

## SCHEDULE 1

regulation 3(1)

### Criteria for Identifying Waters referred to in Regulation 3(1)

1. Waters referred to in regulation 3(1) shall be identified making use, inter alia, of the following criteria:
  - (a) whether surface freshwaters, in particular those used or intended for the abstraction of drinking water, contain or could contain, if action pursuant to regulation 6 is not taken, more than the concentration of nitrates laid down in accordance with Directive [75/440/EEC](#);
  - (b) whether groundwaters contain more than 50 mg/l nitrates or could contain more than 50 mg/l nitrates if action pursuant to regulation 6 is not taken;
  - (c) whether natural freshwater lakes, other freshwater bodies, estuaries, coastal waters and marine waters are found to be eutrophic or in the near future may become eutrophic if action pursuant to regulation 6 is not taken.
2. In applying these criteria, the Departments shall also take account of:
  - (a) the physical and environmental characteristics of the waters and land;
  - (b) the current understanding of the behaviour of nitrogen compounds in the environment (water and soil);
  - (c) the current understanding of the impact of the action to be taken pursuant to regulation 6.

## SCHEDULE 2

regulation 4(3)

### Reference Methods of Measurement

#### **Chemical fertiliser**

Nitrogen compounds shall be measured using the method described in Commission Directive [77/535/EEC](#) of 22nd June 1977 on the approximation of the laws of the member States relating to methods of sampling and analysis for fertilisers<sup>(1)</sup>, as amended by Directive [89/519/EEC](#)<sup>(2)</sup>.

#### **Freshwaters, coastal waters and marine waters**

Nitrate concentration shall be measured in accordance with Article 4a(3) of Council Decision [77/795/EEC](#) of 12th December 1977 establishing a common procedure for the exchange of information on the quality of surface fresh water in the Community<sup>(3)</sup>, as amended by Decision [86/574/EEC](#)<sup>(4)</sup>.

## SCHEDULE 3

regulation 7(1)

### Provisions to be included in Action Programmes

1. An action programme shall include rules relating to—

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(1) O.J. No. L213, 22.8.77, p. 1  
(2) O.J. No. L265, 12.9.89, p. 30  
(3) O.J. No. L334, 24.12.77, p. 29  
(4) O.J. No. L335, 22.11.86, p. 44

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- (1) periods when the land application of certain types of fertiliser is prohibited;
- (2) the capacity of storage vessels for livestock manure; this capacity must exceed that required for storage throughout the longest period during which land application in the nitrate vulnerable zone is prohibited, except where it can be demonstrated to the Departments that any quantity of manure in excess of the actual storage capacity will be disposed of in a manner which will not cause harm to the environment;
- (3) limitation of the land application of fertilisers, consistent with good agricultural practice and taking into account the characteristics of the nitrate vulnerable zone concerned, in particular—
  - (a) soil conditions, soil type and slope;
  - (b) climatic conditions, rainfall and irrigation;
  - (c) land use and agricultural practices, including crop rotation systems and to be based on a balance between—
    - (i) the foreseeable nitrogen requirements of the crops, and
    - (ii) the nitrogen supply to the crops from the soil and from fertilisation corresponding to—
      - the amount of nitrogen present in the soil at the moment when the crop starts to use it to a significant degree (outstanding amounts at the end of winter),
      - the supply of nitrogen through the net mineralisation of the reserves of organic nitrogen in the soil,
      - additions of nitrogen compounds from livestock manure,
      - additions of nitrogen compounds from chemical and other fertilisers.

2. These rules shall ensure that, for each farm or livestock unit, the amount of livestock manure applied to the land each year, including by the animals themselves, shall not exceed a specified amount per hectare.

The specified amount per hectare shall be the amount of manure containing 170 kg N. However—

- (a) for the first 4 year action programme an amount of manure containing up to 210 kg N may be allowed;
  - (b) during and after the first 4 year action programme, different amounts from those referred to above may be fixed. These amounts must be fixed so as not to prejudice the achievement of the Objectives and must be justified on the basis of objective criteria, for example—
    - long growing seasons,
    - crops with high nitrogen uptake,
    - high net precipitation in the vulnerable zone,
    - soils with exceptionally high denitrification capacity.
3. The amounts referred to in paragraph 2 may be calculated on the basis of animal numbers.