
STATUTORY RULES OF NORTHERN IRELAND

2019 No. 81

The Nutrient Action Programme
Regulations (Northern Ireland) 2019

PART 3

Prevention of water pollution from the application of fertilisers

Prohibited application of fertiliser

7.—(1) The land application of chemical nitrogen fertiliser and chemical phosphorus fertiliser to grassland shall not be permitted from 15th September in any year to 31st January of the following year.

(2) The land application of chemical fertiliser to any land shall not be permitted from 15th September in any year to 31st January of the following year for crops other than grass unless there is a demonstrable crop requirement between those dates.

(3) The land application of organic manure, excluding farmyard manure and dirty water, to any land shall not be permitted from 15th October in any year to 31st January of the following year.

(4) The land application of farmyard manure to any land shall not be permitted from 31st October in any year to 31st January of the following year.

Requirements as to the manner of land application of fertiliser to any agricultural land

8.—(1) The land application of fertiliser shall be done in an accurate and uniform manner and in accordance with paragraphs (2) to (13).

(2) The land application of fertiliser shall not be permitted when—

- (a) soil is waterlogged;
- (b) land is flooded or is likely to flood;
- (c) the soil is frozen;
- (d) land is snow covered;
- (e) heavy rain is falling or is forecast within 48 hours;
- (f) the land is steeply sloping land and where, taking into account the risk assessment set out in Schedule 4, there is significant risk of causing water pollution.

(3) The land application of fertiliser shall not be permitted on any land in a location or manner which would make it likely that the fertiliser will directly enter a waterway or water contained in any underground strata.

(4) Subject to paragraph (6), the land application of chemical fertiliser shall not be permitted within 2 metres of any waterway.

(5) Subject to paragraphs (6) and (9), the land application of organic manure shall not be permitted within—

- (a) 20 metres of lakes;
 - (b) 50 metres of a borehole, spring or well;
 - (c) 250 metres of a borehole used for a public water supply;
 - (d) 15 metres of exposed, cavernous or karstified, limestone features (such as swallow-holes and collapse features); or
 - (e) 10 metres of any waterway, other than lakes, including open areas of water, open field drains or any drain which has been backfilled to the surface with permeable material such as stone or aggregate; except that
 - (f) the distance mentioned in sub-paragraph (e) may be reduced to 3 metres of any waterway where the land has an average incline of less than 10% towards the waterway and where—
 - (i) organic manure is spread close to the ground using a bandspreader, dribble bar, trailing hose, trailing shoe or soil injection;
 - (ii) the adjoining area is less than 1 hectare in size; or
 - (iii) the adjoining area is not more than 50 metres in width.
- (6) On grassland with an average incline of greater than 15% and any other land with an average incline of greater than 12%, the land application of fertilisers shall not be permitted—
- (a) for organic manures within—
 - (i) 30 metres of lakes;
 - (ii) 15 metres of any waterways, other than lakes, including open areas of water, open field drains or any drain which has been backfilled to the surface with permeable material such as stone or aggregate; and
 - (b) for chemical fertilisers—
 - (i) 10 metres of lakes; or
 - (ii) 5 metres of any waterway, other than lakes, including open areas of water, open field drains or any drain which has been backfilled to the surface with permeable material such as stone or aggregate.
- (7) The maximum land application of solid organic manure shall be 50 tonnes per hectare at any one time provided this does not exceed the limits set out in regulation 9(1) and a period of at least 3 weeks shall be left between such land applications.
- (8) Subject to paragraph (9), the maximum land application of slurry shall be 50 cubic metres per hectare at any one time provided this does not exceed the limits set out in regulation 9(1) and a period of at least 3 weeks shall be left between such land applications.
- (9) During the month of February and the period of 30th September to 15th October—
- (a) paragraph (5)(a) shall apply as if for 20 metres there were substituted 30 metres;
 - (b) paragraph (5)(e) shall apply as if for 10 metres there were substituted 15 metres;
 - (c) paragraph (8) shall apply as if for 50 cubic metres there were substituted 30 cubic metres.
- (10) The maximum land application of dirty water shall be 50 cubic metres per hectare at any one time and a period of at least 2 weeks shall be left between such land applications.
- (11) The land application of slurry shall only be permitted by spreading close to the ground using inverted splash plate spreading, bandspreading, dribble bar, trailing hose, trailing shoe, soil incorporation or soil injection methods, except—
- (a) when applied by a slurry contractor, it shall be permitted only by spreading close to the ground using bandspreading, dribble bar, trailing hose, trailing shoe, soil incorporation or soil injection methods, from 1st February 2021;

- (b) on holdings with an average in any calendar year of 200 or more livestock units of bovine animals or holdings with a total annual livestock manure nitrogen production of 20,000kg or more from pigs, where it shall be permitted only by spreading close to the ground using bandspreading, dribble bar, trailing hose, trailing shoe, soil incorporation or soil injection methods, from 1st February 2022;
- (c) if the field is sloping towards a waterway, and there is risk of water pollution, the slurry must be spread along the contour of the slope, by spreading close to the ground using bandspreading, dribble bar, trailing hose, trailing shoe or soil injection and not within 10 metres of a waterway;
- (d) where it is not practicable to comply with sub-paragraph (c) the controller shall inform the Department in such manner as it may require, and may then spread on that field, close to the ground using inverted splash plate spreading.

