

L.N. 94 of 2015**ENVIRONMENT AND DEVELOPMENT PLANNING ACT
(CAP. 504)****Nitrates Action Programme (Amendment) Regulations, 2015**

BY VIRTUE of the powers conferred by articles 61 and 62 of the Environment and Development Planning Act, the Minister for Sustainable Development, the Environment and Climate Change, after consultation with the Malta Environment and Planning Authority, has made the following regulations:-

Citation.

S.L. 504.108

Amends
regulation 2 of
the principal
regulations.

1. The title of these regulations is the Nitrates Action Programme (Amendment) Regulations, 2015 and these regulations shall be read and construed as one with the Nitrates Action Programme Regulations, hereinafter referred to as "the principal regulations".

2. Regulation 2 of the the principal regulations shall be amended as follows:

(a) immediately after the definition "crop nitrogen requirement" there shall be added the following new definition:

"deep litter system" means an animal housing system whereby repeated layers of straw, sawdust or other dry similar materials are spread for the animals to use as bedding and to defecate in. As the litter is soiled, new layers of litter are continuously added by the farmer;"

(b) immediately after the definition "livestock manure" there shall be added the following new definition:

"livestock unit" means a value quantifying amount of livestock in relation to production of manure;" and

(c) the definition "slurry" shall be substituted by the following:

"slurry" means -

(a) excreta, including any liquid fraction, produced by livestock whilst in a yard or building; or

(b) a mixture consisting wholly of or containing such excreta, bedding, feed residues, rainwater and washings from a building or yard used by livestock, dungsteeds or manure heaps, high level slatted buildings and weeping wall structures or any combination of these, provided such excreta is present, of a consistency that allows it to be pumped or discharged by gravity at any stage in the handling process and containing a liquid fraction greater than 70% and a solid fraction which is less than 30%;".

3. Immediately after regulation 3(2) of the principal regulations there shall be added the following new sub-regulations:

Amends
regulation 3 of
the principal
regulations.

"(3) Production units of bovines, swine, ovines, caprines and rabbits, (falling under Schedule IIA having Nitrogen content below 1%) managed by a single farmer having an animal population equivalent or lower than the animal populations listed in Schedule IV but in any case less than 3 livestock units shall be exempted from the obligations in regulations 5, 11, and 12.

(4) Production units of layer hens and broilers, (falling under Schedule IIB having Nitrogen content above 1%) managed by a single farmer having an animal population equivalent or lower than the animal populations listed in Schedule IV but in any case equivalent to 1 livestock unit shall be exempted from the obligations in sub-regulations 5, 11, and 12:

Provided that where the Director has reason to believe that in a particular case effective waste management is not guaranteed this shall not apply.

(5) Farmers having one half (0.5) of a Tumolo of agricultural land shall be exempted from the obligations in regulations 4 and 12:

Provided that where the Director has reason to believe that any agricultural land is being used abusively, the restriction shall not apply."

4. Regulation 4 of the principal regulations shall be amended as follows:

Amends
regulation 4 of
the principal
regulations.

(a) sub-regulation (1) thereof shall be substituted by the following:

"(1) Any farmer responsible for agricultural activities taking place on a holding shall prepare a fertilizer plan, in respect of such holding for that particular year, which satisfies the following conditions:

(a) a fertilizer plan is valid if the crop plan is not altered for a maximum period of three (3) years, alterations to the crop must be considered and fertilizer plan updated accordingly throughout the three years;

(b) a soil test which is to be used as the basis for the calculation of the fertilizer plan must be performed every three (3) years;

(c) a fertiliser plan shall be compiled by a qualified technical advisor as may be approved by the Director who will also retain a public register of such persons which shall be published on an annual basis. Such approved qualified technical advisor shall:

(i) notify the Director by the end of each calendar year his intention to provide such service the following year; and

(ii) submit a copy of any fertiliser plans prepared on behalf of farmers to the Director as may be directed from time to time;

(d) the fertiliser plan shall be kept at the holding and should be presented for inspection as necessary together with the relevant soil test and crop plan.";

(b) immediately after sub-regulation (4) thereof shall be added the following new sub-regulation:

"(5) Crop plan must be compiled irrespective if person applied fertilizer or not.".

Amends
regulation 5 of
the principal
regulations.

5. Immediately after regulation 5(5) of the principal regulations there shall be added the following new sub-regulations:

"(6) Deep litter systems may be used for bovines and caprines subject to approval by the Veterinary Services.

(7) The Director may, where he deems fit, approve the establishment of communal clamps for horse stables.".

6. Immediately after regulation 6(2) of the principal regulations there shall be added the following new sub-regulation:

Amends regulation 6 of the principal regulations.

"(3) Livestock manure must be solid enough to be carried by a pitch fork or a spade, and retain shape when applied on a flat surface."

