) 10 metres of any waterway, other than lakes, including open areas of water, open field drains or any drain which has been backfilled to the surface with permeable material such as stone/aggregate; except that
- (f) the distance for (e) may be reduced to 3m of any waterway where the land has an average incline less than 10 % towards the waterway and where—
 - (i) organic manure is spread by bandspreader, trailing hose or trailing shoe or soil injection;
 - (ii) the adjoining area is less than 1 hectare in size; or
 - (iii) the adjoining area is not more than 50 metres in width.

(6) On grassland with an average incline of greater than 15 % and any other land with an average incline of greater than 12 %, the land application of fertilisers shall not be permitted—

- (a) for organic manures within—
 - (i) 30 metres of lakes; or
 - (ii) 15 metres of any waterway, other than lakes, including open areas of water, open field drains or any drain which has been backfilled to the surface with permeable material such as stone/aggregate; and
- (b) for chemical fertiliser within—
 - (i) 10 metres of lakes; or
 - (ii) 5 metres of any waterway, other than lakes, including open areas of water, open field drains or any drain which has been backfilled to the surface with permeable material such as stone/aggregate.

(7) The maximum land application of solid organic manure shall be 50 tonnes per hectare at any one time provided this does not exceed the limits set out in regulation 9(1) and a period of at least 3 weeks shall be left between such land applications.

(8) The maximum land application of slurry shall be 50 cubic metres per hectare at any one time provided this does not exceed the limits set out in regulation 9(1) and a period of at least 3 weeks shall be left between such land applications.

(9) The maximum land application of dirty water shall be 50 cubic metres per hectare at any one time and a period of at least 2 weeks shall be left between such land applications.

(10) The land application of slurry shall only be permitted by spreading close to the ground using inverted splash plate spreading, bandspreading, trailing hose, trailing shoe, soil injection or soil incorporation methods.

(11) The land application of dirty water shall only be permitted by spreading close to the ground using inverted splash plate spreading, bandspreading, trailing hose, trailing shoe, soil injection, soil incorporation or irrigation methods.

General measures governing the limits on land application of nitrogen fertiliser

9.—(1) Save where regulation 12 applies, the amount of total nitrogen in livestock manure and anaerobic digestate containing digested livestock manure applied to the agricultural area of a holding, both by land application and by the animals themselves, shall not exceed 170 kg of nitrogen per hectare per year when calculated in accordance with paragraphs (2) and (3).

(2) The total nitrogen from livestock manure from animals kept on the holding is calculated in accordance with Table 1 of Schedule 1.

(3) The total nitrogen from imported livestock manure and other fertilisers is calculated in accordance with Table 2 of Schedule 1.

(4) The amount of nitrogen available to a crop from organic manure or chemical fertiliser, in the year of application of that fertiliser, is the percentage specified in Table 3 of Schedule 1.

(5) Any controller wishing to deviate from the values set out in Tables 1 or 2 of Schedule 1 must present a scientific case in order to obtain prior approval from the Department, and the Department shall only grant such approval where it is satisfied that a scientific case has been established.

(6) A controller may appeal the decision by the Department in paragraph (5) in accordance with the procedure set out in regulation 29.

Measures governing the limits on land application of nitrogen fertiliser to grassland

10. For each holding, the total amount of available nitrogen in organic manure and chemical fertiliser, excluding livestock manure and anaerobic digestate containing digested livestock manure, applied to grassland each year, shall be in proportion to the crop requirement for nitrogen of the holding and shall not exceed the amounts as defined in Table 4 of Schedule 1, when calculated in accordance with regulation 9.

Measures governing the limits on land application of nitrogen fertiliser to land other than grassland

11.—(1) For each holding, the total amount of available nitrogen in organic manure and chemical fertiliser applied to land other than grassland or land under cultivation for the crops set out in Table 5 of Schedule 1 both by land application and by the animals themselves each year shall not exceed the recommendations contained in the fertiliser technical standards for crop requirement for nitrogen when calculated in accordance with regulation 9.

(2) For each holding, the total amount of available nitrogen in organic manure and chemical fertiliser applied to land under cultivation for the crops set out in Table 5 of Schedule 1 both by land application and by the animals themselves each year shall be applied in accordance with the recommendations contained in the fertiliser technical standards for crop requirement for nitrogen when calculated in accordance with regulation 9 and shall in no case exceed the limits set out in Table 5 of Schedule 1, adjusted in accordance with the notes to the table.

Derogation from the measures governing the limits on land application of livestock manure

12.—(1) Where the Department approves a derogation for a grassland holding in accordance with this Regulation, the amount of total nitrogen in livestock manure from grazing livestock manure and anaerobic digestate containing only digested grazing livestock manure and forage crops applied to that derogated holding shall not exceed 250 kg of nitrogen per hectare per year when calculated in accordance with regulation 9.

