

**2015 No. 369**

**ENVIRONMENTAL PROTECTION**

**The Nitrates Action Programme (Amendment) Regulations  
(Northern Ireland) 2015**

*Made* - - - - 12th November 2015

*Coming into operation* - 14th December 2015

The Department of the Environment and the Department of Agriculture and Rural Development, being Departments designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the environment, acting jointly in exercise of the powers conferred upon them by that section and the Department of the Environment in exercise of the powers conferred on it by Article 32 of the Waste and Contaminated Land (Northern Ireland) Order 1997(c) and, in accordance with Article 32(3) of that Order, the Department of the Environment having published a notice indicating the effect of these Regulations and having taken into consideration the representations made to it in accordance with the notice, make the following Regulations.

**Citation and commencement**

1. These Regulations may be cited as the Nitrates Action Programme (Amendment) Regulations (Northern Ireland) 2015 and shall come into operation on 14th December 2015.

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954(d) applies to these Regulations as it applies to an Act of the Assembly.

**Amendments to the Nitrates Action Programme Regulations (Northern Ireland) 2014**

3. The Nitrates Action Programme Regulations (Northern Ireland) 2014 are amended in accordance with regulations 4 to 10.

**Amendment of regulation 3**

4. In regulation 3(2) (interpretation)—

- (a) in the definition of “appropriate person” paragraph (c) after “livestock manure” insert “, silage”;
- (b) in the definition of “appropriate person” paragraph (d) after “livestock manure” insert “, silage”; and

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(a) S.I. 2008/301  
(b) 1972 c.68  
(c) S.I. 1997/2778 (N.I. 19)  
(d) 1954 c.33 (N.I.)

- (c) in the definition of “silage” delete “, and which is intended for consumption by animals”.

**Amendment of regulation 22**

5. For regulation 22 (cover in winter) substitute—

**“Cover in winter**

22. After harvesting a crop other than grass the controller shall ensure that from harvest to 15th January in the following year, one of the following conditions is met on the land at any time—

- (a) the stubble of the harvested crop remains in the land; or
- (b) (i) the land is sown with a crop which will take up nitrogen from the soil; or  
(ii) where soil or weather conditions prevent a subsequent crop from being sown, appropriate measures are put in place to limit soil erosion.”

**Amendment of regulation 23**

6. For regulation 23 (crop management) substitute—

**“Crop management**

23. Where grass leys are grown in rotation with arable crops the first crop shall be sown as soon as possible after the grass has been ploughed.”

**Amendment of regulation 25**

7. In regulation 25(1)—

- (a) at the end of paragraph (j) delete “and”;
- (b) at the end of paragraph (k) insert “; and”;
- (c) in regulation 25(2) replace “(2)(a)” with “(1)(a)”;
- (d) for regulation 25(3) substitute—

“(3) Records under paragraph (1)(l) shall be prepared for each calendar year and shall be submitted to the Department by 1st March of the following year for derogated holdings and by 31st January of the following year for all other holdings, in a format specified by the Department and a copy shall be retained by the controller for a period of 5 years from the date of submission.”

**Amendment of regulation 30**

- 8.—(1) For regulation 30(1) substitute—

“30.—(1) It shall be an offence for the controller to fail to comply without reasonable excuse with regulation 4, 9(1), 12(1), 12(6), 12(7), 22 or 24.”

- (2) In regulation 30 at paragraph (3) delete “22, 24,”

**Amendment of regulation 31**

9. For regulation 31 (penalties) substitute—

**“Penalties**

31. Any person guilty of an offence under regulation 30 shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum together with a fine of an amount equal to one-tenth of that level for each day upon which the offence continues after the conviction; or
- (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding 2 years or both.”