7. In regulation 7(2) of the principal regulations, the words "decision in the Gazette." shall be substituted by the words "decision in the Gazette:" and immediately thereafter there shall be added the following new proviso:

Amends regulation 7 of the principal regulations.

"Provided that the application of inorganic and organic fertiliser shall be permitted in closed systems with a concrete platform if the location in question conforms to the distance requirements in regulation 8(3)."

8. Regulation 8 of the principal regulations shall be amended as follows:

Amends regulation 8 of the principal regulations.

(a) sub-regulation (1)(b) thereof shall be substituted by the following:

"(b) the land is located or is in a manner which would make it likely that the nitrogen fertiliser will directly enter a watercourse or any underground water body; or"; and

(b) sub-regulation (2) thereof shall be substituted by the following:

"(2) The land application of slurry shall be prohibited."

9. Regulation 9(2) of the principal regulations shall be substituted by the following new sub-regulation:

Amends regulation 9 of the principal regulations.

"(2) The amount of "total nitrogen" applied from manure, including excreta by the animals themselves, shall not exceed 170 kg N/ha per year as specified in Schedules IIA and IIB."

10. Regulation 10 of the principal regulations shall be substituted by the following:

Substitutes regulation 10 of the principal regulations.

"10. Holdings with a continuous area greater than one (1) hectare under irrigated cultivation shall have a Nutrient Management Plan drawn up in terms of the provisions of Schedule III."

Amends
regulation 14 of
the principal
regulations.

11. Regulation 14 of the principal regulations shall be amended as follows:

(a) sub-regulation (2) thereof shall be substituted by the following:

"(2) The sale or movement of livestock manure to and from holdings shall be adequately recorded and such records retained as part of the Farm Management Records detailed in regulation 12(2); such records shall be made available for inspection as necessary.";

(b) sub-regulation (3) thereof shall be substituted by the following:

"(3) The sales and purchase of organic and inorganic fertiliser shall be adequately recorded and such records retained as part of the Farm Management Records detailed in regulation 12(2); such records shall be made available for inspection as necessary."; and

(c) sub-regulation (4) shall be deleted.

Amends
regulation 15 of
the principal
regulations.

12. Immediately after regulation 15(2) there shall be added the following new sub-regulation:

"(3) Cases of breach identified that do not pertain to agricultural land holdings will be referred to the Public Health and Environmental Directorates.".

Amends
Schedule I of
the principal
regulations.

13. Immediately after the table in Schedule I of the principal regulations there shall be added the following new table:

**"Plant Nutrient Requirements
PLANT NUTRIENT REQUIREMENTS FOR
FLOWERING PLANTS**

Crop Type	Number of Flowers	Nitrogen	Phosphorus	Potassium
		Kg N/ha	kg P2O5/ha	Kg K2O/ha
Chrysanthemum	400,000	536	1,960	676
Gerbera	60,000	225	55.80	375
Carnations	200,000	264	108	390
Fresia	200,000	520	320	660
Tulips	200,000	1,000	800	1,300
Gladiolus	150,000	99	94.50	375

Lillium	200,000	20	80	10
Rose	60,000	380.57	488.33	540.94".

14. Schedule II of the principal regulations shall be substituted by the following two new Schedules:

Substitutes
Schedule II of
the principal
regulations.

"SCHEDULE IIA
[Regulation 9(2)]
PRODUCTION OF MANURE
With Nitrogen Content below 1%

Manure Type	Nitrogen content in manure	Maximum rate of manure to be applied (tons/ha)
Cattle	0.56%	30
Pig	0.81%	21
Rabbit	0.83%	20
Sheep	0.90%	19

SCHEDULE IIB
[Regulation 9(2)]
PRODUCTION OF MANURE
With Nitrogen Content equal or above 1%

Manure Type	Nitrogen content in manure	Maximum rate of manure to be applied (tons/ha)
Layer	1.52%	11
Broiler	2.62%	6
Horse	4.8%	3.54
Spent mushroom	2.1%	8.09".

15. Immediately after Schedule III of the principal regulations there shall be added the following new Schedule:

"SCHEDULE IV
[Regulation 4(3)]
NUMBER OF ANIMALS THAT CAN BE KEPT UP TO THE
ESTABLISHED THRESHOLD

Livestock	Age	Equivalence to Livestock Unit (LSU)	Permissible number of heads as per regulation 3(3)	Equivalent number of LSU
Bovines [ideally males only]	Over 2 years	1.0	Up to 3	3
Swine [if at all]	Sow with litter to finish [slaughter]	1.1	Up to 2	2.2
Ovines / Caprines	From 1 month and over.	0.15	Up to 5	0.75
Layer hens		0.01	Up to 100	1
Broilers		0.005	Up to 100	0.5
Rabbits	producing does	0.01	Up to 25	0.25".