(2) For the purposes of this provision “applied” means applied both by land application and by the animals themselves.

(3) With regard to derogation applications—

- (a) a controller seeking a derogation shall submit a derogation application annually accompanied by a fertilisation account in accordance with paragraph (5) to the Department no later than 1st March for that calendar year;
 - (b) the Department shall grant or refuse a derogation application within a period ending on 28 days from its receipt and where no response is served prior to the expiry of that period the derogation shall be deemed to have been granted;
 - (c) the deemed approval of a derogation application shall not preclude service by the Department of a notice under regulation 28; and
 - (d) the controller may appeal the refusal by the Department of the derogation application under sub-paragraph (b) in accordance with the procedure set out in regulation 29.
- (4) With regard to fertilisation plans—
- (a) the controller of a derogated holding shall prepare and keep a fertilisation plan describing crop rotation and the planned application of nitrogen and phosphorus fertilisers to its agricultural area;
 - (b) fertilisation plans shall be made available on the derogated holding every year no later than 1st March for that calendar year;
 - (c) fertilisation plans shall include—
 - (i) the number of livestock on the derogated holding;
 - (ii) a description of livestock housing and livestock manure storage systems, including the volume of livestock manure storage available on the derogated holding;
 - (iii) the amount of nitrogen and phosphorus from livestock manure produced on the derogated holding calculated in accordance with Table 1 of Schedule 1;
 - (iv) the crop rotation and area of each crop, including a sketch map indicating the location of the area of each crop;
 - (v) the derogated holding's foreseeable crop requirement for nitrogen and phosphorus in accordance with fertiliser technical standards;
 - (vi) the quantity of each type of organic manure moved on or off the derogated holding;
 - (vii) the results of soil analysis relating to nitrogen and phosphorus soil status if available;
 - (viii) the amount of nitrogen from nitrogen fertilisers applied in each area of the derogated holding under the same cropping regime and soil type calculated in accordance with Tables 1 to 5 of Schedule 1;
 - (ix) the amount of nitrogen from other organic manure, excluding livestock manures, applied in each area of the derogated holding under the same cropping regime and soil type, calculated in accordance with regulation 9; and
 - (x) the amount of phosphorus from chemical phosphorus fertilisers and organic manures applied in each area of the derogated holding under the same cropping regime and with the same soil phosphorus index calculated in accordance with Tables 1 and 2 of Schedule 1; and
 - (d) where changes in agricultural practices necessitate changes in the fertilisation plan of a derogated holding the controller shall revise the plan within seven days of such changes taking effect.
- (5) With regards to fertilisation accounts—
- (a) the controller of a derogated holding shall submit fertilisation accounts for the calendar year to the Department by 1st March of the following year; and
 - (b) fertilisation accounts shall include—

- (i) an account of the crop requirement for nitrogen of the derogated holding;
- (ii) an account of the nitrogen fertiliser applied to the derogated holding;
- (iii) information relating to the derogated holding's management of dirty water; and
- (iv) information to allow the calculation of the derogated holding's phosphorus balance.

(6) At least every four years the controller of a derogated holding shall undertake nitrogen and phosphorus soil analysis of every four hectares of the agricultural area of the derogated holding under the same cropping regime and soil type.

(7) The phosphorus balance of a derogated holding, calculated in accordance with paragraph 1 of Schedule 1 and Tables 2 and 7 of Schedule 1, shall not exceed a surplus of 10 kg phosphorus per hectare per year.

Measures governing the limits on land application of organic manures with a high proportion of phosphorus

13.—(1) From 31st December 2016, where an organic manure contains more than 0.25 kg of total phosphorus per 1 kg of total nitrogen calculated in accordance with Table 2 of Schedule 1 it shall not be applied to land unless the controller of a holding can demonstrate that the total amount of available phosphorus applied does not exceed the recommendations contained in the fertiliser technical standards for crop requirement for phosphorus taking into consideration soil phosphorus index, the recommended soil phosphorus index for the crop and the supply of phosphorus available from the application of other fertilisers.

(2) The soil phosphorus index shall be ascertained in accordance with the provisions of Schedule 1 to the Phosphorus Regulations.

(3) Paragraph (1) does not apply where—

- (a) the organic manure is applied in accordance with the Sludge (Use in Agriculture) Regulations (Northern Ireland) 1990⁽¹⁾ or a licence or exemption granted under the Waste Regulations; or
- (b) the organic manure arises from a livestock enterprise contributing no more than 7 kg of nitrogen per hectare per year applied to the agricultural area of a holding, both by land application and by the animals themselves.

(1) S.R. 1990 No. 245