### Amendment of Schedule 1

#### 10. In Schedule 1 (Criteria for nutrient management)-

- (a) for Table 1b (Regulations 9 and 12 – Nitrogen (N) and phosphorus (P) excretion rates for pigs) substitute—

“Table 1b

#### Regulations 9 and 12 – Nitrogen (N) and phosphorus (P) excretion rates for pigs

<i>Livestock type</i>	<i>Nitrogen (N) produced per head per year (kg N/yr)</i>	<i>Phosphorus (P) produced per head per year (kg P/yr)</i>
<b>Adult pigs</b>		
Boar	18	4.2
Maiden gilt	11	5.7
Breeding sow <sup>(1)</sup>	16	8.7
	<i>Nitrogen (N) produced per pig (kg N)</i>	<i>Phosphorus (P) produced per pig (kg P)</i>
<b>Pigs weaned at 3-4 weeks</b>		
Approximate start weight (kg)	Approximate sale/transfer weight (kg)	
6-8	18 (7.5 weeks)	0.09
6-8	35 (11 weeks)	0.38
6-8	105 (23 weeks)	2.38
<b>Growing and finishing pigs</b>		
Approximate start weight (kg)	Approximate sale/transfer weight (kg)	
18	35	0.29
18	105	2.30
35	105	2.00

<sup>(1)</sup> Breeding sows includes served gilts, dry and lactating sows and piglets to weaning.”

- (b) for Table 7 (Regulation 12(7) – Phosphorus (P) content of agricultural products and feedstuffs) substitute—

“Table 7

#### Regulation 12(7) – Phosphorus (P) content of agricultural products and feedstuffs

<i>Agricultural product</i>	<i>Phosphorus content (% fresh weight)</i>
Poultry concentrate	0.5 (or actual declared content)
Pig concentrate	0.48 (or actual declared content)
Ruminant concentrate	0.55 (or actual declared content)
All other concentrates	0.58 (or actual declared content)
Cattle	0.66
Milk	0.10
Sheep	0.54
Wool	0.04

Pigs	0.50
Poultry	0.58
Eggs	0.22
Straw	0.10
Silage	0.06
Hay	0.30
Potatoes	0.04
Oats	0.29
Barley	0.30
Wheat	0.26
Maize	0.25
Full fat soya	0.45
Linseed	0.81
Rape	1.10
Soya	0.68
Sunflower	0.93
Gluten	0.96
Citrus	0.1
Wheat distillers	0.77
Corn distillers	0.77
Peas	0.44
Palm kernel	0.63
Pollard	1.00
Soya hulls	0.14
Sugar beet	0.1
Grass fresh	0.06
Whole crop wheat fresh	0.09
Whole crop wheat silage	0.09
Forage maize fresh	0.07
Forage maize silage	0.07"

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Sealed with the Official Seal of the Department of Agriculture and Rural Development on 12th November 2015



*John Speers*  
A senior officer of the Department of Agriculture and Rural Development

Sealed with the Official Seal of the Department of the Environment on 12th November 2015



*Dave Foster*  
A senior officer of the Department of the Environment

## **EXPLANATORY NOTE**

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

These Regulations amend the Nitrates Action Programme Regulations (Northern Ireland) 2014 in regard to penalties and the measures concerning land management and record keeping.

Regulation 3(2) is amended to correct the definition of “appropriate person” and “silage”.

Regulation 22 is amended to include all crops other than grass and use of appropriate measures when a subsequent crop cannot be sown.

Regulation 23 is amended to remove restrictions applying only to late harvested crops.

Regulation 25(3) is amended to change the required date for submission of manure export records for derogated farms from 31<sup>st</sup> January to 1<sup>st</sup> March.

Regulation 30 is amended to make non-compliance with Regulations 22 and 24 an offence without a reasonable excuse.

Regulation 31 is amended to correct the penalties for a person found guilty of an offence under regulation 30.

Schedule 1 Table 1b is amended to correct the value for the approximate sale/transfer weight of pigs weaned at 3-4 weeks.

Schedule 1 Table 7 is amended to add additional products and their phosphorus content.

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