
STATUTORY RULES OF NORTHERN IRELAND

2019 No. 183

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

Insert Part 10

16. After Part 9 insert—

“PART 10

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

39.—(1) A controller may submit to the Department an application for an annual authorisation by such date as may be specified by the Department in a calendar year to apply grazing livestock manure containing up to 250kg nitrogen per hectare in that year.

(2) In the application referred to in paragraph (1), the controller shall undertake in writing to submit to all the controls provided for in regulation 40 and to fulfil the conditions set out in Schedule 8.

(3) An authorisation to apply an amount of livestock manure containing up to 250kg nitrogen per hectare per year shall be granted by the Department, subject to the conditions set out in Schedule 8.

40.—(1) The Department shall carry out administrative controls in respect of all applications for authorisation for the assessment of compliance with the conditions set out in Schedule 8.

(2) The Department shall refuse a derogation application as follows—

- (a) where it is demonstrated that those conditions are not fulfilled, the Department shall refuse the application within a period of 28 days from the date specified by the Department in accordance with regulation 39(1) and the applicant shall be informed of the reasons for refusal, but;
- (b) where the Department has not notified the applicant of a refusal within the period mentioned in sub-paragraph (a), the derogation shall be deemed to have been granted.

(3) Where it is established that in any year, a grassland holding covered by an authorisation did not fulfil the conditions set out in Schedule 8, the controller commits an offence and shall not be eligible for an authorisation the following year.

(4) The controller may appeal the decision by the Department in relation to a refusal under paragraph (2) or in relation to an authorisation under paragraph (3) in accordance with the procedure set out in regulation 31.

(5) Where the derogation has been granted or deemed to have been granted, the controller shall prepare and retain a fertilisation plan.”.