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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke and replace, in so far as they apply in England, the provisions set out in regulation 50, which controlled the application of nitrogen fertiliser in nitrate sensitive areas.

They continue to implement in England Council Directive [91/676/EEC](#) concerning the protection of waters against pollution by nitrates from agricultural sources (OJ No. L.375, 31.12.91, p.1).

### Principal changes

The principal changes are as follows.

The Regulations extend the areas designated as nitrate vulnerable zones.

The permitted annual level of nitrate application of livestock manure to grassland in a nitrate vulnerable zone is reduced from 250 kg/ha to 170 kg/ha (previously the lower limit applied to land other than grassland).

They change the period during which organic manure in a nitrate vulnerable zone may not be spread and increase the amount of organic manure storage capacity required.

### The Regulations

The Regulations designate nitrate vulnerable zones and establish an appeals procedure against the designation (Part 2).

They impose annual limits on the amount of nitrogen from organic manure that may be applied or spread in a holding in a nitrate vulnerable zone (Part 3).

Part 4 establishes requirements relating to the amount of nitrogen to be spread on a crop, and requires an occupier to plan in advance how much nitrogen fertiliser will be spread.

Part 5 requires an occupier to provide a risk map of the holding (regulation 18) and imposes conditions on how, where and when to spread nitrogen fertiliser. Part 6 establishes closed periods during which it is prohibited to spread nitrogen fertiliser.

Part 7 makes provision for how nitrogen fertiliser must be stored, and requires storage capacity for manure produced on the holding during the period specified in that Part.

Part 8 specifies which records must be kept. Part 9 requires the Secretary of State to review the Regulations within set time scales.

The Regulations are enforced by the Environment Agency.

Breach of the Regulations is an offence punishable—

- (a) on summary conviction, with a fine not exceeding the statutory maximum, or
- (b) on conviction on indictment, with a fine.

A full impact assessment has been prepared for these Regulations and placed in the libraries of both Houses of Parliament and copies can be obtained at [www.defra.gov.uk](http://www.defra.gov.uk).