(12) The land application of dirty water shall be permitted only by spreading close to the ground using inverted splash plate spreading, bandspreading, dribble bar, trailing hose, trailing shoe, soil injection, soil incorporation or irrigation methods.

(13) From 1st February 2020, the land application of anaerobic digestate shall be permitted only by spreading close to the ground using bandspreading, dribble bar, trailing hose, trailing shoe, soil incorporation or soil injection methods.

General measures governing the limits on land application of nitrogen fertiliser

9.—(1) The amount of total nitrogen in livestock manure and anaerobic digestate containing digested livestock manure applied to the agricultural area of a holding, both by land application and by the animals themselves, shall not exceed 170 kg of nitrogen per hectare per year when calculated in accordance with paragraphs (2) and (3).

(2) The total nitrogen from livestock manure from animals kept on the holding is calculated in accordance with Table 1 of Schedule 2.

(3) The total nitrogen from imported livestock manure and other fertilisers is calculated in accordance with Table 2 of Schedule 2.

(4) The amount of nitrogen available to a crop from organic manure or chemical fertiliser, in the year of application of that fertiliser, is the percentage specified in Table 3 of Schedule 2.

(5) Any controller wishing to deviate from the values set out in Tables 1 or 2 of Schedule 2 must present a scientific case in order to obtain prior approval from the Department, and the Department shall grant such approval only where it is satisfied that a scientific case has been established.

(6) A controller may appeal the decision by the Department in paragraph (5) in accordance with the procedure set out in regulation 31.

Measures governing the limits on land application of nitrogen fertiliser to grassland

10. For each holding, the total amount of available nitrogen in organic manure and chemical fertiliser, excluding livestock manure and anaerobic digestate containing digested livestock manure, applied to grassland each year, shall be in proportion to the crop requirement for nitrogen of the holding and shall not exceed the amounts as defined in Table 4 of Schedule 2, when calculated in accordance with regulation 9.

Measures governing the limits on land application of nitrogen fertiliser to land other than grassland

11.—(1) For each holding, the total amount of available nitrogen in organic manure and chemical fertiliser applied to land other than grassland or land under cultivation for the crops set out in Table 5

of Schedule 2 both by land application and by the animals themselves each year shall not exceed the recommendations contained in the fertiliser technical standards for crop requirement for nitrogen when calculated in accordance with regulation 9.

(2) For each holding, the total amount of available nitrogen in organic manure and chemical fertiliser applied to land under cultivation for crops set out in Table 5 of Schedule 2 both by land application and by the animals themselves each year shall be applied in accordance with the recommendations contained in the fertiliser technical standards for crop requirements for nitrogen when calculated in accordance with regulation 9 and shall in no case exceed the limits set out in Table 5 of Schedule 2, adjusted in accordance with the notes to the table.

Measures governing the application of anaerobic digestate

12.—(1) The controller shall not apply or permit the application of anaerobic digestate to the land unless he has in his possession the nutrient content analysis, containing the percentages of those substances listed in paragraph (5).

(2) Where the controller applies anaerobic digestate to the land that application shall not exceed the recommendations contained in the fertiliser technical standards for crop requirements for phosphorus taking into consideration soil phosphorus index, the recommended soil phosphorus index for the crop and the supply of phosphorus available from the application of livestock manure and other fertilisers.

(3) For the purposes of paragraph (2)—

- (a) the soil phosphorus index shall be ascertained in accordance with Schedule 5;
- (b) the phosphorus fertiliser recommendations for grassland shall be those set out in Tables 1 and 2 of Schedule 3, adjusted in accordance with the note to Table 1; and
- (c) the available phosphorus content of livestock manures and other fertilisers is as set out in Table 3 of Schedule 3.

(4) Where anaerobic digestate is applied, the controller must prepare and retain a fertilisation plan.

(5) The substances mentioned in paragraph (1) are—

- (a) dry matter;
- (b) total N (nitrogen);
- (c) total P₂O₅ (phosphate);
- (d) total K₂O (potash) and;
- (e) ammonia N or NH₄⁺.

