

Status: Point in time view as at 11/04/2019.

Changes to legislation: There are currently no known outstanding effects for the The Nitrates Action Programme Regulations (Northern Ireland) 2014. (See end of Document for details)

STATUTORY RULES OF NORTHERN IRELAND

2014 No. 307

ENVIRONMENTAL PROTECTION

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

Made - - - - 11th December 2014

Coming into operation 1st January 2015

^{F1}The Department of the Environment and the Department of Agriculture and Rural Development, being departments designated ^{M1} for the purposes of section 2(2) of the European Communities Act 1972(^{M2} in relation to the environment, acting jointly in exercise of the powers conferred upon them by that section and the Department of the Environment in exercise of the powers conferred on it by Article 32 of the Waste and Contaminated Land (Northern Ireland) Order 1997(^{M3} and, in accordance with Article 32(3) of that Order, the Department of the Environment having published a notice indicating the effect of these Regulations and having taken into consideration the representations made to it in accordance with the notice, make the following Regulations.

Textual Amendments

F1 Regulations revoked (except Sch. 1 Table 1a which continues to have effect until 31.12.2019) (11.4.2019) by [The Nutrient Action Programme Regulations \(Northern Ireland\) 2019 \(S.R. 2019/81\)](#), [reg. 38\(1\)\(a\)](#) (with [regs. 36, 38\(2\)](#))

Marginal Citations

M1 [S.I. 2008/301](#)
M2 [1972 c.68](#)
M3 [S.I. 1997/2778 \(N.I. 19\)](#)

^{F1}PART 1 N.I.

Preliminary

Citation and commencement N.I.

1.

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Purpose of and application of Regulations **N.I.**

2.

Interpretation **N.I.**

3.

^{F1}PART 2 **N.I.**

General

Duty of the controller to prevent water pollution **N.I.**

4.

Duty of the controller to comply with these Regulations **N.I.**

5.

Exemptions granted by the Department **N.I.**

6.

^{F1}PART 3 **N.I.**

Prevention of water pollution from the application of fertilisers

Periods when the land application of fertiliser is prohibited **N.I.**

7.

Requirements as to the manner of land application of fertiliser to any agricultural land **N.I.**

8.

General measures governing the limits on land application of nitrogen fertiliser **N.I.**

9.

Measures governing the limits on land application of nitrogen fertiliser to grassland **N.I.**

10.

Measures governing the limits on land application of nitrogen fertiliser to land other than grassland **N.I.**

11.

Derogation from the measures governing the limits on land application of livestock manure **N.I.**

12.

Measures governing the limits on land application of organic manures with a high proportion of phosphorus **N.I.**

13.

^{F1}PART 4 **N.I.**

Storage requirements

General obligations as to storage facilities for livestock manure and silage effluent **N.I.**

14.

Obligations as to livestock manure storage capacity on pig and poultry enterprises **N.I.**

15.

Manner of storage of slurry **N.I.**

16.

Manner of storage of farmyard manure and location of storage facilities **N.I.**

17.

Manner of storage of poultry litter and location of storage facilities **N.I.**

18.

Manner of storage of dirty water **N.I.**

19.

Calculation of livestock manure storage capacity **N.I.**

20.

Making and storage of silage **N.I.**

21.

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^{F1}PART 5 N.I.

Measures relating to land management

Cover in winter N.I.

22.

Crop management N.I.

23.

Crop management for derogated holdings N.I.

24.

^{F1}PART 6 N.I.

Record keeping and compliance monitoring

Type of records required N.I.

25.

Duty of the controller not to provide false or misleading information N.I.

26.

^{F1}PART 7 N.I.

Enforcement

Enforcement N.I.

27.

Notices N.I.

28.

Appeals against notices requiring works etc. N.I.

29.

Offences N.I.

30.

Penalties N.I.

31.

^{F1}PART 8 N.I.

Powers, duties and functions of the Departments

Reporting N.I.

32.

Reviewing N.I.

33.

^{F1}PART 9 N.I.

Miscellaneous

Transitional provisions N.I.

34.

Consequential amendments N.I.

35.

Revocations N.I.

36.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 11th December 2014

L.S.

John Speers
A senior officer of the
Department of Agriculture and Rural
Development

Sealed with the Official Seal of the Department of the Environment on 11th December 2014

L.S.

