

## **EXPLANATORY MEMORANDUM TO**

### **Nutrient Action Programme (Amendment) Regulations (Northern Ireland) 2019**

#### **S.R. 2019 No. 183**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs (DAERA) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 32 of the Waste and Contaminated Land (Northern Ireland) Order 1997 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. This Statutory Rule amends the Nutrient Action Programme Regulations (Northern Ireland) 2019 (the NAP Regulations) (SR 2019 No 81).

#### **3. Background**

- 3.1. The NAP Regulations were made in April 2019 and set out an action programme for the period 1 January 2019 to 31 December 2022 under Council Directive of 12 December 1991(91/676/EEC) (the Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.
- 3.2. Following the Commission Decision 2019/1325/EU, granting approval for Northern Ireland to operate a derogation in accordance with paragraph 2 of Annex III to Council Directive 91/676/EEC, this Statutory Rule amends the NAP Regulations 2019.
- 3.3. A derogation allows the application of livestock manure up to a limit of 250kg nitrogen per hectare per year, under certain conditions, on farms in Northern Ireland with at least 80% grassland.

#### **4. Consultation**

- 4.1. There has been no consultation specific to these Amending Regulations.
- 4.2. In line with Article 32(3) of the Waste and Contaminated Land (Northern Ireland) Order 1997, a notice was issued on 27 June 2019 in the Belfast Gazette to advise of the intention to make the amendments. This was open for two weeks for comments from members of the public. A copy of the draft Amendment Regulations were also made available on the Department's website.

#### **5. Equality Impact**

- 5.1. A Section 75 assessment was completed for the Regulations. No negative impact on any section 75 group was identified. Therefore, the Regulations were screened out.

## **6. Regulatory Impact**

- 6.1. A Regulatory Impact Assessment on the proposed NAP Amendment Regulations has been carried out. The Regulations will have minimal financial impact on the agricultural industry.

## **7. Financial Implications**

- 7.1. There are minimal additional financial implications for the Department as all the measures from the previous 2014 NAP in relation to the Nitrates Derogation provisions are carried forward into the proposed NAP Amendment Regulations 2019.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. A Human Rights screening exercise was completed which concluded that no Convention Rights are engaged by the NAP Regulations. Therefore, the Regulations are deemed to comply with section 24 of the Northern Ireland Act 1998. The proposed amendments would have no effect on this conclusion.

## **9. EU Implications**

- 9.1. These amending regulations will contribute to the implementation of the Nutrients Action Programme for the period 1 January 2019 to 31 December 2022 under the Nitrates Directive.

## **10. Parity or Replicatory Measure**

- 10.1. The Nitrates Directive is implemented through separate action programmes in England, Scotland and Wales. Each action programme takes into consideration the agricultural practices and specific water quality concerns of the different regions. The Statutory Rule is not necessary for parity elsewhere .

## **11. Additional Information**

- 11.1. Not applicable