
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 231

**The Nitrates Action Programme (Amendment)
Regulations (Northern Ireland) 2012**

Citation and commencement

1. These Regulations may be cited as the Nitrates Action Programme (Amendment) Regulations (Northern Ireland) 2012 and shall come into operation on 22nd June 2012.

Interpretation

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

(2) In these Regulations “the principal Regulations” means the Nitrates Action Programme Regulations (Northern Ireland) 2010⁽²⁾.

Amendments to the Nitrates Action Programme Regulations (Northern Ireland) 2010

3. The principal Regulations are amended in accordance with regulations 4 to 8.

Amendment of regulation 14

4. For regulation 14 (manner of storage of poultry litter and location of storage facilities) substitute—

“Manner of storage of poultry litter and location of storage facilities

14.—(1) Prior to land application, poultry litter shall only be stored on a holding—

- (a) in a midden which shall have adequate effluent collection facilities; or
- (b) subject to paragraphs (2) to (6), in the field where land application will take place up to a maximum of 180 days from placement in that field.

(2) From 1st August 2012 poultry litter shall not be stored in a field heap except under and to the extent granted by an authorisation from the Department in accordance with paragraphs (3) to (6). With regard to such an authorisation—

- (a) an application by an appropriate person for authorisation shall be made on a form provided by the Department for the purpose and accompanied by such information in such form as the Department may reasonably require;
- (b) the Department shall authorise or refuse an application within 28 days from its receipt; and
- (c) an authorisation of an application for storage of poultry litter in a field heap shall not preclude service by the Department of a notice under regulation 23.

(1) 1954 c.33 (N.I.)

(2) S.R. 2010 No. 411 as amended by S.R. 2011 No. 388

- (d) the appropriate person may, within the period of 28 days from the day on which a refusal is made, appeal the refusal by the Department of the application for authorisation under paragraph (b) in accordance with the procedure set out in regulation 24.
- (3) Where stored in a field, poultry litter shall not be—
 - (a) placed on soil that is waterlogged; or
 - (b) stored in a location that is flooded or likely to flood.
- (4) Where stored in a field, poultry litter shall not be stored in the same location of the field in consecutive years.
- (5) Where stored in a field, poultry litter shall be stored in a compact heap and such heaps shall not be placed within—
 - (a) 100m of lakes;
 - (b) 40m of any waterway, including open areas of water, open field drains or any drain which has been backfilled to the surface with permeable material such as stone/aggregate;
 - (c) 50m around a borehole, spring or well;
 - (d) 250m from any borehole used for a public water supply; or
 - (e) 50m of exposed, cavernous or karstified limestone features (such as swallow holes and collapse features).
- (6) Where stored in a field, poultry litter shall be covered with an impermeable membrane within 24 hours of placement in the field.”

Amendment of regulation 20

5. In regulation 20(2)(f) (type of records required) after the words “rented storage” insert “, authorisation for storage of poultry litter in a field heap”.

Amendment of regulation 24

6. In regulation 24(2) (appeals against notices requiring works etc.) for “10(3)(d)” substitute “10(3)(d), 14(2)(d)”.

Amendment of regulation 25

- 7.—(1) Regulation 25 (offences) is amended in accordance with paragraphs (2) and (3)
- (2) In paragraph (2), for “7(8) or 13(3)” substitute “7(8), 13(3) or 14(3)”.
- (3) In paragraph (4), for “14” substitute “14(1), 14(2), 14(4), 14(5), 14(6)”.

Amendment of Schedule

8. For the Schedule to the principal Regulations substitute the Schedule set out in Schedule 1 to these Regulations.

Consequential amendment of the Phosphorus (Use in Agriculture) Regulations (Northern Ireland) 2006

9. For Schedule 2 (phosphorus content of organic manures) to the Phosphorus (Use in Agriculture) Regulations (Northern Ireland) 2006(3) substitute Schedule 2 as set out in Schedule 2 to these Regulations.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 1st June 2012



Mark Browne
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Sealed with the Official Seal of the Department of the Environment on 1st June 2012



Wesley Shannon
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