
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008 (“the 2008 Regulations”).

They do so in further implementation, as regards Scotland, of Article 5 of Council Directive [1991/676/EEC](#) concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ No. L 375, 31.12.91, p.1). Article 5 requires Member States to establish, review and, if necessary, revise action programmes for designated nitrate vulnerable zones.

These regulations revise the action programme established by the 2008 Regulations for the nitrate vulnerable zones in Scotland designated by regulation 3 of the Designation of Nitrate Vulnerable Zones (Scotland) Regulations 2002 ([S.S.I. 2002/276](#)) and regulation 3 of the Designation of Nitrate Vulnerable Zones (No. 2) (Scotland) Regulations 2002 ([S.S.I. 2002/546](#)).

These Regulations amend regulation 6 so that the provisions of that regulation, which concern the storage of livestock manure, also apply to silage effluent.

They amend regulation 12 to specify maximum nitrogen fertiliser amounts for certain crops by reference to Technical Notes published by the Scottish Agricultural College. They also amend Regulation 12 to provide that the expected yield, upon the basis of which adjustments to the maximum permitted amount of nitrogen fertiliser may be made, must be based upon evidence of historic yields previously achieved by the same crop at the same farm. Where a new crop management system is to be introduced, the expected yield may be based upon evidence of historic yields from another farm using that system, provided that other farm is within the same nitrate vulnerable zone and has similar soil.

They amend regulation 15 to alter the field limit of nitrogen in organic manure where compost is used.

They amend regulation 20 to alter the closed periods for organic manure with a high available nitrogen content.

They amend regulation 25 to add a requirement for the occupier of a farm in a nitrate vulnerable zone to keep a record of the location of any field heaps.

They amend regulation 26 to reduce from 5 years to 3 years the period for which the records specified in regulation 25 must be retained.

They amend Schedule 3 to increase the specified percentages of nitrogen content taken up by a crop per given quantity of cattle slurry and pig slurry.