Dave Foster
A senior officer of the
Department of the Environment

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SCHEDULES

SCHEDULE 1 **N.I.**

Regulations 3(2), 9(2) to (5), 10,11, 12(4) and (7), 13(2),20(3) and (6) and 25(2)

Criteria for nutrient management

[^{F1}Table 1a

Regulations 9, 12 and 20 - Nitrogen (N) and phosphorus (P) excretion rates for grazing livestock

<i>Livestock type</i>	<i>Nitrogen (N) produced per head per year (kg N/yr)</i>	<i>Phosphorus (P) produced per head per year (kg P/yr)</i>
Cattle		
Dairy cow	91	17
Dairy heifer (over 2 years)	54	10
Dairy heifer (1-2 years)	47	7.9
Beef suckler cow (over 2 years)	54	10
Breeding bull	54	10
Cattle (over 2 years)	54	10
Cattle (1-2 years)	47	7.9
Bull beef (0-13 months)	30	7.5
Bull beef (6-13 months)	23	5.8
Calf (0-1 year)	19	4.7
Calf (0-6 months)	7.0	1.7
Calf (6-12 months)	12	3.0
Sheep		
Ewe (over 1 year)	9.0	1.0
Ram (over 1 year)	9.0	1.0
Lamb (0-6 months)	1.2	0.3
Lamb (6-12 months)	3.2	0.3
Lamb (0-1 year)	4.4	0.6
Deer		
Deer (red) 6 months - 2 years	12	2.0
Deer (red) over 2 years	15	4.0

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Deer (fallow) 6 months - 2 years	7.0	1.0
Deer (fallow) over 2 years	13	2.0
Deer (sika) 6 months - 2 years	6.0	1.0
Deer (sika) over 2 years	10	2.0
Horses		
Horse (over 3 yrs)	50	9.0
Horse (2-3 yrs)	44	8.0
Horse (1-2 yrs)	36	6.0
Horse (under 1 yrs)	25	3.0
Donkey / small pony	30	5.0]

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F1SCHEDULE 2 **N.I.**

Regulation 16(1)

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F1SCHEDULE 3 **N.I.**

Regulation 21(1)(a)

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F1SCHEDULE 4 **N.I.**

Regulation 8(2)(f)

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give further effect to Council Directive [91/676/EEC](#) concerning the protection of waters against pollution caused by nitrates from agricultural sources and Council Directive [2003/35/EC](#) on public participation in respect of the drawing up of certain plans and programmes relating to the environment. They revoke and replace the Nitrates Action Programme Regulations (Northern Ireland) 2010, the Nitrates Action Programme (Amendment) Regulations (Northern Ireland) 2011 and the Nitrates Action Programme (Amendment) Regulations (Northern Ireland)

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2012. They also revoke provisions within the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations (Northern Ireland) 2003.

Regulation 2 sets out the purpose and application of the Regulations.

Regulation 4 imposes an obligation on the controller of a holding to prevent water pollution.

Regulation 5 imposes obligations on the controller of a holding in complying with these Regulations to have regard to any guidance issued and the Code of Good Agricultural Practice.

Regulation 6 prescribes in what circumstance exemptions to the Regulations may be granted.

Regulation 7 establishes closed periods for the land application of chemical fertiliser to grassland and non grassland crops and closed periods for the land application of organic manure, excluding dirty water.

Regulation 8 establishes the manner of application and spreading of fertiliser (including dirty water) including the minimum distances from waterways, the weight and volume of solid organic manure and slurry that may be applied and the period of time to be left between applications.

Regulations 9, 10, and 11 limit the land application of nitrogen from livestock manure to 170 kg N/ha/year and set limits for the amount of chemical fertiliser and organic manures that may be applied in relation to crop requirement for nitrogen for grass and other crops. These limits are currently calculated by using the values set out in DEFRA's Fertiliser Manual (RB209) 8th Edition, the Schedules to these Regulations. Regulation 9 also allows for a scientific case to be presented to deviate from the values set out in Tables 1, and 2 of Schedule 1 in respect of nitrogen excretion values, and total nitrogen content of fertilisers.

