

EXPLANATORY MEMORANDUM TO

The Nutrient Action Programme Regulations (Northern Ireland) 2019

SR 2019 No.81

Introduction

1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs (the Department) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
2. The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and Article 32 of the Waste and Contaminated Land (Northern Ireland) Order 1997 and is subject to the negative resolution process.

Purpose

3. The Statutory Rule sets out an action programme for the period 2019-2022 under Council Directive of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (91/676/EEC) (the Nitrates Directive), to ensure continued implementation of the Directive in Northern Ireland (NI).

Background

4. Action programmes implemented under the Nitrates Directive aim to improve water quality by addressing high nutrient levels in surface and groundwaters and eutrophication in surface waters. Action programme measures promote better management of fertilisers and manures and, in addition to protection of water quality, should have positive benefits for agricultural nutrient management and nutrient efficiency. Action programmes established under the Nitrates Directive are also a basic measure within River Basin Management Plans, thus contributing to the implementation of the Water Framework Directive (2000/60/EC).
5. The Directive has been implemented in NI through the Nitrates Action Programme Regulations (Northern Ireland) 2014 (2014 NAP Regulations), which set out an action programme applying to all farms across NI from 1 January 2015. In accordance with the requirements of the Directive, the 2014 action programme has been reviewed and a revised action programme has been put in place for the period 2019-2022.

Consultation

6. The Department issued a 4-week consultation in February 2019 on proposed Nutrient Action Programme Regulations (NI) 2019 (2019 NAP

Regulations). These Regulations will implement measures which continue to build on improvements in water quality and agricultural nutrient management seen in the last three action programmes. The 2019 NAP Regulations have been revised to take account of the feedback from stakeholders following the public consultation exercise on the proposed NAP 2019-2022.

Equality Impact Assessment

7. In accordance with the Department's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the proposed Regulations were assessed by a screening exercise. The Department considers that the Statutory Rule will not result in any equality differentials amongst Section 75 groups and that a full Equality Impact Assessment is not required.

Regulatory Impact Assessment

8. A Regulatory Impact Assessment has been carried out on the cost of the new requirements. Due to phasing of implementation, and the decision not to progress some of the initial proposals, the additional cost of the adjusted proposals on the industry is now estimated to be £0.56m per year. There will also be a small increase in administrative work for some farm businesses.

Financial Implications

9. The Statutory Rule should strengthen improvements seen in water quality over the last three action programmes, improve agricultural nutrient management and help streamline Regulation, without significantly increasing the financial or administrative burden to the agricultural industry. Many of the finalised revisions are cost neutral and should have a positive impact on nutrient management and farm efficiency.

Section 24 of the Northern Ireland Act 1998

10. The Regulations set out an action programme to reduce nutrients from agricultural sources entering the aquatic environment and do not have any human rights implications, nor are they incompatible with EU law. The Regulations are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

EU Implications

11. The Statutory Rule fulfils the obligation under European Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources.

Parity or Replicatory Measure

12. The administrations in England, Scotland and Wales operate under separate Nitrates Action Programmes and are on different timings in terms of the establishment of their action programmes. The Republic of Ireland introduced a revised Nitrates Action Programme in 2017.

Additional Information

13. Not applicable.