(6) This regulation applies from 1st January 2020.

Measures governing the limits on the land application of chemical phosphorus fertiliser

13.—(1) The controller of a holding shall ensure that the total amount of available phosphorus in chemical phosphorus fertiliser applied each year to grassland and to land other than grassland shall not exceed the recommendations contained in the fertiliser technical standards for crop requirement for phosphorus taking into consideration soil phosphorus index, the recommended soil phosphorus index for the crop and the supply of phosphorus available from the application of organic manures.

(2) For the purposes of paragraph (1)—

- (a) the soil phosphorus index shall be ascertained in accordance with Schedule 5;
- (b) the phosphorus fertiliser recommendations for grassland shall be those set out in Tables 1 and 2 of Schedule 3, adjusted in accordance with the note to Table 1; and

- (c) the available phosphorus content of livestock manures and other fertilisers is as set out in Table 3 of Schedule 3.

(3) From 1st January 2020, where chemical P fertiliser is applied to grassland, the controller shall prepare and retain a fertilisation plan.

Measures governing the limits on land application of organic manures with a high proportion of phosphorus

14.—(1) Where an organic manure contains more than 0.25 kg of total phosphorus per 1 kg of total nitrogen calculated in accordance with Table 2 of Schedule 2 it shall not be applied to land unless the controller of a holding can demonstrate that the total amount of available phosphorus applied does not exceed the recommendations contained in the fertiliser technical standards for crop requirement for phosphorus taking into consideration soil phosphorus index, the recommended soil phosphorus index for the crop and the supply of phosphorus available from the application of other fertilisers.

(2) For the purposes of paragraph (1)—

- (a) the soil phosphorus index shall be ascertained in accordance with Schedule 5;
- (b) the phosphorus fertiliser recommendations for grassland shall be those set out in Tables 1 and 2 of Schedule 3, adjusted in accordance with the note to Table 1; and
- (c) the available phosphorus content of livestock manures and other fertilisers is as set out in Table 3 of Schedule 3.

(3) Paragraph (1) does not apply where—

- (a) the organic manure is applied in accordance with the Sludge (Use in Agriculture) Regulations (Northern Ireland) 1990 or a licence or exemption granted under the Waste Regulations; or
- (b) the organic manure arises from a livestock enterprise contributing no more than 7 kg of nitrogen per hectare per year applied to the agricultural area of a holding, both by land application and by the animals themselves.

(4) From 1st January 2020, where paragraph (1) applies, the controller shall prepare and retain a fertilisation plan.

Measures governing the location of supplementary feeding sites and livestock drinking points

15.—(1) From 1st January 2020, where there is significant risk of pollution to any waterway, supplementary feeding sites shall not be located within 20 metres of any waterway.

(2) From 1st January 2022, where there is a significant risk of pollution to any waterway, supplementary livestock drinking points shall not be located within 10 metres of any waterway.

Fertilisation plans

16.—(1) Where the controller is required to prepare and retain a fertilisation plan, describing crop rotation and the planned application of nitrogen and phosphorus fertilisers to their agricultural area, it shall be made available on the holding every year.

(2) Subject to paragraph (3), a fertilisation plans shall include—

- (a) the number of livestock on the holding;
- (b) the amount of nitrogen and phosphorus from livestock manure produced on the holding calculated in accordance with Table 1 of Schedule 2;

- (c) the crop rotation and area of each crop, including a sketch map indicating the location of the area of each crop;
 - (d) the holding's foreseeable crop requirement for nitrogen and phosphorus in accordance with fertiliser technical standards;
 - (e) the quantity of each type of organic manure moved on or off the holding;
 - (f) the results of soil analysis relating to nitrogen and phosphorus soil status if available;
 - (g) the amount of nitrogen from nitrogen fertilisers applied in each area of the holding under the same cropping regime and soil type calculated in accordance with Tables 1 to 5 of Schedule 2;
 - (h) the amount of nitrogen from other organic manures, excluding livestock manures, applied in each area of the holding under the same cropping regime and soil type, calculated in accordance with regulation 9 and Schedule 2; and
 - (i) the amount of phosphorus from chemical phosphorus fertilisers and organic manure applied in each area of the holding under the same cropping regime and with the same soil phosphorus index calculated in accordance with Tables 1 and 2 of Schedule 2.
- (3) Paragraph (2) is satisfied if a controller prepares and retains a fertilisation plan in accordance with the Department's crop nutrient calculator⁽¹⁾ or such other format as the Department may specify.
- (4) Where changes in agricultural practices necessitate changes in the fertilisation plan of a holding the controller shall revise the plan within seven days of such changes taking effect.

(1) available from the Department's website: www.daera-ni.gov.uk