Regulation 12 prescribes the requirements to be complied with for grassland holdings with an approved derogation from the measures governing the limits on land application of livestock manure, as provided for in paragraph 2(b) of Annex III of the Directive.

Regulation 13 establishes limits for the land application of organic manures containing greater than a specified proportion of phosphorus compared to nitrogen.

Regulation 14 establishes general obligations for the storage of livestock manure and silage effluent, including capacities and standards for storage facilities and the requirement to maintain and manage these facilities to prevent water pollution.

Regulation 15 further details the livestock manure storage capacity required for different types of enterprises.

Regulations 16 to 19 prescribe how slurry, farmyard manure, poultry litter and dirty water are to be stored.

Regulation 20 advises how to calculate storage capacity and on-farm practices, including out-wintering of livestock (other than dairy cows), that may be taken into account when calculating such capacity.

Regulation 21 prescribes how silage, or any crop being made into silage, is to be stored.

Regulations 22 and 23 prescribe soil cover and detail crop management in order to minimise soil erosion and nutrient run-off.

Regulation 24 details further crop management practices for grassland holdings with an approved derogation.

Regulation 25 imposes an obligation on the controller of a holding to keep sufficient records for a holding to ascertain the identity of the controller, the total agricultural area, the crop regime for individual areas within the holding, the number of livestock, the livestock manure storage capacity and storage arrangements and the quantity of nitrogen fertiliser moved on and off the holding.

These records must be ready for inspection and held for 5 years. Records concerning movement of livestock manure off holdings must be submitted annually to the Department.

Regulation 26 prescribes that these records must be accurate and not misleading.

Regulation 27 establishes the Department of the Environment as the enforcement authority and its authority to carry out these functions in accordance with the Waste and Contaminated Land (Northern Ireland) Order 1997.

Regulation 28 prescribes how the Department of the Environment may serve a notice to minimise the risk of water pollution from storage of farm effluents or if any appropriate person is in breach of the Regulations and the requirements to be met when the notice is served.

Regulation 29 creates a right of appeal to the Appeals Commission against any notice issued under regulation 28 and provides procedures for an appeal against a refusal for a deviation under regulation 9.

Regulations 30 and 31 set out offences under the Regulations and their corresponding penalties.

Regulation 32 establishes the duty on the Departments to submit, to the European Commission, a four-yearly report in accordance with Article 10 of the Nitrates.

Regulation 33 imposes a duty on the Departments to review the action programme, through a consultative process, every four years.

Regulation 34 deems notices served under regulation 23 of the Nitrates Action Programme Regulations (Northern Ireland) 2010 to be notices under these Regulations from 1 January 2015 and records to be retained under regulation 20 of the Nitrates Action Programme Regulations (Northern Ireland) 2010 to be records to be retained under these Regulations from 1 January 2015.

Regulation 35 makes consequential amendments to The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations (Northern Ireland) 2003, The Waste Management Licensing Regulations (Northern Ireland) 2003 and The Common Agricultural Policy Direct Payments and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2014 to maintain consistency with these Regulations.

Regulation 36 provides for the revocation of a number of statutory provisions consequent upon the coming into operation of these Regulations.

Copies of the Going for Growth plan may be obtained from the Agri-Food Strategy Board website:<http://www.agrifoodstrategyboard.org.uk>

Copies of the Code of Good Agricultural Practice for the Prevention of Pollution of Water, Air and Soil, referred to in regulation 5, may be obtained from the Department of Agriculture and Rural Development website:<http://www.dardni.gov.uk>

Copies of the DEFRA Fertiliser Manual (RB209) 8th Edition may be obtained from the Department for Environment, Food and Rural Affairs website:<http://www.defra.gov.uk>

Copies of the documents published by the British Standards Institution referred to in the Regulations may be obtained from any of the sales outlets of the British Standards Institution, by post from the British Standards Institution, Customer Services, 389 Chiswick High Road, London, W4 4AL, by telephone on 020 8996 9001, or by email to orders@bsi-global.com.

Copies of Council Directive [91/676/EEC](#) may be obtained from the website for European Union legislation:<http://eur-lex.europa.eu/homepage.html>

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Point in time view as at 11/04/2019.

Changes to legislation:

There are currently no known outstanding effects for the The Nitrates Action Programme Regulations (Northern Ireland) 2014.