
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made by the Department of Agriculture, Environment and Rural Affairs using powers under section 2(2) of the European Communities Act 1972 (1972 c.68) and Article 32 of the Waste and Contaminated Land (Northern Ireland) Order 1997 (S.I. 1997 No. 2778 (N.I. 19)).

The Regulations give further effect to Council Directive [91/676/EEC](#) concerning the protection of waters against pollution caused by nutrients from agricultural sources and Council Directive [2003/35/EC](#) on public participation in respect of drawing up of certain plans and programmes relating to environment. They revoke the Nitrates Action Programme Regulations (Northern Ireland) 2014 and the Nitrates Action Programme (Amendment) Regulations (Northern Ireland) 2015. They also revoke and incorporate the Phosphorus (Use in Agriculture) Regulations (Northern Ireland) 2014, and regulations 10 and 11 of the Pesticides, genetically modified Organisms and Fertilisers (Miscellaneous Amendments) Regulations (Northern Ireland) 2018.

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

Regulation 4 imposes an obligation on the controller of the 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 by the Department and the Code of Good Agricultural Practice.

Regulation 6 prescribes the circumstances in which the Department may grant exemptions to the Regulations.

Regulation 7 establishes periods during which for the land application of chemical fertiliser to grassland, non grassland crops and organic manures, excluding dirty water is prohibited.

Regulation 8 establishes the manner of application and spreading of fertiliser (including dirty water), the minimum distances from waterways, the weight and volume of solid organic manure and slurry that may be applied and the period of time left between applications. It also regulates the use of low emission slurry spreading equipment in certain circumstances.

Regulations 9, 10 and 11 limit the land application of nitrogen from livestock manure to 170kg N/ha/yr and sets 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 values set out in AHDB Nutrient Management Guide (RB209) January 2019 and 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 1a to 2 of Schedule 2 in respect of nitrogen excretion values, and total nitrogen content of fertilisers.

Regulation 12 which applies from 1st January 2020, introduces measures governing the land application of anaerobic digestate, including a requirement for a fertilisation plan to be kept if anaerobic digestate is applied to the land.

Regulation 13 restricts the amount of chemical phosphorus fertiliser applied to the land to crop requirement for phosphorus whilst taking into consideration the phosphorus already available from the soil and organic manures. These variables are to be calculated in accordance with Schedules 3 and 5 to these Regulations. It introduces the requirement for a fertilisation plan to be kept where chemical phosphorus fertiliser is applied to grassland.

Regulation 14 establishes limits for the land application of organic manures containing greater than a specified proportion of phosphorus compared to nitrogen. It also introduces the requirement for a fertilisation plan to be kept this type of organic manure is applied to the land.

Regulation 15 introduces measures governing the location of supplementary feeding sites which applies from 1st January 2020 and from 1st January 2022 livestock drinking points where there is a significant risk of pollution to a waterway.

Regulation 16 prescribes the requirements to be complied with where a controller is required to prepare and retain a fertilisation plan.

Regulation 17 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 18 further details the livestock manure storage capacity required for different types of enterprises.

Regulations 19 to 22 prescribe how slurry, farmyard manure, poultry litter, anaerobic digestate fibre and dirty water are to be stored.

Regulation 21 applies to the location and storage of anaerobic digestate fibre from 1st January 2020.

Regulation 23 sets out how to calculate storage capacity and on-farm practices, including out-wintering livestock (other than dairy cows), that may be taken into account when calculating such capacity.

Regulation 24 prescribes how silage, or any crop being made into silage is to be stored.

Regulations 25 and 26 prescribe soil cover and detail crop management in order to minimise soil erosion and nutrient run-off.

Regulation 27 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 results of soil phosphorus tests, quantity and type of phosphorus fertiliser applied and the date of application, a statement of foreseeable crop requirements where necessary, the quantity and date of application of anaerobic digestate applied to the land, the nutrient content analysis of the anaerobic digestate, 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 the movement of livestock manure off holding must be submitted annually to the Department.

Regulation 28 prescribes that the records must be accurate and not misleading.

Regulation 29 establishes the Department of Agriculture, Environment and Rural Affairs 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 30 prescribes how the Department of Agriculture, Environment and Rural Affairs 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 31 creates the right of appeal to the Appeals Commission against any notice issued under regulation 30 and provides procedures for an appeal against a refusal for a deviation under regulation 9.

Regulations 32 sets out offences under the Regulations and regulation 33 provides for penalties.

Regulation 34 establishes the duty on the Department to submit, a four-yearly report on the implementation of the Regulations.

Regulation 35 imposes a duty on the Department to review the action programme, through a consultative process, every four years.

Regulation 36 deems notices served under regulation 28 of the Nitrates Action Programme Regulations (Northern Ireland) 2014 and regulation 9 of the Phosphorus (Use in Agriculture) Regulations (Northern Ireland) 2014 to be notices under these Regulations and the records to be retained under regulation 25 of the Nitrates Action Programme (Northern Ireland) 2014 and regulation 7 of the Phosphorus (Use in Agriculture) Regulations (Northern Ireland) 2014, to be types of records required under these Regulations, from the date in which these Regulations come into operation.

Regulation 37 makes consequential amendments to the Waste Management and Licensing Regulations (Northern Ireland) 2003 and the Common Agricultural Policy Direct Payments

Changes to legislation: *There are currently no known outstanding effects for the The Nutrient Action Programme Regulations (Northern Ireland) 2019. (See end of Document for details)*

and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2014 to maintain consistency with these Regulations.

Regulation 38 provides for the revocation of a number of statutory provisions consequent upon the coming into operation of these Regulations. However, it saves the provisions of Table 1a of Schedule 1 to the Nitrates Action Programme Regulations (Northern Ireland) 2014 until 31st December 2019.

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, Environment and Rural Affairs website:<https://www.daera-ni.gov.uk/>

Copies of the AHDB Nutrient Management Guide (RB209) January 2019 may be obtained from the Department for Environment, Food and Rural Affairs website:<https://www.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 Chicwick High Road London, W4 4AL, by telephone on 0345 086 9001, or online:<https://shop.bsigroup.com/>

Nutrient Calculators can be accessed through DAERA online services, may be obtained through indirect government services or Government Gateway, all information on how to get access to this can be found on the Department's website:<http://www.daera-ni.gov.uk/onlineservices>

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

Changes to legislation:

There are currently no known outstanding effects for the The Nutrient Action Programme Regulations (Northern Ireland) 2019.